

**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 K.S.A. 38-1901, 38-2103, 65-503,
15 65-503, as amended by section 51 of this act, 65-504, 65-505, 65-508,
16 65-508, as amended by section 55 of this act, 65-512, 65-527, 65-531,
17 72-4162, 72-4163, 72-4164, 72-4166 and 79-32,111c and K.S.A. 2023
18 Supp. 48-3406 and 65-516 and repealing the existing sections.

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

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

22 (b) Each applicant, each applicant with a temporary permit and each
23 licensee of a facility for fewer than 24 children shall hire a program
24 director who:

- 25 (1) Is at least 18 years of age;
26 (2) has a high school diploma or equivalent; and
27 (3) has one of the following:
28 (A) An associate degree or a higher degree in early childhood, child
29 development or a related academic discipline from a regionally accredited
30 college or university;
31 (B) a child development associate credential;
32 (C) a technical certificate or diploma in early childhood;
33 (D) three months of experience in early childhood education
34 providing direct care and supervision to children and three semester hours
35 of academic study or equivalent training in early childhood, child

1 development or a related academic discipline from a regionally accredited
2 college or university; or

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

5 (c) Each applicant, each applicant with a temporary permit and each
6 license of a facility for 24 or more children shall hire a program director
7 who:

8 (1) Is at least 18 years of age;

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

10 (3) has one of the following:

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

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

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

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

22 (iii) child development associate credential; or

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

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

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

32 (i) Six months of experience in early childhood education providing
33 direct care and supervisions to children;

34 (ii) child development associate credential; or

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

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

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

42 (d) Each individual who has obtained approval of program director
43 qualifications by the secretary or the secretary's designee before December

1 31, 2023, shall be exempt from the requirements in subsections (b)(3) and
2 (c)(3).

3 (e) There shall be a lead teacher present with each unit of children in
4 the facility. Each lead teacher shall:

5 (1) Be at least 18 years of age;

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

7 (3) have one of the following:

8 (A) Associate degree or a higher degree in early childhood, child
9 development or a related academic discipline from a regionally accredited
10 college or university;

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

12 (C) child development associate credential;

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

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

21 (f) Each program director in a facility licensed for less than 24
22 children may also serve as a lead teacher in the facility.

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

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

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

30 (b) Each applicant, each applicant with a temporary permit and each
31 licensee of a facility for fewer than 24 children shall hire a program
32 director who:

33 (1) Is at least 18 years of age;

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

35 (3) has one of the following:

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

39 (B) a child development associate credential;

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

41 (D) three months of experience in early childhood education
42 providing direct care and supervision to children and three semester hours
43 of academic study or equivalent training in early childhood, child

1 development or a related academic discipline from a regionally accredited
2 college or university; or

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

5 (c) Each applicant, each applicant with a temporary permit and each
6 license of a facility for 24 or more children shall hire a program director
7 who:

8 (1) Is at least 18 years of age;

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

10 (3) has one of the following:

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

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

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

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

22 (iii) child development associate credential; or

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

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

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

32 (i) Six months of experience in early childhood education providing
33 direct care and supervisions to children;

34 (ii) child development associate credential; or

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

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

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

42 (d) Each individual who has obtained approval of program director
43 qualifications by the secretary *of the department for health and*

1 *environment* or the secretary's designee before December 31, 2023, shall
 2 be exempt from the requirements in subsections (b)(3) and (c)(3).

3 (e) There shall be a lead teacher present with each unit of children in
 4 the facility. Each lead teacher shall:

5 (1) Be at least 18 years of age;

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

7 (3) have one of the following:

8 (A) Associate degree or a higher degree in early childhood, child
 9 development or a related academic discipline from a regionally accredited
 10 college or university;

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

12 (C) child development associate credential;

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

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

21 (f) Each program director in a facility licensed for less than 24
 22 children may also serve as a lead teacher in the facility.

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

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

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

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

31 Children under 12	Children at least 12	Children at least	License
32 months of age	months but under	5 years but under	capacity
	33 5 years of age	10 years of age	
34 0	8	4	12
35 1	7	4	12
36 2	4	4	10
37 3	3	3	9
38 4	2	2	8

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

42 (2) If paragraph (1) does not apply, the license capacity for a child
 43 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
1				
2				
3				
4	0	12	5	17
5	1	11	5	17
6	2	10	4	16
7	3	9	4	16
8	4	8	3	15

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

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

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

17 (3) Two or fewer children who are at least five years of age but under
18 10 years of age and are not counted toward the license capacity in
19 subsections (a) and (b) may be present as follows:

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

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

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

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

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

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

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

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

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

42 (A) Each person who provides care to children in a child care home
43 shall submit proof of completion of up to four hours of such outside

1 training in child care or any related subject to the secretary, who shall
 2 retain records of such person's compliance with this requirement; and

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

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

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

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

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

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

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

26 Children under 12	Children at least 12	Children at least	License
27 months of age	months but under	5 years but under	capacity
	5 years of age	10 years of age	
29 0	8	4	12
30 1	7	4	12
31 2	4	4	10
32 3	3	3	9
33 4	2	2	8

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

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

39 Children under 12	Children at least 12	Children at least	License
40 months of age	months but under	5 years but under	capacity
	5 years of age	10 years of age	
42 0	12	5	17
43 1	11	5	17

1	2	10	4	16
2	3	9	4	16
3	4	8	3	15

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

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

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

12 (3) Two or fewer children who are at least five years of age but under
 13 10 years of age and are not counted toward the license capacity in
 14 subsections (a) and (b) may be present as follows:

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

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

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

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

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

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

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

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

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

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

42 (B) a person who maintains a child care home with one provider, if
 43 such provider provides care for four infants at once at any time during the

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

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

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

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

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

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

18 (1) The minimum staff-to-child ratio and the maximum number of
 19 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 (including 3 or fewer infants)	12 (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

39 (2) No child shall be left unsupervised.

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

43 (2) No city or county shall adopt any ordinance, resolution or

1 regulation restricting the staff-to-child ratios and children per unit in a
2 child care center that is more restrictive than this section.

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

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

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

11 Age of children	12 Minimum staff-to-child 13 ratio of children 14 per unit	15 Maximum number
14 Infants	1 to 4	12
15 Infants and other 16 children under six	1 to 6 (including 3 or 17 fewer infants)	12 (including 6 or fewer infants)
18 Toddlers	1 to 6	12
19 Children at least two 20 but under three 21 years of age	8	16
22 Children at least 2.5 years 23 of age but under 24 school age	12	24
25 Children at least 3 years 26 of age but under 27 school age	15	30
28 Kindergarten enrollees	18	36
29 School age	20	40

30 (2) No child shall be left unsupervised.

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

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

37 ~~(c) 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. 7. (a) Each child care center shall have a program director
40 who is employed full time.

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

43 (c) The program director or administrator may, as needed, perform

1 the duties of a lead teacher or assistant teacher for up to half of the
2 program director's or administrator's total hours worked during each
3 calendar month.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 Sec. 12. On and after July 1, 2026, section 11, as enacted by this act,

1 is hereby amended to read as follows: ~~(a) The secretary of health and~~
2 ~~environment~~ *executive director* shall not require as a condition of licensure
3 for a child care home that the licensee live in the child care home.

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

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

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

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

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

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

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

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

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

1 care facility or youth out-of-school time program under this section for up
2 to five licensure years, except that the secretary may grant an additional
3 two years of licensure to any facility or program that participated in a pilot
4 program pursuant to subsection (c) during the adoption of such rules and
5 regulations.

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

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

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

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

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

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

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

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

43 (3) The ~~secretary~~ *executive director* shall not grant a license under

1 this section if the secretary determines that a day care facility or youth out-
2 of-school time program or staff of such facility or program would
3 endanger the health, safety and welfare of any child.

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

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

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

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

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

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

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

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

35 Sec. 18. On and after July 1, 2026, section 17, as enacted by this act,
36 is hereby amended to read as follows: The ~~secretary of health and~~
37 ~~environment~~ *executive director* shall not impose restrictions on the use of
38 15-passenger vans purchased on or before July 1, 2024.

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

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

43 (c) The secretary of commerce shall appoint the executive director of

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

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

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

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

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

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

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

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

35 (2) On or before July 1, 2025:

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

37 (B) the office shall begin transitioning programs identified in section
38 3, and amendments thereto, from state agencies to the office.

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

42 (k) Nothing in sections 19 through 23, and amendments thereto, shall
43 be construed to preempt, supersede or impinge on the authority of the

1 Kansas department for children and families provided in K.S.A. 75-3084
2 through 75-3089, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (3) facilitate and coordinate interagency cooperation towards the goal

1 of serving children and families with a variety of other state agencies, such
2 as the Kansas department for children and families, the department of
3 health and environment, the department of corrections, the state board of
4 education, the state board of regents and any other state office, department
5 or board providing services to Kansas children and families;

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

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

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

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

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

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

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

25 (A) Child care assistance;

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

27 (C) day care facility licensing, youth out of school time programs,
28 school-age programs and early youth care programs;

29 (D) children's cabinet accountability fund;

30 (E) child care quality;

31 (F) community-based child abuse prevention;

32 (G) child care capacity accelerator grants;

33 (H) children's cabinet administration;

34 (I) early childhood infrastructure;

35 (J) early childhood integrated data systems;

36 (K) head start collaboration office;

37 (L) healthy families America;

38 (M) Kansas early head start child care partnership;

39 (N) Kansas early head start home visitation;

40 (O) Kansas imagination library;

41 (P) maternal and child health home visitation;

42 (Q) maternal, infant and early childhood home visitation;

43 (R) parents as teachers;

1 (S) preschool development implementation grant for children from
2 birth to five years of age; and

3 (T) preschool development planning grant for children from birth to
4 five years of age;

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

8 (12) implement and administer rules and regulations adopted by the
9 children's cabinet; and

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

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

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

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

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

23 (b) The children's cabinet shall not adopt rules and regulations and
24 the executive director shall not adopt policies requiring educational
25 outcomes or curriculum for person or entities licensed pursuant to sections
26 24 through 47, and amendments thereto.

27 (c) Nothing in this section shall be construed to authorize the
28 executive director of the Kansas office of early childhood to administer the
29 preschool programs in K.S.A. 72-3215, 72-3410 and 72-5154, and
30 amendments thereto.

31 (d) Subject to the provisions of sections 19 through 23, and
32 amendments thereto, the executive director shall organize the Kansas
33 office of early childhood in the manner the executive director deems most
34 efficient. The executive director may establish policies governing the
35 transaction of business of the office and the administration of each division
36 within the office. The director of each division of the department shall
37 perform such duties and exercise such powers as the executive director
38 may prescribe and such duties and powers as are prescribed by law. Such
39 directors shall act for and exercise the powers of the executive director to
40 the extent authority to do so is delegated by the executive director.

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

43 (1) Subordinate officers and employees as are necessary to enable the

1 director to exercise or perform the functions, powers and duties pursuant
2 to sections 19 through 23, and amendments thereto;

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

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

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

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

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

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

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

22 (3) All of the powers, duties and functions of the existing day care
23 and child care resource and referral agency licensing programs pursuant to
24 sections 6 through 27, and amendments thereto, within the division of
25 public health with department of health and environment are hereby
26 transferred to the division of child care.

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

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

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

1 oversee home visitation programs.

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

6 (3) All of the powers, duties and functions of the existing home
7 visitation programs outlined in section 2, and amendments thereto, are
8 hereby transferred to the the division of home visitation.

9 (4) Whenever the existing home visitation programs outlined in
10 section 2, and amendments thereto, or words of like effect, are referred to
11 or designated by any statute, rule and regulation, contract or any other
12 document, including any statute, rule and regulation, contract or any
13 document created pursuant to the authorities transferred by this section,
14 such reference or designation shall apply to the division of home
15 visitation.

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

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

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

27 (4) Whenever the existing head start programs outlined in section 21,
28 and amendments thereto, or words of like effect, are referred to or
29 designated by any statute, rule and regulation, contract or any other
30 document, including any statute, rule and regulation, contract or any
31 document created pursuant to the authorities transferred by this section,
32 such reference or designation shall apply to the division of head start
33 collaboration.

34 New Sec. 24. It shall be unlawful for any person, firm, corporation or
35 association to conduct or maintain a day care facility under 16 years of age
36 without having a license or temporary permit therefor from the executive
37 director of the Kansas office of early childhood. Nothing in sections 24
38 through 47, and amendments thereto, shall apply to:

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

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

43 (c) a summer instructional camp that:

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

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

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

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

10 New Sec. 25. As used in sections 24 through 47, and amendments
11 thereto:

12 (a) "Assistant teacher" means an individual who meets the
13 requirements of section 2(c), and amendments thereto and can
14 independently staff a unit in a child care center where all children are at
15 least 12 months old.

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

20 (c) "Child care home" means the premises where care is provided for
21 a maximum of 12 children under 10 years of age by one provider or a
22 maximum number of 17 children under 10 years of age by two or more
23 providers, with a limited number of children under five years of age in
24 accordance with section 4, and amendments thereto.

25 (d) "Child care resource and referral agency" means a business or
26 service conducted, maintained or operated by a person engaged in
27 providing resource and referral services, including information on specific
28 services provided by child care facilities, to assist parents to find child
29 care.

30 (e) "Day care facility" means a day care home, preschool, child care
31 center, school-age program or other facility of a type determined by the
32 executive director to require regulation under the provisions of sections 24
33 through 48, and amendments thereto.

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

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

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

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

43 (j) "Program director" means the staff member of a child care center

1 who meets the requirements of section 1(b), and amendments thereto, and
2 who is responsible for implementing and supervising the comprehensive
3 and coordinated plan of activities that provide for the education, care,
4 protection and development of children who attend a child care center.

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

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

10 (m) "Unit" means the number of children that may be present in one
11 group in a child care center as specific in sections 3 and 5, and
12 amendments thereto.

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

14 New Sec. 26. (a) The executive director of the Kansas office of early
15 childhood shall have the power to grant a license to a person to maintain a
16 day care facility for children under 16 years of age. A license granted to
17 maintain a day care facility shall state the name of the licensee, describe
18 the particular premises in or at which the business shall be carried on,
19 whether it shall receive and care for children, and the number of children
20 that may be cared for at any one time. No greater number of children than
21 is authorized in the license shall be kept on such premises and the business
22 shall not be carried on in a building or place not designated in the license.
23 The license shall be kept posted in a conspicuous place on such premises
24 where the business is conducted. A license granted to maintain a day care
25 facility shall have on its face an expiration sticker stating the date of
26 expiration of the license.

27 (b) The executive director of the Kansas office of early childhood
28 shall not grant a license in any case until careful inspection of the day care
29 facility has been made according to the terms of sections through , and
30 amendments thereto, and until such day care facility has complied with all
31 the requirements of 24 sections 47 through , and amendments thereto. The
32 executive director of the Kansas office of early childhood may issue a
33 temporary permit to operate for a period not to exceed 90 days upon
34 receipt of an initial application for license. The executive director of the
35 Kansas office of early childhood may extend the temporary permit to
36 operate for an additional period not to exceed 90 days if an applicant is not
37 in full compliance in accordance with sections through , and amendments
38 thereto, but has made efforts toward full compliance.

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

1 premises of the center or facility and to any information deemed necessary
2 to the completion of the investigation. In all cases where an investigation
3 is made, a report of the investigation of such center or facility shall be filed
4 with the executive director of the Kansas office of early childhood.

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

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

18 (e) When the executive director of the Kansas office of early
19 childhood finds, upon investigation or is advised by the secretary for
20 children and families that any of the provisions of K.S.A. 59-2123, and
21 amendments thereto, or sections 24 through 47, and amendments thereto,
22 are being violated or the day care facility is maintained without due regard
23 to the health, safety or welfare of any child, the executive director of the
24 Kansas office of early childhood may issue an order revoking such license
25 after giving notice and conducting a hearing in accordance with the
26 provisions of the Kansas administrative procedure act. Such order shall
27 clearly state the reason for the revocation.

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

38 (g) Any applicant or licensee aggrieved by a final order of the
39 executive director of the Kansas office of early childhood denying or
40 revoking a license under sections 26 through 47, and amendments thereto,
41 may appeal the order in accordance with the Kansas judicial review act.

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

43 New Sec. 27. (a) The annual fee for a license to conduct a day care

1 facility or child care resource and referral agency shall be fixed by the
2 executive director of the Kansas office of early childhood by rules and
3 regulations in an amount not exceeding the following:

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

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

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

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

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

22 (e) There is hereby created the day care facilities and child care
23 resource and referral agencies licensing fee fund. The executive director of
24 the Kansas office of early childhood shall remit all moneys received by the
25 executive director from fees under the provisions of this section to the
26 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
27 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 day care facilities
30 and child care resource and referral agencies licensing fee fund. All
31 expenditures from the day care facilities and child care resource and
32 referral agencies licensing fee fund shall be made only for the purposes of
33 sections 24 through 47, and amendments thereto, in accordance with
34 appropriation acts upon warrants of the director of accounts and reports
35 issued pursuant to vouchers approved by the executive director of the
36 Kansas office of early childhood or by the executive director's designee.
37 Notwithstanding any other law to the contrary, no moneys shall be
38 transferred or otherwise revert from this fund to the state general fund by
39 appropriation act or other act of the legislature. Moneys available under
40 this section by the creation of the day care facilities or child care resource
41 and referral agencies licensing fee fund shall not be substituted for or used
42 to reduce or eliminate moneys available to the Kansas office of early
43 childhood to administer the provisions of sections 24 through 47, and

1 amendments thereto. Nothing in sections 24 through 47, and amendments
2 thereto, shall be construed to authorize a reduction or elimination of
3 moneys made available by the state to local units of government for the
4 purposes of sections 24 through 47, and amendments thereto.

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

6 New Sec. 28. (a) The executive director of the Kansas office of early
7 childhood shall serve notice of the issuance, limitation, modification,
8 suspension or revocation of a license to conduct a day care facility to the
9 secretary for children and families, juvenile justice authority, state
10 department of education, office of the state fire marshal, county, city-
11 county or multi-county department of health and any licensed child
12 placement agency or licensed child care resource and referral agency
13 serving the area where the center or facility is located. A day care facility
14 or child care resource and referral agency that has had a license limited,
15 modified, suspended, revoked or denied by the executive director of the
16 Kansas office of early childhood shall notify in writing the parents or
17 guardians of the enrollees of the limitation, modification, suspension,
18 revocation or denial. Neither the secretary for children and families nor
19 any other person shall place or cause to be placed any child under 16 years
20 of age in any day care facility or child care resource and referral agency
21 not licensed by the executive director of the Kansas office of early
22 childhood.

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

24 New Sec. 29. (a) Each day care facility licensee shall keep a record
25 upon forms prescribed and provided by the executive director of the
26 Kansas office of early childhood. Such record shall include the name and
27 age of each child received and cared for in the facility together with the
28 names and addresses of the parents or guardians of such children and such
29 other information as the executive director of the Kansas office of early
30 childhood may require. Each day care facility licensee shall apply to and
31 shall receive without charge from the executive director of the Kansas
32 office of early childhood forms for such records as may be required. Such
33 forms shall contain a copy of sections 24 through 47, and amendments
34 thereto.

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

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

38 New Sec. 30. (a) Each day care facility subject to the provisions of
39 sections 24 through 47, and amendments thereto, shall:

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

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

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

1 each child.

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

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

9 (3) (i) Except as provided in clause (ii), every day care facility or
10 child care resource and referral agency shall comply with all applicable
11 fire codes and rules and regulations of the state fire marshal.

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

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

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

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

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

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

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

1 early childhood.

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

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

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

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

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

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

25 New Sec. 31. (a) It shall be unlawful for any day care facility to
26 receive or care for any adult except as authorized by rules and regulations
27 adopted by the secretary of health and environment and the children's
28 cabinet.

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

30 New Sec. 32. (a) It is hereby made the duty of the executive director
31 of the Kansas office of early childhood to inspect or cause to be inspected
32 on or after July 1, 2026, and once every 12 months thereafter, every day
33 care facility, unless otherwise provided in subsection (b). For the purpose
34 of inspection, the executive director or the executive director's authorized
35 agent, as an employee of the executive director or who has a contract with
36 the secretary to provide inspections services pursuant to sections 24
37 through 47, and amendments thereto, holding a certificate from the
38 executive director as authorized in this subsection, shall have the right of
39 entry and access thereto, in every department and to every place in the
40 premises, call for and examine the records that are required to be kept
41 according to the provisions of sections 24 through 47, and amendments
42 thereto, and make and preserve a record of every inspection. The licensee
43 shall give all reasonable information to the authorized agent of the

1 executive director of the Kansas office of early childhood and afford every
2 reasonable facility for viewing the premises and seeing the children
3 therein. No such child without the consent of the child shall be required to
4 be interviewed by any agent unless the agent is an authorized person.

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

13 (c) (1) The executive director shall create a surveyor certification and
14 provide as a minimum of yearly continuing education for qualifications for
15 such certification.

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

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

23 (d) Persons conducting inspections and surveys pursuant to sections
24 24 through 47, and amendments thereto, shall hold a certification issued by
25 the secretary.

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

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

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

39 New Sec. 34. (a) Any person, firm, corporation or association who
40 violates the provisions of sections 24 through 47, and amendments thereto,
41 shall be guilty of a misdemeanor, and upon conviction shall be fined not
42 less than \$5 but not more than \$50. Each and every day that the person
43 fails or refuses to comply with such provisions shall be deemed a separate

1 offense under sections 24 through 47, and amendments thereto. If, for 30
2 days after any final conviction for such violation or revocation of license,
3 the person still fails or refuses to comply with the orders in the notice
4 under section 28, and amendments thereto, upon notice and a hearing in
5 accordance with the provisions of the Kansas administrative procedure act,
6 the building or premises where such home is conducted may be closed
7 until such person has complied with all provisions of sections 24 through
8 47, and amendments thereto.

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

10 New Sec. 35. (a) The county attorney of each county in this state is
11 hereby authorized and required, upon complaint of any authorized agent of
12 the executive director of the Kansas office of early childhood, to file a
13 complaint and prosecute to the final determination all actions or
14 proceedings against any person under the provisions of sections 24
15 through 47, and amendments thereto.

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

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

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

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

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

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

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

43 (2) except as provided in subsection (b), has been adjudicated a

1 juvenile offender because of having committed an act that if done by an
2 adult would constitute the commission of a felony and that is a crime
3 against persons, is any act described in articles 34, 35 or 36 of chapter 21
4 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or
5 56 of chapter 21 of the Kansas Statutes Annotated, and amendments
6 thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422
7 or 21-6422, and amendments thereto, or similar statutes of any other state
8 or the federal government, or is any act described in K.S.A. 21-4301 or 21-
9 4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto,
10 or similar statutes of any other state or the federal government;

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

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

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

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

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

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

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

42 (8) has an infectious or contagious disease.

43 (b) Notwithstanding the provisions in subsection (a), no person shall

1 maintain a day care facility if such person has been found to be a person in
2 need of a guardian or a conservator, or both, as provided in K.S.A. 59-
3 3050 through 59-3095, and amendments thereto.

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

7 (d) In accordance with the provisions of this subsection, the executive
8 director of the Kansas office of early childhood shall have access to any
9 court orders or adjudications of any court of record, any records of such
10 orders or adjudications, criminal history record information, including, but
11 not limited to, diversion agreements in the possession of the Kansas
12 bureau of investigation and any report of investigations as authorized by
13 K.S.A. 38-2226, and amendments thereto, or the Kansas department for
14 children and families or court of this state concerning persons working,
15 regularly volunteering or residing in a day care facility. The executive
16 director shall have access to these records for the purpose of determining
17 whether or not the home meets the requirements of K.S.A. 59-2132, and
18 amendments thereto, and sections 25, 30 and 36, and amendments thereto.

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

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

38 (g) (1) The children's cabinet shall adopt rules and regulations to fix a
39 fee for fingerprinting persons residing, working or regularly volunteering
40 in a day care facility, as may be required by the Kansas office of early
41 childhood to reimburse the Kansas office of early childhood for the cost of
42 the fingerprinting.

43 (2) The executive director shall remit all moneys received from the

1 fees established under this section to the state treasurer in accordance with
2 the provisions of K.S.A. 72-4215, and amendments thereto. Upon receipt
3 of each such remittance, the state treasurer shall deposit the entire amount
4 in the state treasury to the credit of the child care criminal background and
5 fingerprinting fund.

6 (h) The day care criminal background and fingerprinting fund is
7 hereby created in the state treasury to be administered by the executive
8 director of the Kansas office of early childhood. All moneys credited to the
9 day care criminal background and fingerprinting fund shall be used to pay
10 local and state law enforcement officers and agencies for the processing of
11 fingerprints and criminal history background checks for the department.
12 All expenditures from the day 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 executive director or the executive director's designee.

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

21 (j) No day 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 (k) 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 day 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 executive director and to the courts pursuant to
33 the Kansas judicial review act.

34 (l) No person shall maintain a day care facility unless such person is a
35 high school graduate or the equivalent thereof, except that, if extraordinary
36 circumstances exist, the executive director of the Kansas office of early
37 childhood may exercise discretion to make exceptions to this requirement.
38 The provisions of this subsection shall not apply to any person who was
39 maintaining a day care facility on the day immediately prior to July 1,
40 2010.

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

42 New Sec. 37. (a) The executive director may limit, modify or suspend
43 any license or temporary permit issued under the provisions of sections 6

1 through 18 , and amendments thereto, upon any of the following grounds
2 and in the manner provided in sections 26 through 47, and amendments
3 thereto:

4 (1) Violation by the licensee or holder of a temporary permit of any
5 provision of sections 24 through 47, and amendments thereto, or of the
6 rules and regulations promulgated under sections 24 through 47, and
7 amendments thereto;

8 (2) aiding, abetting or permitting the violating of any provision of
9 sections 24 through 47, and amendments thereto, or of the rules and
10 regulations promulgated under sections 24 through 47, and amendments
11 thereto;

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

16 (4) the conviction of a licensee or holder of a temporary permit, at
17 any time during licensure or during the time the temporary permit is in
18 effect, of crimes as defined in section 18, and amendments thereto; and

19 (5) a third or subsequent violation by the licensee or holder of a
20 temporary permit of section 25(b), and amendments thereto.

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

22 New Sec. 38. (a) The executive director may limit, modify or suspend
23 any license or temporary permit issued under the provisions of sections 6
24 through 18, and amendments thereto, prior to any hearing when, in the
25 opinion of the executive director, the action is necessary to protect any
26 child in the day care facility from physical or mental abuse, abandonment
27 or any other substantial threat to health, safety or welfare. Administrative
28 proceedings under this section shall be conducted in accordance with the
29 emergency adjudicative proceedings of the Kansas administrative
30 procedure act and in accordance with other relevant provisions of the
31 Kansas administrative procedure act.

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

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

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

42 (1) An agency or organization authorized to receive notice under
43 section 10, and amendments thereto;

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

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

4 (4) any disaster or emergency entity.

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

10 (d) Any records under subsection (a), (b) or (c) shall be available to
11 any member of the standing committee on appropriations of the house of
12 representatives or the standing committee on ways and means of the senate
13 carrying out such member's or committee's official functions in accordance
14 with K.S.A. 75-4319, and amendments thereto, in a closed or executive
15 meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of
16 such committee, records received by the committee shall not be further
17 disclosed. Unauthorized disclosure may subject such member to discipline
18 or censure from the house of representatives or senate. Such records shall
19 not identify individuals but shall include data and contact information
20 concerning specific facilities.

21 (e) In any hearings conducted under the licensing or regulation
22 provisions of sections 26 through 47, and amendments thereto, the
23 presiding officer may close the hearing to the public to prevent public
24 disclosure of matters relating to persons restricted by other laws.

25 (f) Such records shall be confidential and shall not be subject to the
26 open records act, K.S.A. 45-215 et seq., and amendments thereto. The
27 provisions of this subsection shall expire on July 1, 2029, unless the
28 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,
29 and amendments thereto.

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

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

41 (b) All fines assessed and collected under this section shall be
42 remitted to the state treasurer in accordance with the provisions of K.S.A.
43 75-4215, and amendments thereto. Upon receipt of each such remittance,

1 the state treasurer shall deposit the entire amount in the state treasury to
2 the credit of the state general fund.

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

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

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

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

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

15 (4) "Premises" means the location, including the building and
16 adjoining grounds, for which the applicant has a temporary permit or
17 license to conduct a youth out of school time program.

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

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

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

26 (b) No license for youth-out-of-school time program or school-age
27 program shall be denied, suspended or revoked on the basis that the
28 building does not

29 meet requirements for licensure if the building:

30 (1) Is a public recreation center or school and is used by school-age
31 children and youth the same age as children and youth cared for in a
32 youth-out-of school time program or school-age program;

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

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

42 (c) If the standards that a building is required to comply with
43 subsections (b)(2) and (b)(3) are conflict or are otherwise inconsistent,

1 then the building standards shall be subject to subsection (b)(2).

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

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

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

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

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

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

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

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

26 New Sec. 42. (a) Any license, certificate of registration or temporary
27 permit which was issued prior to the effective date of sections 24 through
28 47, and amendments thereto, and which is in effect on the effective date of
29 sections 24 through 47, and amendments thereto, shall continue in effect
30 until the expiration thereof, unless suspended or revoked prior to such
31 time.

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

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

34 (1) "Day care home" means a day care home or a group day care
35 home as defined in section 25, and amendments thereto.

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

39 (b) Smoking within any room, enclosed area or other enclosed space
40 of a facility or facilities of a day care home during a time when children
41 who are not related by blood, marriage or legal adoption to the person who
42 maintains the home are being cared for as part of the operation of the day
43 care home within the facility or facilities is hereby prohibited. Nothing in

1 this subsection shall be construed to prohibit smoking on the premises of
2 the day care home outside the facility or facilities of a day care home,
3 including, but not limited to, porches, yards or garages.

4 (c) Each day care license shall contain a statement in bold print that
5 smoking is prohibited within a room, enclosed area or other enclosed
6 space of the facility or facilities of the day care home under the conditions
7 specified in subsection (b). The statement shall be phrased in substantially
8 the same language as subsection (b). The license shall be posted in a
9 conspicuous place in the facility or facilities.

10 (d) Each day care home shall be equipped with a fire extinguisher
11 which shall be maintained in an operable condition in a readily accessible
12 location.

13 (e) The executive director of the Kansas office of early childhood
14 may levy a civil fine, and amendments thereto, against any day care home
15 for a first or second violation of this section. A third or subsequent
16 violation shall be subject to the provisions of sections 24 through 47, and
17 amendments thereto.

18 (f) In addition to any civil fine which may be levied pursuant to
19 subsection (e), any day care home that violates any provision of this
20 section may also be subject to criminal punishment pursuant to K.S.A. 21-
21 4012, and amendments thereto.

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

23 New Sec. 44. (a) Except as otherwise provided, information and
24 records pertaining to the immunization status of persons against childhood
25 diseases as required by section 12, and amendments thereto, may be
26 disclosed and exchanged without a parent or guardian's written release
27 authorizing such disclosure to the following individuals and groups who
28 need to know such information in order to assure compliance with state
29 statutes or to achieve age appropriate immunization status for children:

30 (1) Employees of public agencies or departments;

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

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

38 (4) healthcare professionals.

39 (b) Information and records which pertain to the immunization status
40 of persons against childhood diseases as required by section 30, and
41 amendments thereto, whose parent or guardian has submitted a written
42 statement of religious objection to immunization as provided in section 30,
43 and amendments thereto, may not be disclosed or exchanged without a

1 parent or guardian's written release authorizing such disclosure.

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

3 New Sec. 45. (a) The executive director of the Kansas office of early
4 childhood shall establish or cause to be established an online information
5 dissemination system that is accessible to the public, including names of
6 licensees, applicants and history of citations and substantiated findings.
7 The executive director shall adopt rules and regulations that are consistent
8 with the requirements for the receipt of child care ARRA funds and that
9 provide for the establishment of an online information dissemination
10 system in accordance with the provisions of this subsection.

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

12 New Sec. 46. To the extent that funds expended for child care
13 services are subject to federal requirements and appropriation acts of the
14 legislature, such funds shall not be expended by any agency to reimburse
15 for unfilled child care slots, not including reimbursement for a child who is
16 temporarily absent due to illness or other reason and intend to resume
17 receiving childcare services.

18 New Sec. 47. (a) Licensed youth out-of-school time programs and
19 school-age programs that operate on or within premises of a public or
20 private school licensed by the state of Kansas shall be exempt from the
21 requirements of K.S.A. 65-508(b)(2), and amendments thereto, and section
22 30(b)(2), and amendments thereto.

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

27 Sec. 48. K.S.A. 38-1901 is hereby amended to read as follows: 38-
28 1901. On and after the effective date of this act:

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

32 (2) *The Kansas children's cabinet shall be within the department of*
33 *commerce and oversee the executive director of the Kansas office of early*
34 *childhood.*

35 (b) (1) The Kansas children's cabinet shall consist of ~~15~~ 16 members
36 as follows:

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

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

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

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

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

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

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

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

13 ~~(8)~~(I) one person appointed by the speaker of the house of
14 representatives;

15 ~~(9)~~(J) *one person appointed by the speaker pro tem of the house of*
16 *representatives;*

17 (K) one person appointed by the minority leader of the house of
18 representatives;

19 ~~(10)~~(L) one person appointed by the president of the senate; ~~and~~

20 ~~(11)~~(M) *one person appointed by the vice president of the senate; and*

21 (N) one person appointed by the minority leader of the senate.

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

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

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

1 senate shall be appointed for a term of four years. The governor shall
2 designate the term for which each of the members first appointed by the
3 governor shall serve.

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

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

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

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

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

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

26 ~~(B)~~ *(ii)* If an individual or an individual's spouse, either individually or
27 collectively, has received during the preceding calendar year compensation
28 which is or will be required to be included as taxable income on federal
29 income tax returns of the individual and spouse in an aggregate amount of
30 \$2,000 from any business or combination of businesses, the individual has
31 a substantial interest in that business or combination of businesses.

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

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

1 preceding calendar year.

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

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

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

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

17 (1) Assist the governor *and the secretary of commerce* in developing
18 and implementing a coordinated, comprehensive service delivery system
19 to 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;

33 (8) *review applications for any grant funding opportunities and*
34 *allocate such grants administered by the Kansas office of early childhood;*
35 *and*

36 (9) *adopt rules and regulations as necessary to implement sections*
37 *through , and amendments thereto.*

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

1 *department of commerce* except that expenses of members who are
2 employed by a state agency shall be reimbursed by that state agency.

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

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

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

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

29 ~~(e)~~(d) There shall be conducted performance audits and other audit
30 work by the legislative post auditor upon request by the Kansas children's
31 cabinet and as directed by the legislative post audit committee in
32 accordance with the provisions of the legislative post audit act. The
33 purpose of such performance audits and other audit work shall be to
34 provide interested parties with the program evaluation and research needed
35 to make informed decisions for the uses of moneys credited to the
36 children's initiatives fund. The auditor to conduct such performance audit
37 or other audit work shall be specified in accordance with K.S.A. 46-1122,
38 and amendments thereto, and if the legislative post audit committee
39 specifies under such statute that a firm, as defined by K.S.A. 46-1112, and
40 amendments thereto, is to perform all or part of the audit work of such
41 audit, such firm shall be selected and shall perform such audit work as
42 provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125
43 through 46-1127, and amendments thereto. The audit work required

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

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

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

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

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

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

42 Sec. 50. K.S.A. 2023 Supp. 48-3406 is hereby amended to read as
43 follows: 48-3406. (a) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

40 (b) Notwithstanding any other provision of law, any licensing body
41 shall, upon submission of a complete application, issue a paper-based and
42 verified electronic license, registration or certification to an applicant as
43 provided by this section, so that the applicant may lawfully practice the

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

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

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

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

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

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

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

1 certification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in the state, district or territory of the United States in which the applicant
2 was licensed, registered, certified or otherwise credentialed, unless the
3 licensing body finds, based on specific grounds, that issuing a temporary
4 permit would jeopardize the health and safety of the public.

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

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

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

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

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

42 (n) Notwithstanding any other provision of law, during a state of
43 emergency declared by the legislature, a licensing body may grant a

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

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

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

40 (q) Nothing in this section shall be construed as prohibiting or
41 preventing a licensing body from developing, operating, maintaining or
42 using a separate electronic credential system of the licensing body or of a
43 third party in addition to making the reports to the central electronic record

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

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

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

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

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

- 22 (1) The abstracters' board of examiners;
- 23 (2) the board of accountancy;
- 24 (3) the board of adult care home administrators;
- 25 (4) the secretary for aging and disability services, with respect to
26 K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- 27 (5) the Kansas board of barbering;
- 28 (6) the behavioral sciences regulatory board;
- 29 (7) the Kansas state board of cosmetology;
- 30 (8) the Kansas dental board;
- 31 (9) the state board of education;
- 32 (10) the Kansas board of examiners in fitting and dispensing of
33 hearing instruments;
- 34 (11) the board of examiners in optometry;
- 35 (12) the state board of healing arts, as provided by subsection (t);
- 36 (13) the secretary of health and environment, ~~with respect to K.S.A.~~
37 ~~82a-1201 et seq., and amendments thereto;~~
- 38 (14) *the executive director of early childhood;*
- 39 (15) the commissioner of insurance, with respect to K.S.A. 40-241
40 and 40-4901 et seq., and amendments thereto;
- 41 ~~(15)~~(16) the state board of mortuary arts;
- 42 ~~(16)~~(17) the board of nursing;
- 43 ~~(17)~~(18) the state board of pharmacy;

- 1 ~~(18)~~(19) the Kansas real estate commission;
- 2 ~~(19)~~(20) the real estate appraisal board;
- 3 ~~(20)~~(21) the state board of technical professions, as provided by
- 4 subsection (t); and
- 5 ~~(21)~~(22) the state board of veterinary examiners.

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

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

- 27 ~~(1)~~(A) The number of applications received under the provisions of
- 28 this section;
- 29 ~~(2)~~(B) the number of applications granted under this section;
- 30 ~~(3)~~(C) the number of applications denied under this section;
- 31 ~~(4)~~(D) the average time between receipt of the application and
- 32 completion of the application;
- 33 ~~(5)~~(E) the average time between receipt of a complete application and
- 34 issuance of a license, certification or registration; and
- 35 ~~(6)~~(F) identification of applications submitted under this section
- 36 where the issuance of credentials or another determination by the licensing
- 37 body was not made within the time limitations pursuant to this section and
- 38 the reasons for the failure to meet such time limitations.

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

43 Sec. 51. K.S.A. 65-503 is hereby amended to read as follows: 65-503.

1 As used in this act:

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

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

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

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

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

24 (e) "Child care facility" means:

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

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

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

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

41 ~~(f)~~ "Child care home" means the premises where care is provided
42 for a maximum of 12 children under 10 years of age by one provider or a
43 maximum number of 17 children under 10 years of age by two or more

1 providers, with a limited number of children under five years of age in
2 accordance with section 2, and amendments thereto.

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

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

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

17 ~~(j)~~ (j) "Drop-in program" means the same as defined in K.S.A. 65-
18 527, and amendments thereto.

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

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

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

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

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

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

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

40 (p) "Program director" means the staff member of a child care center
41 who meets the requirements of section 1(b), and amendments thereto, and
42 who is responsible for implementing and supervising the comprehensive
43 and coordinated plan of activities that provide for the education, care,

1 *protection and development of children who attend a child care center.*

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

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

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

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

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

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

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

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

27 ~~(e)~~(c) "Child care facility" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 16 years of age.

2 ~~(+)~~(l) "Toddler" means a child who has learned to walk and is at least
3 12 but less than 30 months of age.

4 ~~(s)~~(m) "Unit" means the number of children that may be present in
5 one group in a child care center as specified in sections 2 and 3, and
6 amendments thereto.

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

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

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

1 shall be filed with the secretary of health and environment.

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

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

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

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

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

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

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

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

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

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

1 ~~(4)(2) for any other~~ Except for child care facilities listed in paragraph
2 (1), there shall be no annual fee for a license to conduct a child care
3 facility, ~~\$75 plus \$1 times the maximum number of children authorized~~
4 ~~under the license to be on the premises at any one time.~~

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

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

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

21 (d) The secretary of health and environment shall remit all moneys
22 received by the secretary from fees under the provisions of this section to
23 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
24 and amendments thereto. Upon receipt of each such remittance, the state
25 treasurer, notwithstanding any other law to the contrary, shall deposit the
26 entire amount in the state treasury to the credit of the maternity centers and
27 child care licensing fee fund. All expenditures from the maternity centers
28 and child care licensing fee fund shall be made only for the purposes of
29 article 5 of chapter 65 of the Kansas Statutes Annotated, *and amendments*
30 *thereto*, in accordance with appropriation acts upon warrants of the
31 director of accounts and reports issued pursuant to vouchers approved by
32 the secretary of health and environment or by a person or persons
33 designated by the secretary. Notwithstanding any other law to the contrary,
34 no moneys shall be transferred or otherwise revert from this fund to the
35 state general fund by appropriation act or other act of the legislature.
36 Moneys available under this section by the creation of the maternity
37 centers and child care licensing fee fund shall not be substituted for or
38 used to reduce or eliminate moneys available to the department of health
39 and environment to administer the provisions of article 5 of chapter 65 of
40 the Kansas Statutes Annotated, *and amendments thereto*. Nothing in this
41 act shall be construed to authorize a reduction or elimination of moneys
42 made available by the state to local units of government for the purposes
43 of article 5 of chapter 65 of the Kansas Statutes Annotated, *and*

1 *amendments thereto.*

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

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

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

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

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

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

40 (2) Rules and regulations developed under this subsection shall
41 include provisions for the competent supervision and care of children in
42 day care facilities. For purposes of such rules and regulations, competent
43 supervision as this term relates to children less than five years of age

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

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

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

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

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

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

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

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

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

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

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

43 Sec. 56. On and after July 1, 2026, K.S.A. 65-508, as amended by

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

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

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

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

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

36 ~~(2) Rules and regulations developed under this subsection shall~~
37 ~~include provisions for the competent supervision and care of children in~~
38 ~~day care facilities. For purposes of such rules and regulations, competent~~
39 ~~supervision as this term relates to children less than five years of age~~
40 ~~includes, but is not limited to, direction of activities, adequate oversight~~
41 ~~including sight or sound monitoring, or both, physical proximity to~~
42 ~~children, diapering and toileting practices; and for all children, competent~~
43 ~~supervision includes, but is not limited to, planning and supervision of~~

1 ~~daily activities, safe sleep practices, including, but not limited to, visual or~~
2 ~~sound monitoring, periodic checking, emergency response procedures and~~
3 ~~drills, illness and injury response procedures, food service preparation and~~
4 ~~sanitation, playground supervision, pool and water safety practices.~~

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

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

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

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

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

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

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

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

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

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

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

40 (a) It is hereby made the duty of the secretary of health and environment to
41 inspect or cause to be inspected at least once every 15 months prior to July
42 1, 2012, and once every 12 months thereafter, every maternity center or
43 child care facility, unless otherwise provided in subsections (b) and (c).

1 For the purpose of inspection the secretary or the secretary's authorized
2 agent, *as an employee of the secretary or has a contract with the secretary*
3 *to provide inspection services pursuant to K.S.A. 65-501 et seq., holding a*
4 *certificate from the secretary from the secretary as authorized in this*
5 *subsection*, shall have the right of entry and access thereto in every
6 department and to every place in the premises, shall call for and examine
7 the records which are required to be kept by the provisions of this act and
8 shall make and preserve a record of every inspection. The licensee shall
9 give all reasonable information to the authorized agent of the secretary of
10 health and environment and shall afford every reasonable facility for
11 viewing the premises and seeing the patients or children therein. No such
12 patient or child without the consent of the patient or child shall be required
13 to be interviewed by any agent unless the agent is an authorized person or
14 a licensed physician.

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

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

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

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

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

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

42 ~~(d) (1) Persons conducting inspections and surveys pursuant to K.S.A.~~
43 ~~65-501 et seq. shall hold a certification issued by the secretary.~~

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

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

7 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-
8 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
9 of the Kansas Statutes Annotated, and amendments thereto, or any felony
10 violation of any provision of the uniform controlled substances act prior to
11 July 1, 2009;

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

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

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

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

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

43 (4) has committed an act of physical, mental or emotional abuse or

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

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

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

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

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

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

29 (8) has an infectious or contagious disease.

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

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

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

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

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

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

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

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

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

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

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

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

39 (2) The secretary shall remit all moneys received from the fees
40 established under this section to the state treasurer in accordance with the
41 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
42 each such remittance, the state treasurer shall deposit the entire amount in
43 the state treasury to the credit of the child care criminal background and

1 fingerprinting fund.

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

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

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

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

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

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

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

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

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

42 (3) The information shall be provided to the child placement agency
43 regardless of whether the information discloses that the subject of the

1 request has been convicted of any offense.

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

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

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

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

13 (C) the department of health and environment;

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

15 (E) the department of corrections; and

16 (F) the courts.

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

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

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

28 (a) As used in this section:

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

37 (2) "Child" means an individual who is enrolled or attending
38 kindergarten, or is less than 18 years of age, or is 18 years of age and has
39 an individualized program plan, is not a volunteer or employee and is
40 attending a youth out-of-school time program.

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

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

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

7 (4) "School-age program" means a child care facility that serves
8 exclusively school-age children and youth but does not include a drop-in
9 program.

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

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

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

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

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

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

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

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

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

38 (e) *The provisions of this sections shall expire on June 30, 2026.*

39 Sec. 60. On and after, July 1, 2026, K.S.A. 65-531 is hereby amended
40 to read as follows: 65-531. ~~On and after July 1, 1996:~~(a) Except as
41 provided further, information and records which pertain to the
42 immunization status of persons against childhood diseases as required by
43 K.S.A. 65-508, and amendments thereto, may be disclosed and exchanged

1 without a parent or guardian's written release authorizing such disclosure,
2 to the following, who need to know such information to assure compliance
3 with state statutes or to achieve age appropriate immunization status for
4 children:

5 (1) Employees of public agencies or departments;

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

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

12 (4) health care professionals.

13 (b) Notwithstanding K.S.A. 60-427, and amendments thereto, or any
14 other Kansas statute which provides for privileged information between a
15 patient and a health care provider, there shall be no privilege preventing
16 the furnishing of information and records as authorized by this section by
17 any health care provider.

18 (c) Information and records which pertain to the immunization status
19 of persons against childhood diseases as required by K.S.A. 65-508, and
20 amendments thereto, whose parent or guardian has submitted a written
21 statement of religious objection to immunization as provided in K.S.A. 65-
22 508, and amendments thereto, may not be disclosed or exchanged without
23 a parent or guardian's written release authorizing such disclosure.

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

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

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

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

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

38 (b) In order to be eligible to receive a grant of state moneys for the
39 development and operation of a parent education program, a board shall
40 submit to the ~~state board~~ *Kansas office of early childhood* an application
41 for a grant and a description of the program. The application and
42 description shall be prepared in such form and manner as the ~~state board~~
43 *Kansas office of early childhood* shall require and shall be submitted at a

1 time to be determined and specified by the ~~state board~~ *Kansas office of*
2 *early childhood*. Approval by the ~~state board~~ *Kansas office of early*
3 *childhood* of the program and the application is prerequisite to the award
4 of a grant.

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

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

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

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

17 (3) evaluate and approve parent education programs;

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

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

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

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

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

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

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

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

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

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

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

11 (b) The amount of a grant to a school district shall be determined by
12 ~~the state board~~ *Kansas office of early childhood* in accordance with
13 established priorities, but in no event shall such amount exceed the amount
14 of actual expenses incurred by the school district in the development and
15 operation of a program. If the amount of appropriations for parent
16 education programs is insufficient to pay in full the amount each school
17 district is determined to be eligible to receive, ~~the state board~~ *Kansas*
18 *office of early childhood* shall prorate the amount appropriated among all
19 school districts in proportion to the amount each such school district is
20 determined to be eligible to receive.

21 Sec. 64. On and after July 1, 2026, K.S.A. 72-4166 is hereby
22 amended to read as follows: 72-4166. ~~The state board~~ *Kansas office of*
23 *early childhood* in cooperation with ~~the Kansas department for children~~
24 ~~and families, the state department of health and environment, and other~~
25 ~~appropriate associations and organizations, may provide any board, upon~~
26 ~~its request therefor, with technical advice and assistance regarding the~~
27 ~~development and operation of a parent education program or an~~
28 ~~application for a grant of state moneys, and may make studies and gather~~
29 ~~and disseminate information regarding materials, resources, procedures~~
30 ~~and personnel which are or may become available to assist school districts~~
31 ~~in the development and operation of parent education programs.~~

32 Sec. 65. K.S.A. 79-32,111c is hereby amended to read as follows: 79-
33 32,111c. (a) There shall be allowed as a credit against the tax liability of a
34 resident individual imposed under the Kansas income tax act an amount
35 equal to 12.5% for tax year 2018; an amount equal to 18.75% for tax year
36 2019; ~~and~~ an amount equal to 25% for tax ~~year~~ *years 2020 through 2023;*
37 *and an amount equal to 50% for tax year 2024,* and all tax years thereafter,
38 of the amount of the credit allowed against such taxpayer's federal income
39 tax liability pursuant to 26 U.S.C. § 21 for the taxable year in which such
40 credit was claimed against the taxpayer's federal income tax liability.

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

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

5 Sec. 66. K.S.A. 65-503, 65-505, 65-508, 65-512, 65-527 and 79-
6 32,111c and K.S.A. 2022 Supp. and K.S.A. 2023 Supp. 48-3406 are
7 hereby repealed.

8 Sec. 67. On and after July 1, 2026, K.S.A. 38-1901, 38-2103, 65-503,
9 as amended by section 51 of this , 65-504, 65-505, 65-508, as amended by
10 section 55 of this , 65-531, 72-4162, 72-4163, 72-4164 and 72-4166 and
11 K.S.A. 2023 Supp. 65-516 are hereby repealed.

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