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MEMORANDUM

To: Chairperson Tarwater and Committee on Commerce, Labor and Economic Development

From: Office of Revisor of Statutes

Date: 2/27/25

Subject: HB 2294

HB 2294 modifies and places into statute a number of regulations governing day care centers. The bill also adds some new terms and accompanying changes to the law. The bill provides for the establishment of a new Kansas office for early childhood.

Staff Training and Education Requirements for Child Care Centers

New Section 1 (effective July 1, 2025), pages 1-3, sets training requirements for staff for child care centers and temporary permit holders. A child care center must have a program director on the premises who meets certain training requirements. A program director must be at least 18 years old.

The education and training requirements for program directors are based on and increase with the number of children enrolled in the child care center. The two qualification level categories are centers with fewer than 24 children and 24 or more children. Training requirements include specified academic credentials and experience caring for children. Except for an age of at least 18 and a high school degree, individuals who have been approved as to their qualifications by the department of health and environment prior to December 31, 2025, are exempt from the requirements.

A lead teacher must be present in each unit of a child care center. A program director for a child care center licensed for fewer than 24 children may also serve as lead teacher. A lead teacher

must be at least 18, possess either a high school diploma or equivalent education and meet specified experience caring for children or academic requirements.

An assistant teacher must be at least 16 and possess certain abilities and skills relevant to child care. There are no training, education, or experience requirements.

Section 2 (effective July 1, 2026) is Section 1 amended only to conform with the change to child care regulation under the new framework.

Professional Development Training for Persons Providing Child Care in Child Care Homes

Section 3 (effective July 1, 2025)

Persons who provide care to children in a child care home are to complete professional development training as determined by the secretary of health and environment of at least eight but not more than 10 hours per year.

Each person that provides care in a child care home must provide proof of four hours of training to the secretary, who shall maintain such records. A person who maintains a child care home with one provider that provides care for four infants simultaneously must provide a record of three hours of professional development training in an infant-related subject.

This section also requires the secretary to update rules and regulations regarding child ratios on or before October 1, 2025.

Section 4 (effective July 1, 2026) amends section 3 to conform with the new regulatory regime by substituting references to the secretary of health and environment with the executive director. The directive to the secretary to update child ratios is stricken.

Additional Administrative Staff Requirements for Child Care Centers

Section 5 (effective July 1, 2025) requires that each child care center must have a full-time program director. A child care center that is licensed for more than 75 children must have an administrator, who may also be the program director. These persons may also perform the duties of a lead teacher or assistant teacher for up to half of total hours worked each month.

Section 6 (effective July 1, 2026) amends section 5 to conform with the change in the child care regulatory regime.

Child Care Center Fire, Water, Sewage Disposal and Square Footage per Child Requirements

Section 7 (effective July 1, 2025) provides that a child care center must meet fire protection, water supply and sewage disposal requirements of the local jurisdiction. A designated area for children's activities must contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas and bathrooms. There must be a minimum of 75 square feet of outdoor play space for each child using the space at a given time.

Section 8 (effective July 1, 2026) amends section 7 to conform with the child care regulatory regime changes.

Licensees of Child Care Homes Not Required to Live in the Child Care Home

Section 9 (effective July 1, 2025) provides that it shall not be a requirement (and the secretary may not require) that as a condition of licensure of a child care home the licensee live in the child care home. (Page 6.)

Section 10 (effective July 1, 2026) amends section 9 to conform to the new child care regulatory regime. The reference to the secretary of health and environment is replaced by a reference to the executive director.

Secretary may Waive any Requirements of Act Upon Request by Licensee

Section 11 (effective July 1, 2025) provides the secretary may waive any requirements of the act for a set period of time upon request by a day care facility licensee.

Section 12 (effective July 1, 2026) amends section 11 to conform with the change in the child care regulatory regime. References to the secretary of health and environment are replaced with references to the executive director.

Pilot Programs for Day Care Facility or Youth Development Program

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Section 13 (effective July 1, 2025) allows the secretary to develop and operate a pilot program designed to increase the availability or capacity of day care facilities. Under a pilot program, the secretary may waive the requirements of the act or rules and regulations related to licensure and operation of a day care facility or a youth development program, including staff requirements. The day care facility or youth development program must comply with any alternative terms, conditions, and requirements set by the secretary. The secretary shall not grant a license under a pilot program if the secretary determines that a day care facility or youth development program or staff of such facility or program would endanger the health, safety and welfare of any child. A license under a pilot program may be for up to five years and if the secretary determines the pilot program is successful, for an additional two years during the time period the secretary is to adopt new rules and regulations based on the successful pilot program. If the pilot program is determined successful, the secretary shall also make recommendations for statutory changes. The secretary must submit reports regarding any pilot program to the legislature.

Section 14 (effective July 1, 2026) amends section 13 to conform to the new child care regulatory regime. References to the secretary of health and environment are replaced with references to the executive director.

Restrictions on use of 15-Passenger Vans Prohibited

Section 15 (effective July 1, 2025) prohibits the secretary from imposing restrictions on the use of 15-passenger vans purchased on or before July 1, 2025.

Section 16 (effective July 1, 2026) amends section 15 to conform to the new child care regulatory regime. The reference to the secretary of health and environment is replaced with a reference to the executive director.

Establishment of the Kansas Office of Early Childhood

Section 17 establishes the office. The governor shall appoint an executive director of the office, who is subject to Senate confirmation. The director shall maintain an office in Topeka. The director submits annual requests for appropriations to the legislature. The section also outlines a timeline for setting up the office. The office shall begin transitioning operations after July 1, 2025, then by January 1, 2026, the governor shall appoint the director and transition programs assigned to the office, then by July 1, 2026, all programs shall be under supervision of the

director. Additionally, the section provides that the act shall not supersede authority of the Kansas department for children and families provided in K.S.A. 75-3084 through 75-3089.

Section 18 sets out certain responsibilities of the Kansas office of early childhood. The office is charged with carrying out policies of the governor and the executive director. These policies include: (a) Supporting the healthy development of Kansas children through the coordination of early childhood programs and services in the fields of early childhood care, child care, home visitation and other related issues; (b) managing and administering various programs serving young children and families; (c) maximizing administrative efficiencies to reduce burdens on families and improve access to early childhood services; (d) assisting the governor in developing and implementing a comprehensive service delivery system for Kansas children and families; (e) facilitating joint planning and coordination between the public and private sector to better serve the needs of children and families and increase access to care; (f) ensuring consistent communication with service providers, parents and other individuals and organizations interested in early childhood services to effectively respond to parental and community need, provide assistance navigating the state's early childhood system and elevate parental options for care in the state's mixed-delivery system; (g) supporting child care providers, including, but not limited to, center-based providers, family child care home providers and employer based providers, through the licensure process, participate in state child care programs and access funding or grant opportunities; (h) developing metrics to evaluate efficiency and effectiveness of the state's early childhood system and collecting the necessary data to measure those metrics; supporting the early childhood service providers through the delivery of services that enhance the profession, uplift the profession and support the creation of a sustainable workforce; and (j) developing a comprehensive strategy to expand access to a greater quantity of high-quality affordable care and services across every region of Kansas.

Section 19 charges the executive director with a number of duties that include: (1) collect metrics and information on services available to children and families to better measure the efficiency of the state's early childhood system and monitor benchmarks related to positive outcomes for children and families; (2) prepare and implement plans for a comprehensive service delivery system for children and families; (3) facilitate and coordinate interagency cooperation towards the goal of serving children and families with a variety of other state agencies, such as the Kansas department for children and families, the department of health and environment, the

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department of corrections, the state board of education, the state board of regents and any other state office, department or board providing services to Kansas children and families; (4) provide a central contact for federal and state agencies concerning early childhood care and related services; (5) provide a central contact for information and assistance for children, families, communities and businesses in need of early childhood care and related services; (6) serve as the primary contact for the Kansas legislature on policy, administrative support and constituent services relating to early childhood care and related services; (7) enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the executive director; (8) charge and collect, by order, a fee necessary for the administration and processing of paper documents, including, but not limited to, applications, registrations, permits, licenses, certifications, renewals, reports and remittance of fees that are necessary or incidental to the execution of the laws relating to the Kansas office of early childhood; (9) appoint and oversee directors of divisions within the office; (10) transition the administration of certain programs as identified in the bill to the office; (11) enter into agreements with the secretary of administration for the provision of shared services, including, but not limited to, personnel and other administrative services for the office; (12) adopt, amend or revoke any rules and regulations necessary to carry out this act and the programs and duties of the office; and (13) prepare and submit an annual written report to relevant legislative committees and the Governor about the status of programs under the office, an overview of fiscal and administrative structure of such programs, data and metrics on services provided by the office and recommendations to improve the delivery of early childhood care and related services. The section is not to be construed to authorize the office to administer preschool programs that are currently administered by school districts. The executive director is authorized to establish policies for the business of the office and administration of each division, as established in section 21, and prescribe duties and delegate authority to the directors of each division.

Section 20 directs the executive director to exercise duties and functions pursuant to the act. The executive director shall appoint employees as necessary and the following directors: (1) The director of the division of child care; (2) the director of the division of home visitation; (3) the director of the division of head start collaboration; and (4) the director of the Kansas children's cabinet.

Section 21 establishes the four different divisions of the office and such divisions' duties. Subsection (a) creates the division of child care that will oversee day care facility and child care resource and referral agency licensing and child care finance and quality. This section transfers all powers, duties and functions of the existing day care and child care resource and referral agency licensing programs pursuant to this act within the division of public health of the department of health and environment to the division of child care and provides that references in statute, rule and regulation, contracts or other documents to the former are to apply to the latter. The division of child care is designated as the state lead agency for child care and development fund administration for federal funding purposes. As the lead, the division is authorized to enter into agreements with the Kansas department for children and families for the administration of child care subsidy payments pursuant to K.S.A. 39-709 and applicable federal law and regulations. Such agreements would be for the purposes of the secretary for children and families to administer the eligibility determination for applicants and recipients. Subsection (b) establishes the division of home visitation to oversee home visitation programs to be administered by the director of the Kansas division of home visitation and transfers all powers, duties and functions of the existing home visitation programs to the new division of home visitation. Applicable references to existing home visitation programs in statutes, regulations, contracts and other documents are to apply to the division of home visitation. Subsection (c) establishes the division of head start collaboration to oversee the early head start visitation program and early head start child care partnerships, to be administered by the director of the division of head start collaboration. All of the powers, duties and functions of the existing head start programs are transferred to the new division of home visitation, and references to existing head start programs are to apply to the new division. Subsection (d) establishes the children's cabinet and retains duties included in current statute, as amended in the bill. The children's cabinet is to be administered by the director of the Kansas children's cabinet. All of the powers, duties and functions of the existing Kansas children's cabinet executive director are transferred to the director of the Kansas children's cabinet under the Kansas office of early childhood.

Regulatory Framework for Day Care Licensing to be Implemented and Overseen by the Kansas Office of Early Childhood

Sections 22 through 43 (effective July 1, 2026) establish the regulatory framework for day care licensing to be implemented and overseen by the Kansas office of early childhood.

Section 22 provides that, unless specified otherwise, rules and regulations, orders and directives of state agencies related to the programs transferred by the act continue to be effective and are deemed to be rules and regulations, orders and directives of the Kansas office of early childhood until amended or revoked. Balances of all applicable funds and accounts are to be transferred. The office succeeds to all property, property rights and records of state agencies that pertain to the programs transferred to the office. Any conflict as to the disposition of the unexpended balance of any appropriation, property, property rights, personnel or records is to be determined by the governor. Judicial and administrative proceedings by or against any state agency or program mentioned in the act or against any state officer in such officer's official duties will not abate. Criminal actions shall also not be affected. Officers and employees of the state agencies performing duties transferred by the act related to the transferred programs are transferred to the Kansas office of early childhood, as determined by the executive director, and retain their benefits and classified status.

Section 23 states it is unlawful to maintain a day care facility for children under 16 without a license or temporary permit from the executive director. This section also exempts from the act residential facilities and hospitals operated by a state agency, child care facilities as defined in K.S.A. 65-503, and certain summer instructional camps.

Section 24 (effective July 1, 2026) sets out definitions for purposes of sections 2, 4, 6, 8, 10, 12, 14, and 16 through 45. These definitions include definitions for child care center, child care home, day care facility, assistant teacher, lead teacher, program director, infant, school-age, unit and youth development program.

Licensing Provisions and Requirements to be Administered by the Executive Director of the Kansas Office of Early Childhood

Sections 25 through set out requirements for licensing by the executive director of the Kansas office of early childhood that mirror existing licensing requirements found in K.S.A. 65-501 through 65-531 and K.S.A. 65-534. These new sections have a delayed effective date of July 1, 2026.

Exemption from Licensing Requirements for Youth Development or School-Age Programs Within a Public Recreation Center or School

Section 40 sets out exemptions from licensing requirements for a youth development program or school-age program operated in a public recreation center or school that meets certain specified conditions. See also section 46.

Section 44 (effective July 1, 2026) requires the executive director to establish an online information dissemination system and adopt rules and regulations for the establishment of the system.

Section 45 provides that 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.

Section 46 pertains to youth development programs and school-age programs operated in a public or private school and exempts such programs from the requirements of K.S.A. 65-508(b)(3) and section 29(b)(3) of the bill. Such premises are to be governed by a memorandum of understanding concerning school inspections between the state fire marshal and the local political or taxing subdivision. See also Section 40.

Kansas Children's Cabinet

Amendatory sections 47 and 48 amend statutes that govern the advisory committee on children and families to form the Kansas children's cabinet, including the board and the duties of the cabinet. In section 47, K.S.A. 38-1901 is amended to establish the children's cabinet as a division in the office. This section sets out certain responsibilities of the cabinet. The cabinet is directed to review applications for grant funding opportunities and allocate grants that are to be administered by the office. The board for the cabinet shall have 18 members including the executive director of the office. Subsistence for board members shall be paid from appropriations of the office, except for those employed by another state agency. In section 48, K.S.A. 38-2103 is amended to have the children's cabinet advise the executive director of the office with respect to uses of moneys credited to the children's initiatives fund., in addition to the governor. Use of these funds are made subject to appropriations. These amended sections have a delayed effective date of July 1, 2026.

Amendment to Expedited Licensing Statute for Military Servicemembers and Nonresidents

Section 49 amends K.S.A. 48-3406, the statute providing for expedited licensing, registration or certification for military servicepersons and persons intending to establish residency in Kansas to enable such persons to carry on their profession. The bill amends the statute so as to ensure any licensing of individuals by the secretary of health and environment would be covered by the act, not only licensing with respect to K.S.A. 82a-1201 et seq. The statute is also amended to reference licenses issued by the executive director.

Amendments to Existing Child Care Facility Licensing Statutes

Section 50 amends the definition section, K.S.A. 65-503 for purposes of article 5 of chapter 65 of the Kansas Statutes Annotated. These definitions include assistant teacher, boarding school, child care center, child care facility, child care home, child care resource and referral agency, child placement agency, day care facility, infant, lead teacher, program director, school-age, unit, youth development program, and others.

Section 51 amends section 50 effective July 1, 2026, to remove definitions and certain references to child care center, day care facility and child care resource and referral agency, and youth development program.

Sections 52 through 59 amend existing licensing provisions pertaining to child care facilities. References to day care facilities are struck throughout to remove such duties of day care licensing from the Kansas department of health and environment and transfer such duties to the Kansas office of early childhood and not conflict with new sections in the act.

Drop-in Programs now Referenced as Youth Development Programs

Section 58 amends certain definitions including a change in terminology from drop-in program to youth development program.

Section 59 makes changes to K.S.A. 65-531, pertaining to immunization records.

Parent Education Program

Sections 60 through 64 amend statutes related to the parent education program. The department of education is struck as the administering entity and the Kansas office of early childhood is

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inserted to administer the parent education program. These amended sections have a delayed effective date of July 1, 2026. Section 60 amends the definition section of K.S.A. 72-4161 to add or amend definitions of executive director, infant and toddler, and parent education program.