

HOUSE BILL No. 2785

By Committee on Child Welfare and Foster Care

Requested by Representative Concannon on behalf of the Office of the Governor

2-9

1 AN ACT concerning state agencies; relating to early childhood;
2 consolidating the children's cabinet and other child services under the
3 Kansas office of early childhood; transferring the administration of
4 child care facility licensing, child care subsidy and the parents as
5 teachers program to the office; establishing the children's cabinet as a
6 division in the office; amending K.S.A. 38-1901, 38-2103, 65-503, 65-
7 504, 65-508, 65-512, 65-531, 72-4162, 72-4163, 72-4164 and 72-4166
8 and K.S.A. 2023 Supp. 65-516 and repealing the existing sections.
9

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

11 New Section 1. (a) There is hereby established within the executive
12 branch of government the Kansas office of early childhood.

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

15 (c) The governor shall appoint the executive director of early
16 childhood, subject to confirmation by the senate as provided in K.S.A. 75-
17 4315b, and amendments thereto. Except as provided in K.S.A. 46-2601,
18 and amendments thereto, no person appointed as executive director shall
19 exercise any power, duty or function as executive director until confirmed
20 by the senate.

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

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

29 (f) All expenditures shall be made in accordance with appropriation
30 acts upon warrants of the director of accounts and reports issued pursuant
31 to vouchers approved by the executive director of early childhood, or the
32 executive director's designee.

33 (g) The provisions of the Kansas governmental operations
34 accountability law apply to the Kansas office of early childhood and the
35 office shall be subject to audit, review and evaluation under such law.

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

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

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

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

8 (B) the office shall begin transitioning programs identified in section
9 3, and amendments thereto, from state agencies to the office.

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

13 (j) Nothing in sections 1 through 5, and amendments thereto, shall be
14 construed to preempt, supersede or impinge on the authority of the Kansas
15 department for children and families provided in K.S.A. 75-3084 through
16 75-3089, and amendments thereto.

17 New Sec. 2. The Kansas office of early childhood shall be
18 responsible for carrying out the general policies of the governor and the
19 executive director of early childhood by:

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

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

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

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

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

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

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

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

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

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

7 New Sec. 3. (a) The executive director of early childhood shall:

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

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

14 (3) facilitate and coordinate interagency cooperation towards the goal
15 of serving children and families with a variety of other state agencies, such
16 as the Kansas department for children and families, the department of
17 health and environment, the department of corrections, the state board of
18 education, the state board of regents and any other state office, department
19 or board providing services to Kansas children and families;

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

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

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

28 (7) enter into such contracts and agreements as necessary or
29 incidental to the performance of the powers and duties of the executive
30 director;

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

36 (9) adopt, amend or revoke any rules and regulations necessary to
37 carry out the provisions of sections 1 through 5, and amendments thereto,
38 and the programs and duties of the office;

39 (10) appoint and oversee directors of divisions within the office;

40 (11) transition the administration of the following programs to the
41 office:

42 (A) Child care assistance;

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

- 1 (C) day care facility licensing and early youth care programs;
- 2 (D) children's cabinet accountability fund;
- 3 (E) child care quality;
- 4 (F) community-based child abuse prevention;
- 5 (G) child care capacity accelerator grants;
- 6 (H) children's cabinet administration;
- 7 (I) early childhood infrastructure;
- 8 (J) early childhood integrated data systems;
- 9 (K) head start collaboration office;
- 10 (L) healthy families America;
- 11 (M) Kansas early head start child care partnership;
- 12 (N) Kansas early head start home visitation;
- 13 (O) Kansas imagination library;
- 14 (P) maternal and child health home visitation;
- 15 (Q) maternal, infant and early childhood home visitation;
- 16 (R) parents as teachers;
- 17 (S) preschool development implementation grant for children from
- 18 birth to five years of age; and
- 19 (T) preschool development planning grant for children from birth to
- 20 five years of age;
- 21 (12) enter into agreements with the secretary of administration for the
- 22 provision of shared services, including, but not limited to, personnel and
- 23 other administrative services for the office; and
- 24 (13) prepare and submit an annual written report to relevant
- 25 legislative committees and to the governor that contains:
- 26 (A) The status of programs under the jurisdiction of the office of
- 27 early childhood;
- 28 (B) an overview of the fiscal and administrative structures required to
- 29 oversee the programs and services under the jurisdiction of the office of
- 30 early childhood;
- 31 (C) data and metrics on the service rates for children and families,
- 32 early childhood system efficiency, early childhood workforce and public-
- 33 private partnerships; and
- 34 (D) recommendations and considerations to improve delivery of early
- 35 childhood care and related services and support the healthy development
- 36 of Kansas children and families.
- 37 (b) Nothing in this section shall be construed to authorize the
- 38 executive director of the Kansas office of early childhood to administer the
- 39 preschool programs in K.S.A. 72-3215, 72-3410 and 72-5154, and
- 40 amendments thereto.
- 41 (c) Subject to the provisions of sections 1 through 5, and amendments
- 42 thereto, the executive director shall organize the Kansas office of early
- 43 childhood in the manner the executive director deems most efficient. The

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

8 New Sec. 4. (a) Except as otherwise provided by law, and subject to
9 the Kansas civil service act, the executive director shall appoint:

10 (1) Subordinate officers and employees as are necessary to enable the
11 director to exercise or perform the functions, powers and duties pursuant
12 to sections 1 through 5, and amendments thereto;

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

14 (3) the director of the division of home visitation;

15 (4) the director of the division of head start collaboration; and

16 (5) the director of the Kansas children's cabinet and trust fund.

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

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

26 New Sec. 5. (a) (1) There is established within and as a part of the
27 Kansas office of early childhood the division of child care. The division
28 shall oversee day care facility and child care resource and referral agency
29 licensing and child care finance and quality.

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

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

38 (4) Whenever day care and child care resource and referral agency
39 licensing, or words of like effect, is referred to or designated by any
40 statute, rule and regulation, contract or any other document, including any
41 statute, rule and regulation, contract or any document created pursuant to
42 the authorities transferred by this section, such reference or designation
43 shall apply to the division of child care. The office of early childhood shall

1 serve as the state lead agency for child care and development fund
2 administration pursuant to 45 C.F.R. §§ 98.10 through 98.15.

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

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

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

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

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

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

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

35 (3) All of the powers, duties and functions of the existing head start
36 programs outlined in section 2, and amendments thereto, are hereby
37 transferred to the division of home visitation.

38 (4) Whenever the existing head start programs outlined in section 2,
39 and amendments thereto, or words of like effect, are referred to or
40 designated by any statute, rule and regulation, contract or any other
41 document, including any statute, rule and regulation, contract or any
42 document created pursuant to the authorities transferred by this section,
43 such reference or designation shall apply to the division of head start

1 collaboration.

2 (d) (1) There is established within and as a part of the Kansas office
3 of early childhood the children's cabinet.

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

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

11 New Sec. 6. It shall be unlawful for any person, firm, corporation or
12 association to conduct or maintain a day care facility under 16 years of age
13 without having a license or temporary permit therefor from the executive
14 director of the Kansas office of early childhood. Nothing in sections 6
15 through 27, and amendments thereto, shall apply to:

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

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

20 (c) a summer instructional camp that:

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

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

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

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

30 New Sec. 7. As used in sections 6 through 27, and amendments
31 thereto:

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

37 (b) "Day care facility" means a day care home, preschool, child care
38 center, school-age program or other facility of a type determined by the
39 executive director to require regulation under the provisions of sections 6
40 through 27, and amendments thereto.

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

43 New Sec. 8. (a) The executive director of the Kansas office of early

1 childhood shall have the power to grant a license to a person to maintain a
2 day care facility for children under 16 years of age. A license granted to
3 maintain a day care facility shall state the name of the licensee, describe
4 the particular premises in or at which the business shall be carried on,
5 whether it shall receive and care for children, and the number of children
6 that may be cared for at any one time. No greater number of children than
7 is authorized in the license shall be kept on such premises and the business
8 shall not be carried on in a building or place not designated in the license.
9 The license shall be kept posted in a conspicuous place on such premises
10 where the business is conducted. A license granted to maintain a day care
11 facility shall have on its face an expiration sticker stating the date of
12 expiration of the license.

13 (b) The executive director of the Kansas office of early childhood
14 shall not grant a license in any case until careful inspection of the day care
15 facility has been made according to the terms of sections 6 through 27, and
16 amendments thereto, and until such day care facility has complied with all
17 the requirements of sections 6 through 27, and amendments thereto. The
18 executive director of the Kansas office of early childhood may issue a
19 temporary permit to operate for a period not to exceed 90 days upon
20 receipt of an initial application for license. The executive director of the
21 Kansas office of early childhood may extend the temporary permit to
22 operate for an additional period not to exceed 90 days if an applicant is not
23 in full compliance in accordance with sections 6 through 27, and
24 amendments thereto, but has made efforts toward full compliance.

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

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

39 (d) Whenever the executive director of the Kansas office of early
40 childhood refuses to grant a license to an applicant, the executive director
41 of the Kansas office of early childhood shall issue an order to that effect
42 stating the reasons for such denial and, within five days after the issuance
43 of such order, notify the applicant of the refusal. Upon application and not

1 more than 15 days after the date of issuance of such order, a hearing on the
2 order shall be held in accordance with the provisions of the Kansas
3 administrative procedure act.

4 (e) When the executive director of the Kansas office of early
5 childhood finds, upon investigation or is advised by the secretary for
6 children and families that any of the provisions of K.S.A. 59-2123, and
7 amendments thereto, or sections 6 through 27, and amendments thereto,
8 are being violated or the day care facility is maintained without due regard
9 to the health, safety or welfare of any child, the executive director of the
10 Kansas office of early childhood may issue an order revoking such license
11 after giving notice and conducting a hearing in accordance with the
12 provisions of the Kansas administrative procedure act. Such order shall
13 clearly state the reason for the revocation.

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

24 (g) Any applicant or licensee aggrieved by a final order of the
25 executive director of the Kansas office of early childhood denying or
26 revoking a license under sections 6 through 27, and amendments thereto,
27 may appeal the order in accordance with the Kansas judicial review act.

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

29 New Sec. 9. (a) The annual fee for a license to conduct a day care
30 facility or child care resource and referral agency shall be fixed by the
31 executive director of the Kansas office of early childhood by rules and
32 regulations in an amount not exceeding the following:

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

34 (2) for any day care facility, \$75 plus \$1 multiplied by the maximum
35 number of children authorized under the license to be on the premises at
36 any one time.

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

1 (c) Any licensee who fails to renew such license within 30 days after
2 the expiration of the license shall pay to the executive director the renewal
3 fee plus a late fee in an amount equal to the fee for the renewal of a
4 license.

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

9 (e) There is hereby created the day care facilities and child care
10 resource and referral agencies licensing fee fund. The executive director of
11 the Kansas office of early childhood shall remit all moneys received by the
12 executive director from fees under the provisions of this section to the
13 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
14 amendments thereto. Upon receipt of each such remittance, the state
15 treasurer, notwithstanding any other law to the contrary, shall deposit the
16 entire amount in the state treasury to the credit of the day care facilities
17 and child care resource and referral agencies licensing fee fund. All
18 expenditures from the day care facilities and child care resource and
19 referral agencies licensing fee fund shall be made only for the purposes of
20 sections 6 through 27, and amendments thereto, in accordance with
21 appropriation acts upon warrants of the director of accounts and reports
22 issued pursuant to vouchers approved by the executive director of the
23 Kansas office of early childhood or by the executive director's designee.
24 Notwithstanding any other law to the contrary, no moneys shall be
25 transferred or otherwise revert from this fund to the state general fund by
26 appropriation act or other act of the legislature. Moneys available under
27 this section by the creation of the day care facilities or child care resource
28 and referral agencies licensing fee fund shall not be substituted for or used
29 to reduce or eliminate moneys available to the Kansas office of early
30 childhood to administer the provisions of sections 6 through 27, and
31 amendments thereto. Nothing in sections 6 through 27, and amendments
32 thereto, shall be construed to authorize a reduction or elimination of
33 moneys made available by the state to local units of government for the
34 purposes of sections 6 through 27, and amendments thereto.

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

36 New Sec. 10. (a) The executive director of the Kansas office of early
37 childhood shall serve notice of the issuance, limitation, modification,
38 suspension or revocation of a license to conduct a day care facility to the
39 secretary for children and families, juvenile justice authority, state
40 department of education, office of the state fire marshal, county, city-
41 county or multi-county department of health and any licensed child
42 placement agency or licensed child care resource and referral agency
43 serving the area where the center or facility is located. A day care facility

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

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

11 New Sec. 11. (a) Each day care facility licensee shall keep a record
12 upon forms prescribed and provided by the executive director of the
13 Kansas office of early childhood. Such record shall include the name and
14 age of each child received and cared for in the facility together with the
15 names and addresses of the parents or guardians of such children and such
16 other information as the executive director of the Kansas office of early
17 childhood may require. Each day care facility licensee shall apply to and
18 shall receive without charge from the executive director of the Kansas
19 office of early childhood forms for such records as may be required. Such
20 forms shall contain a copy of sections 6 through 27, and amendments
21 thereto.

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

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

25 New Sec. 12. (a) Each day care facility subject to the provisions of
26 sections 6 through 27, and amendments thereto, shall:

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

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

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

32 (b) Every day care facility shall furnish or cause to be furnished for
33 the use of each employee an individual towel, wash cloth, comb and
34 individual drinking cup or sanitary bubbling fountain and toothbrushes for
35 all other children than infants, and keep or require such articles to be kept
36 at all times in a clean and sanitary condition. Every day care facility or
37 child care resource and referral agency shall comply with all applicable
38 fire codes and rules and regulations of the state fire marshal.

39 (c) (1) The executive director of the Kansas office of early childhood
40 shall develop and adopt rules and regulations for the operation and
41 maintenance of day care facilities. The rules and regulations for operating
42 and maintaining day care facilities shall be designed to promote the health,
43 safety and welfare of any child served in such facilities by ensuring safe

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

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

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

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

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

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

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

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

42 (g) Each child cared for in a day care facility, including children of
43 the person maintaining the facility, shall be required to have current

1 immunizations as the secretary of health and environment considers
2 necessary. The person maintaining a day care facility shall maintain a
3 record of each child's immunizations and provide to the secretary of health
4 and environment and the executive director of the Kansas office of early
5 childhood such information relating thereto, in accordance with rules and
6 regulations of the secretary of health and environment and executive
7 director, except that the person maintaining a day care facility shall not
8 have such person's license revoked solely for the failure to have or
9 maintain the immunization records required by this subsection.

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

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

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

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

19 New Sec. 13. (a) It shall be unlawful for any day care facility to
20 receive or care for any adult except as authorized by rules and regulations
21 adopted by the secretary of health and environment and the executive
22 director of the Kansas office for early childhood.

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

24 New Sec. 14. (a) It is hereby made the duty of the executive director
25 of the Kansas office of early childhood to inspect or cause to be inspected
26 on or after July 1, 2026, and once every 12 months thereafter, every day
27 care facility, unless otherwise provided in subsection (b). For the purpose
28 of inspection, the executive director or the executive director's authorized
29 agent shall have the right of entry and access thereto, in every department
30 and to every place in the premises, call for and examine the records that
31 are required to be kept according to the provisions of sections 6 through
32 27, and amendments thereto, and make and preserve a record of every
33 inspection. The licensee shall give all reasonable information to the
34 authorized agent of the executive director of the Kansas office of early
35 childhood and afford every reasonable facility for viewing the premises
36 and seeing the children therein. No such child without the consent of the
37 child shall be required to be interviewed by any agent unless the agent is
38 an authorized person.

39 (b) The executive director of the Kansas office of early childhood
40 shall conduct an inspection of any day care facility upon receiving a
41 complaint. Any new day care facility shall be inspected prior to issuance of
42 a license. The executive director may conduct an inspection of any day
43 care facility that has a record of repeated complaints or serious violations

1 at any time. The executive director shall inspect any day care facility that
 2 provides services to military families receiving military assistance for
 3 child care every 12 months.

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

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

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

17 New Sec. 16. (a) Any person, firm, corporation or association who
 18 violates the provisions of sections 6 through 27, and amendments thereto,
 19 shall be guilty of a misdemeanor, and upon conviction shall be fined not
 20 less than \$5 but not more than \$50. Each and every day that the person
 21 fails or refuses to comply with such provisions shall be deemed a separate
 22 offense under sections 6 through 27, and amendments thereto. If, for 30
 23 days after any final conviction for such violation or revocation of license,
 24 the person still fails or refuses to comply with the orders in the notice
 25 under section 15, and amendments thereto, upon notice and a hearing in
 26 accordance with the provisions of the Kansas administrative procedure act,
 27 the building or premises where such home is conducted may be closed
 28 until such person has complied with all provisions of sections 6 through
 29 27, and amendments thereto.

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

31 New Sec. 17. (a) The county attorney of each county in this state is
 32 hereby authorized and required, upon complaint of any authorized agent of
 33 the executive director of the Kansas office of early childhood, to file a
 34 complaint and prosecute to the final determination all actions or
 35 proceedings against any person under the provisions of sections 6 through
 36 27, and amendments thereto.

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

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

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

43 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-

1 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
2 of the Kansas Statutes Annotated, and amendments thereto, or any felony
3 violation of any provision of the uniform controlled substances act prior to
4 July 1, 2009;

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

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

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

21 (2) except as provided in subsection (b), has been adjudicated a
22 juvenile offender because of having committed an act that if done by an
23 adult would constitute the commission of a felony and that is a crime
24 against persons, is any act described in articles 34, 35 or 36 of chapter 21
25 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or
26 56 of chapter 21 of the Kansas Statutes Annotated, and amendments
27 thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422
28 or 21-6422, and amendments thereto, or similar statutes of any other state
29 or the federal government, or is any act described in K.S.A. 21-4301 or 21-
30 4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto,
31 or similar statutes of any other state or the federal government;

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

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

42 (A) Has failed to successfully complete a corrective action plan that
43 has been deemed appropriate and approved by the Kansas department for

1 children and families or requirements of similar entities in any other state
2 or the federal government; or

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

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

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

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

20 (8) has an infectious or contagious disease.

21 (b) Notwithstanding the provisions in subsection (a), no person shall
22 maintain a day care facility if such person has been found to be a person in
23 need of a guardian or a conservator, or both, as provided in K.S.A. 59-
24 3050 through 59-3095, and amendments thereto.

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

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

40 (e) In accordance with the provisions of this subsection, the executive
41 director is authorized to conduct national criminal history record checks to
42 determine criminal history on persons residing, working or regularly
43 volunteering in a day care facility. In order to conduct a national criminal

1 history check, the executive director shall require fingerprinting for
2 identification and determination of criminal history. The executive director
3 shall submit the fingerprints to the Kansas bureau of investigation and to
4 the federal bureau of investigation and receive a reply to enable the
5 executive director to verify the identity of such person and whether such
6 person has been convicted of any crime that would prohibit such person
7 from residing, working or regularly volunteering in a day care facility. The
8 executive director is authorized to use information obtained from the
9 national criminal history record check to determine such person's fitness to
10 reside, work or regularly volunteer in a day care facility.

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

16 (g) (1) The executive director shall adopt rules and regulations to fix
17 a fee for fingerprinting persons residing, working or regularly volunteering
18 in a day care facility, as may be required by the department to reimburse
19 the department for the cost of the fingerprinting.

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

26 (h) The day care criminal background and fingerprinting fund is
27 hereby created in the state treasury to be administered by the executive
28 director of the Kansas office of early childhood. All moneys credited to the
29 day care criminal background and fingerprinting fund shall be used to pay
30 local and state law enforcement officers and agencies for the processing of
31 fingerprints and criminal history background checks for the department.
32 All expenditures from the day care criminal background and fingerprinting
33 fund shall be made in accordance with appropriation acts upon warrants of
34 the director of accounts and reports issued pursuant to vouchers approved
35 by the executive director or the executive director's designee.

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

41 (j) No day care facility or the employees thereof shall be liable for
42 civil damages to any person refused employment or discharged from
43 employment by reason of such facility's or home's compliance with the

1 provisions of this section, if such home acts in good faith to comply with
2 this section.

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

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

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

11 (l) No person shall maintain a day care facility unless such person is a
12 high school graduate or the equivalent thereof, except that, if extraordinary
13 circumstances exist, the executive director of the Kansas office of early
14 childhood may exercise discretion to make exceptions to this requirement.
15 The provisions of this subsection shall not apply to any person who was
16 maintaining a day care facility on the day immediately prior to July 1,
17 2010.

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

19 New Sec. 19. (a) The executive director may limit, modify or suspend
20 any license or temporary permit issued under the provisions of sections 6
21 through 18 , and amendments thereto, upon any of the following grounds
22 and in the manner provided in sections 6 through 27, and amendments
23 thereto:

24 (1) Violation by the licensee or holder of a temporary permit of any
25 provision of sections 6 through 27, and amendments thereto, or of the rules
26 and regulations promulgated under sections 6 through 27, and amendments
27 thereto;

28 (2) aiding, abetting or permitting the violating of any provision of
29 sections 6 through 27, and amendments thereto, or of the rules and
30 regulations promulgated under sections 6 through 27, and amendments
31 thereto;

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

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

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

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

42 New Sec. 20. (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, prior to any hearing when, in the
2 opinion of the executive director, the action is necessary to protect any
3 child in the day care facility from physical or mental abuse, abandonment
4 or any other substantial threat to health, safety or welfare. Administrative
5 proceedings under this section shall be conducted in accordance with the
6 emergency adjudicative proceedings of the Kansas administrative
7 procedure act and in accordance with other relevant provisions of the
8 Kansas administrative procedure act.

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

10 New Sec. 21. (a) Records in the possession of the executive director
11 of early childhood or such director's agents regarding day care facilities
12 shall not be released publicly in a manner that would identify individuals,
13 except individual names of licensees, applicants, facilities and day care
14 facilities may be released. Nothing in this section prohibits release of any
15 information as required by law.

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

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

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

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

24 (4) any disaster or emergency entity.

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

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

41 (e) In any hearings conducted under the licensing or regulation
42 provisions of sections 6 through 27, and amendments thereto, the presiding
43 officer may close the hearing to the public to prevent public disclosure of

1 matters relating to persons restricted by other laws.

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

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

8 New Sec. 22. (a) The executive director of the Kansas office of early
9 childhood, in addition to any other penalty prescribed under article 5 of
10 chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
11 may assess a civil fine, after proper notice and an opportunity to be heard
12 in accordance with the Kansas administrative procedure act, against a
13 licensee for each violation of such provisions or rules and regulations
14 adopted pursuant thereto which affect significantly and adversely the
15 health, safety or sanitation of children in a day care facility. Each civil fine
16 assessed under this section shall not exceed \$500. In the case of a
17 continuing violation, every day such violation continues shall be deemed a
18 separate violation.

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

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

25 New Sec. 23. (a) As used in this section:

26 (1) "Drop-in program" means a day care facility that is not located in
27 an individual's residence, that serves exclusively school-age children and
28 youth and where the operator permits children and youth to arrive at and
29 depart from the program at the child or youth's own volition at
30 unscheduled times.

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

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

37 (4) "School-age program" means a facility that serves exclusively
38 school-age children and youth but does not include a drop-in program.

39 (b) No license for a drop-in program or school-age program shall be
40 denied, suspended or revoked on the basis that the building does not meet
41 requirements for licensure if the building:

42 (1) Is a public recreation center or school and is used by school-age
43 children and youth the same age as children and youth cared for in the

1 drop-in program or school-age program;

2 (2) complies, during all hours of operation of the drop-in program or
3 school-age program, with the Kansas fire prevention code or a building
4 code that is by law deemed to comply with the Kansas fire prevention
5 code; and

6 (3) complies, except as provided in subsection (c), during all hours of
7 operation of the drop-in program or school-age program, with all local
8 building code provisions that apply to recreation centers, if the building is
9 a public recreation center, or schools, if the building is a school.

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

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

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

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

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

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

23 New Sec. 24. (a) Any license, certificate of registration or temporary
24 permit which was issued prior to the effective date of sections 6 through
25 27, and amendments thereto, and which is in effect on the effective date of
26 sections 6 through 27, and amendments thereto, shall continue in effect
27 until the expiration thereof, unless suspended or revoked prior to such
28 time.

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

30 New Sec. 25. (a) As used in this section:

31 (1) "Day care home" means a day care home or a group day care
32 home as defined in section 6, and amendments thereto.

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

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

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

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

10 (e) The executive director of the Kansas office of early childhood
11 may levy a civil fine under section 22, and amendments thereto, against
12 any day care home for a first or second violation of this section. A third or
13 subsequent violation shall be subject to the provisions of section 19, and
14 amendments thereto.

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

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

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

27 (1) Employees of public agencies or departments;

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

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

35 (4) healthcare professionals.

36 (b) Information and records which pertain to the immunization status
37 of persons against childhood diseases as required by section 12, and
38 amendments thereto, whose parent or guardian has submitted a written
39 statement of religious objection to immunization as provided in section 12,
40 and amendments thereto, may not be disclosed or exchanged without a
41 parent or guardian's written release authorizing such disclosure.

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

43 New Sec. 27. (a) The executive director of the Kansas office of early

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

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

9 Sec. 28. On and after July 1, 2026, K.S.A. 38-1901 is hereby amended
 10 as follows: 38-1901 is hereby amended to read as follows: 38-1901. On
 11 and after the effective date of this act:

12 (a) The advisory committee on children and families is hereby
 13 redesignated and shall be known and referred to as the Kansas children's
 14 cabinet *as a division in the Kansas office of early childhood in accordance*
 15 *with sections 1 through 5, and amendments thereto. The Kansas children's*
 16 *cabinet shall review applications for any grant funding opportunities and*
 17 *allocate such grants administered by the office.*

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

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

21 (B) the secretary of health and environment, or the secretary's
 22 designee;

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

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

27 ~~(E)~~ (E) the commissioner of education, or the commissioner's
 28 designee;

29 ~~(F)~~ (F) ~~the commissioner of juvenile justice~~ *secretary of corrections,*
 30 ~~or the commissioner's~~ *secretary's* designee;

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

33 ~~(H)~~ (H) five members of the public who are interested in and
 34 knowledgeable about the needs of children and families shall be appointed
 35 by the governor, which, subject to the provisions of subsection (e), may
 36 include persons who are children's advocates, members of organizations
 37 with experience in programs that benefit children or other individuals who
 38 have experience with children's programs and services;

39 ~~(I)~~ (I) one person appointed by the speaker of the house of
 40 representatives;

41 ~~(J)~~ (J) one person appointed by the minority leader of the house of
 42 representatives;

43 ~~(K)~~ (K) one person appointed by the president of the senate; and

1 ~~(H)~~(L) one person appointed by the minority leader of the senate.

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

5 (c) (1) Except as provided in paragraph (2) of this subsection, the
6 members of the Kansas children's cabinet appointed by the governor,
7 speaker, president and minority leaders shall serve for terms of four years
8 and until their successors are appointed and qualified. The governor shall
9 appoint a chairperson of the committee from among the members
10 appointed by the governor. The chairperson shall serve in such office
11 throughout such member's current term of office and until a successor is
12 appointed and qualified. The members of the Kansas children's cabinet
13 may elect any additional officers from among its members necessary to
14 carry out the duties and functions of the Kansas children's cabinet.

15 (2) Of the members first appointed by the governor, two shall be
16 appointed for terms of two years, two shall be appointed for terms of three
17 years and the member selected by the governor to be the chairperson shall
18 be appointed for a term of four years. The member first appointed by the
19 speaker of the house of representatives shall be appointed for a term of one
20 year, the member first appointed by the minority leader of the house of
21 representatives shall be appointed for a term of two years, the member first
22 appointed by the president of the senate shall be appointed for a term of
23 three years and the member first appointed by the minority leader of the
24 senate shall be appointed for a term of four years. The governor shall
25 designate the term for which each of the members first appointed by the
26 governor shall serve.

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

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

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

43 (2) ~~For purposes of As used in this subsection;~~

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

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

6 ~~(B)~~(ii) If an individual or an individual's spouse, either individually or
 7 collectively, has received during the preceding calendar year compensation
 8 which is or will be required to be included as taxable income on federal
 9 income tax returns of the individual and spouse in an aggregate amount of
 10 \$2,000 from any business or combination of businesses, the individual has
 11 a substantial interest in that business or combination of businesses.

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

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

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

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

34 (f) The Kansas children's cabinet shall meet upon the call of the
 35 chairperson as necessary to carry out the duties and functions of the
 36 Kansas children's cabinet. A quorum of the Kansas children's cabinet shall
 37 be five voting members.

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

40 (1) Assist the governor in developing and implementing a
 41 coordinated, comprehensive service delivery system to serve the children
 42 and families of Kansas;

43 (2) identify barriers to service and gaps in service due to strict

1 definitions of boundaries between departments and agencies;

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

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

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

8 (6) encourage and facilitate joint planning and coordination between
9 the public and private sectors to better serve the needs of children and
10 families; and

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

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

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

29 Sec. 29. On and after July 1, 2026, K.S.A. 38-2103 is hereby amended
30 to read as follows: 38-2103. (a) The Kansas children's cabinet established
31 by K.S.A. 38-1901, and amendments thereto, shall advise the governor,
32 *the executive director of the Kansas office of early childhood* and the
33 legislature regarding the uses of the moneys credited to the children's
34 initiatives fund.

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

1 shall be paid from the children's initiatives accountability fund.

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

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

43 (e) All moneys credited to the children's initiatives accountability

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

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

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

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

15 Sec. 30. On and after July 1, 2026, K.S.A. 65-503 is hereby amended
 16 to read as follows: 65-503. As used in this act:

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

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

26 (c) (1) "Child care facility" means:

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

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

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

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

43 (2) "Child care facility" does not include a day care facility, a day

1 *care home, child care center, preschool, school-age program or a child*
2 *care resources and referral agency.*

3 (d) "Day care facility" means ~~a child care facility that includes~~ a day
4 care home, preschool, child care center, school-age program or other
5 facility of a type determined by the ~~secretary~~ *executive director of the*
6 *Kansas office of early childhood* to require regulation under the provisions
7 of ~~K.S.A. 65-501 et seq.~~ *sections 6 through 27*, and amendments thereto.

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

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

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

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

33 The secretary of health and environment shall grant no license in any
34 case until careful inspection of the maternity center or child care facility
35 shall have been made according to the terms of this act and until such
36 maternity center or child care facility has complied with all the
37 requirements of this act. Except as provided by this subsection, no license
38 shall be granted without the approval of the secretary for children and
39 families. The secretary of health and environment may issue, without the
40 approval of the secretary for children and families, a temporary permit to
41 operate for a period not to exceed 90 days upon receipt of an initial
42 application for license. The secretary of health and environment may
43 extend, without the approval of the secretary for children and families, the

1 temporary permit to operate for an additional period not to exceed 90 days
2 if an applicant is not in full compliance with the requirements of this act
3 but has made efforts towards full compliance.

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

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

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

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

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

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

5 Sec. 32. On and after July 1, 2026, K.S.A. 65-508 is hereby amended
6 to read as follows: 65-508. (a) Any maternity center or child care facility
7 subject to the provisions of this act shall: (1) Be properly heated, plumbed,
8 lighted and ventilated; (2) have plumbing, water and sewerage systems
9 which conform to all applicable state and local laws; and (3) be operated
10 with strict regard to the health, safety and welfare of any woman or child.

11 (b) Every maternity center or child care facility shall furnish or cause
12 to be furnished for the use of each resident and employee individual towel,
13 wash cloth, comb and individual drinking cup or sanitary bubbling
14 fountain, and toothbrushes for all other than infants, and shall keep or
15 require such articles to be kept at all times in a clean and sanitary
16 condition. Every maternity center or child care facility shall comply with
17 all applicable fire codes and rules and regulations of the state fire marshal.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 Sec. 33. On and after July 1, 2026, K.S.A. 65-512 is hereby amended
41 to read as follows: 65-512. (a) It is hereby made the duty of the secretary
42 of health and environment to inspect or cause to be inspected at least once
43 every 15 months prior to July 1, 2012, and once every 12 months

1 thereafter, every maternity center or child care facility, unless otherwise
2 provided in subsections (b) and (c). For the purpose of inspection the
3 secretary or the secretary's authorized agent shall have the right of entry
4 and access thereto in every department and to every place in the premises,
5 shall call for and examine the records which are required to be kept by the
6 provisions of this act and shall make and preserve a record of every
7 inspection. The licensee shall give all reasonable information to the
8 authorized agent of the secretary of health and environment and shall
9 afford every reasonable facility for viewing the premises and seeing the
10 patients or children therein. No such patient or child without the consent of
11 the patient or child shall be required to be interviewed by any agent unless
12 the agent is an authorized person or a licensed physician.

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

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

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

32 ~~(2) The provisions of this subsection shall expire on July 1, 2011.~~

33 Sec. 34. On and after July 1, 2026, K.S.A. 2023 Supp. 65-516 is
34 hereby amended to read as follows: 65-516. (a) No person shall knowingly
35 maintain a child care facility if there resides, works or regularly volunteers
36 any person who in this state or in other states or the federal government:

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

39 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-
40 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
41 of the Kansas Statutes Annotated, and amendments thereto, or any felony
42 violation of any provision of the uniform controlled substances act prior to
43 July 1, 2009;

1 (C) has been convicted of any act that is described in articles 34, 35
2 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal,
3 or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or
4 K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424,
5 and amendments thereto, or been convicted of an attempt under K.S.A. 21-
6 3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to
7 commit any such act or been convicted of conspiracy under K.S.A. 21-
8 3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to
9 commit such act, or similar statutes of any other state or the federal
10 government;

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

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

17 (2) except as provided in subsection (b), has been adjudicated a
18 juvenile offender because of having committed an act that if done by an
19 adult would constitute the commission of a felony and that is a crime
20 against persons, is any act described in articles 34, 35 or 36 of chapter 21
21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or
22 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-
23 6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments
24 thereto, or similar statutes of any other state or the federal government, or
25 is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal,
26 or K.S.A. 21-6401, and amendments thereto, or similar statutes of any
27 other state or the federal government;

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

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

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

42 (B) the record has not been expunged pursuant to rules and
43 regulations adopted by the secretary for children and families or similar

1 entities in any other state or the federal government;

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

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

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

18 (8) has an infectious or contagious disease.

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

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

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

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

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

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

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

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

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

1 regularly volunteering or residing in a child care facility. The secretary
2 shall have access to these records for the purpose of determining whether
3 or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-
4 508 and 65-516, and amendments thereto.

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

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

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

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

34 (i) The child care criminal background and fingerprinting fund is
35 hereby created in the state treasury to be administered by the secretary of
36 health and environment. All moneys credited to the child care criminal
37 background and fingerprinting fund shall be used to pay local and state
38 law enforcement officers and agencies for the processing of fingerprints
39 and criminal history background checks for the department. All
40 expenditures from the child care criminal background and fingerprinting
41 fund shall be made in accordance with appropriation acts upon warrants of
42 the director of accounts and reports issued pursuant to vouchers approved
43 by the secretary or by a person designated by the secretary.

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

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

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

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

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

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

20 (1) The secretary of health and environment shall provide in writing
21 information available to the secretary to each child placement agency
22 requesting information under this section, including the information
23 provided by the Kansas bureau of investigation pursuant to this section, for
24 the purpose of assessing the fitness of persons living, working or regularly
25 volunteering in a family foster home under the child placement agency's
26 sponsorship.

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

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

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

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

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

43 (B) the applicant or operator of the family foster home in which the

- 1 person lives, works or regularly volunteers;
- 2 (C) the department of health and environment;
- 3 (D) the Kansas department for children and families;
- 4 (E) the department of corrections; and
- 5 (F) the courts.

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

8 ~~(n) No person shall maintain a day care facility unless such person is~~
 9 ~~a high school graduate or the equivalent thereof, except where~~
 10 ~~extraordinary circumstances exist, the secretary of health and environment~~
 11 ~~may exercise discretion to make exceptions to this requirement. The~~
 12 ~~provisions of this subsection shall not apply to any person who was~~
 13 ~~maintaining a day care facility on the day immediately prior to July 1,~~
 14 ~~2010, or who had an application for an initial license or the renewal of an~~
 15 ~~existing license pending on July 1, 2010.~~

16 Sec. 35. On and after, July 1, 2026, K.S.A. 65-531 is hereby amended
 17 to read as follows: 65-531. ~~On and after July 1, 1996:~~(a) Except as
 18 provided further, information and records which pertain to the
 19 immunization status of persons against childhood diseases as required by
 20 K.S.A. 65-508, and amendments thereto, may be disclosed and exchanged
 21 without a parent or guardian's written release authorizing such disclosure,
 22 to the following, who need to know such information to assure compliance
 23 with state statutes or to achieve age appropriate immunization status for
 24 children:

- 25 (1) Employees of public agencies or departments;
- 26 (2) health records staff of child care facilities, including, but not
 27 limited to, facilities licensed by the secretary of health and environment;
- 28 (3) persons other than public employees who are entrusted with the
 29 regular care of those under the care and custody of a state agency
 30 including, but not limited to, ~~operators of day care facilities,~~ group homes,
 31 residential care facilities and adoptive or foster homes; and
- 32 (4) health care professionals.

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

38 (c) Information and records which pertain to the immunization status
 39 of persons against childhood diseases as required by K.S.A. 65-508, and
 40 amendments thereto, whose parent or guardian has submitted a written
 41 statement of religious objection to immunization as provided in K.S.A. 65-
 42 508, and amendments thereto, may not be disclosed or exchanged without
 43 a parent or guardian's written release authorizing such disclosure.

1 Sec. 36. On and after July 1, 2026, K.S.A. 72-4162 is hereby
2 amended to read as follows: 72-4162. (a) The board of every school
3 district may: (1) Develop and operate a parent education program; (2)
4 enter into cooperative or interlocal agreements with one or more other
5 boards for the development and operation of a parent education program;
6 (3) contract with private, nonprofit corporations or associations or with
7 any public or private agency or institution, whether located within or
8 outside the state, for the provision of services which are appropriate to a
9 parent education program; and (4) apply for a grant of state moneys to
10 supplement amounts expended by the school district for development and
11 operation of a parent education program.

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

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

25 Sec. 37. On and after July 1, 2026, K.S.A. 72-4163 is hereby
26 amended to read as follows: 72-4163. (a) The ~~state board~~ *Kansas office of*
27 *early childhood* shall adopt rules and regulations for the administration of
28 this act and shall:

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

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

34 (3) evaluate and approve parent education programs;

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

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

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

43 (b) In evaluating and approving parent education programs for the

1 award of grants to school districts, the ~~state board~~ *Kansas office of early*
2 *childhood* shall consider:

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

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

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

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

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

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

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

28 (b) The amount of a grant to a school district shall be determined by
29 ~~the state board~~ *Kansas office of early childhood* in accordance with
30 established priorities, but in no event shall such amount exceed the amount
31 of actual expenses incurred by the school district in the development and
32 operation of a program. If the amount of appropriations for parent
33 education programs is insufficient to pay in full the amount each school
34 district is determined to be eligible to receive, ~~the state board~~ *Kansas*
35 *office of early childhood* shall prorate the amount appropriated among all
36 school districts in proportion to the amount each such school district is
37 determined to be eligible to receive.

38 Sec. 39. On and after July 1, 2026, K.S.A. 72-4166 is hereby
39 amended to read as follows: 72-4166. ~~The state board~~ *Kansas office of*
40 *early childhood* in cooperation with ~~the Kansas department for children~~
41 ~~and families, the state department of health and environment, and other~~
42 ~~appropriate associations and organizations, may provide any board, upon~~
43 ~~its request therefor, with technical advice and assistance regarding the~~

1 development and operation of a parent education program or an
2 application for a grant of state moneys, and may make studies and gather
3 and disseminate information regarding materials, resources, procedures
4 and personnel which are or may become available to assist school districts
5 in the development and operation of parent education programs.

6 Sec. 40. On and after July 1, 2026, K.S.A. 38-1901, 38-2103, 65-503,
7 65-504, 65-508, 65-512, 65-531, 72-4162, 72-4163, 72-4164 and 72-4166
8 and K.S.A. 2023 Supp. 65-516 are hereby repealed.

9 Sec. 41. This act shall take effect and be in force from and after its
10 publication in the statute book.