

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:

Is intended to clarify that only children under the age of 18 may attend a youth development program. Language is deleted in Sections 40 and 58 defining "child" to include children who are 18 years of age and have an individualized plan program.

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

Strike in lines 13 and 14

Strike in lines 16 through 18.

Renumber paragraphs

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 unselected 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)~~ (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)~~ (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)~~ (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

Strike in lines 11 and 12

Strike in lines 14 through 16

Renumber paragraphs