

Session of 2025

## HOUSE BILL No. 2294

By Committee on Commerce, Labor and Economic Development

Requested by Representative L. Williams

2-5

1 AN ACT concerning child care; relating to licensure of day care facilities,  
2 child care homes and child care centers; reducing license fees and  
3 training requirements; creating a process for day care facility licensees  
4 to apply for a temporary waiver of certain statutory requirements;  
5 authorizing the secretary of health and environment to develop and  
6 operate pilot programs to increase child care facility availability and  
7 capacity; establishing the Kansas office of early childhood; transferring  
8 administration of day care licensing, parent education programs and the  
9 child care subsidy program to the Kansas office of early childhood;  
10 creating the day care facilities and child care resource and referral  
11 agencies licensing fee fund and the day care criminal background and  
12 fingerprinting fund; defining youth development programs; amending  
13 section 1, as enacted by this act, section 3, as enacted by this act,  
14 section 5, as enacted by this act, section 7, as enacted by this act,  
15 section 9, as enacted by this act, section 11, as enacted by this act,  
16 section 13, as enacted by this act, section 15, as enacted by this act,  
17 K.S.A. 38-1901, 38-2103, 65-504, 65-505, 65-508, 65-508, as amended  
18 by section 54 of this act, 65-512, 65-527, 65-531, 72-4161, 72-4162,  
19 72-4163, 72-4164 and 72-4166 and K.S.A. 2024 Supp. 48-3406, 65-  
20 503, 65-503, as amended by section 50 of this act, and 65-516 and  
21 repealing the existing sections.  
22

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

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

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

- 30 (1) Is at least 18 years of age;
- 31 (2) has a high school diploma or equivalent; and
- 32 (3) has one of the following:

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

This proposed amendment:

Seeks to clarify that youth development programs and school age programs  
operating in schools that comply with the applicable fire code are not subject to  
additional fire inspections.

1 safety or sanitation of children in a day care facility. Each civil fine  
2 assessed under this section shall not exceed \$500. In the case of a  
3 continuing violation, every day such violation continues shall be deemed a  
4 separate violation.

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

10 (c) This section shall take effect on and after July 1, 2026.  
11 New Sec. 40. (a) As used in this section:

12 (1) "Child" means an individual who is enrolled or attending  
13 kindergarten, is less than 18 years of age, or is 18 years of age and has an  
14 individualized program plan, is not a volunteer or employee and is  
15 attending a youth development program.

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

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

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

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

28 (6) "School-age program" means a child care facility that serves  
29 exclusively school-age children and youth but does not include a youth  
30 development program.

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

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

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

41 (2) Complies, during all hours of operation of a youth development  
42 program or school-age program, with the Kansas fire prevention code or a  
43 building code that is by law deemed to comply with the Kansas fire

1 prevention code; and

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

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

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

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

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

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

20 (e) The executive director is authorized to adopt rules and regulations  
21 applicable to the services provided by youth development programs,  
22 regarding health, safety, supervisory qualifications or training and  
23 premises safety, including modifications of occupancy capacity limits or  
24 group gathering restrictions, consistent with the local or state building or  
25 fire codes.

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

30 (g) The executive director shall develop and implement pilot  
31 programs and is authorized to adopt modifications to licenses issued  
32 pursuant to this section to provide flexibility to youth development  
33 programs to address the needs of families served.

34 (h) Whenever drop-in program or words of like effect, are referred to  
35 or designated by any statute, rule or regulation, contract or any other  
36 document, such reference or designation shall apply to a youth  
37 development program.

38 (i) This section shall take effect on July 1, 2026.

39 New Sec. 41. (a) Any license, certificate of registration or temporary  
40 permit that was issued prior to the effective date of this act and is in effect  
41 on the effective date of this act shall continue in effect until the expiration  
42 thereof, unless suspended or revoked prior to such time.

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

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

Renumber



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

(4) healthcare professionals.

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

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

New Sec. 44. (a) The executive director of the Kansas office of early childhood shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and substantiated findings. The executive director shall adopt rules and regulations that are consistent with the requirements for the receipt of child care ARRA funds and provide for the establishment of an online information dissemination system in accordance with this subsection.

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

New Sec. 45. To the extent that funds expended for child care services are subject to federal requirements and appropriation acts of the legislature, such funds shall not be expended by any agency to reimburse providers for unfilled child care slots, not including reimbursement for a child who is temporarily absent due to illness or other reason and intend to resume receiving child care services.

~~New Sec. 46. (a) Licensed youth development programs and school-age programs that operate on or within premises of a public or private school licensed by the state of Kansas shall be exempt from the requirements of K.S.A. 65-508(b)(3), and amendments thereto, and section 29(b)(3), and amendments thereto.~~

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

Sec. 47. K.S.A. 38-1901 is hereby amended to read as follows: 38-1901. On and after the effective date of this act July 1, 2025:

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

(2) *The Kansas children's cabinet shall be a division in the Kansas office of early childhood.*

(b) (1) The Kansas children's cabinet shall consist of 15 18 members

Strike New Sec. 46

Renummer sections

1 ~~maintaining a day care facility on the day immediately prior to July 1,~~  
2 ~~2010, or who had an application for an initial license or the renewal of an~~  
3 ~~existing license pending on July 1, 2010.~~

4 Sec. 58. K.S.A. 65-527 is hereby amended to read as follows: 65-527.  
5 (a) As used in this section:

6 (1) ~~"Drop-in program" means a child care facility that is not located~~  
7 ~~in an individual's residence, that serves exclusively school-age children~~  
8 ~~and youth and where the operator permits children and youth to arrive at~~  
9 ~~and depart from the program at the child or youth's own volition at~~  
10 ~~unscheduled times; "Child" means an individual who is enrolled or~~  
11 ~~attending kindergarten, is less than 18 years of age, or is 18 years of age~~  
12 ~~and has an individualized program plan, is not a volunteer or employee~~  
13 ~~and is attending a youth development program.~~

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

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

20 (2)(4) ~~"Public recreation center" means any building used by a~~  
21 ~~political or taxing subdivision of this state, or by an agency of such~~  
22 ~~subdivision, for recreation programs that serve children who are less than~~  
23 ~~18 years of age.~~

24 (3)(5) ~~"School" means any building used for instruction of students~~  
25 ~~enrolled in kindergarten or any of the grades one through 12 by a school~~  
26 ~~district or an accredited nonpublic school.~~

27 (4)(6) ~~"School-age program" means a child care facility that serves~~  
28 ~~exclusively school-age children and youth but does not include a drop-in~~  
29 ~~youth development program.~~

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

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

37 (1) Is a public recreation center or school and is used by school-age  
38 children and youth ~~that are~~ of the same age as children and ~~youth who are~~  
39 ~~cared for in the drop-in a youth development~~ program or school-age  
40 program;

41 (2) complies, during all hours of operation of ~~the drop-in a youth~~  
42 ~~development~~ program or school-age program, with the Kansas fire  
43 prevention code or a building code that is by law deemed to comply with

the Kansas fire prevention code; and

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

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

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

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

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

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

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

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

Sec. 59. On and after July 1, 2026, K.S.A. 65-531 is hereby amended to read as follows: 65-531. ~~On and after July 1, 1996:~~ (a) Except as provided further, information and records ~~which~~ *that* pertain to the immunization status of persons against childhood diseases as required by K.S.A. 65-508, and amendments thereto, may be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure, to the following, who need to know such information to assure compliance with state statutes or to achieve ~~age appropriate~~ *age-appropriate* immunization status for children:

(1) Employees of public agencies or departments;

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

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

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

(b) Notwithstanding K.S.A. 60-427, and amendments thereto, or any other Kansas statute ~~which~~ *that* provides for privileged information

(f) If a licensed youth development program or school age program operates on or within the premises of a public of private school required to pass a fire safety inspection each school year pursuant to K.S.A. 31-144(b), no additional fire safety inspection of the licensed youth development program or school age program shall be required by the executive director, state fire marshal, the fire chief or any local political or taxing subdivision.

Renumber