



## **Opponent Written-Only Testimony**

### **HB 2486 – Requiring children to be toilet trained to enroll in and attend kindergarten**

House Committee on Education

January 29, 2026

Chair Estes and members of the Committee:

My name is Lesli Girard, and I am writing on behalf of Families Together, Kansas's federally funded Parent Training and Information Center (PTI). Families Together is funded by the U.S. Department of Education, Office of Special Education Programs (OSEP), to provide training, information, and support to families of children and youth with disabilities across Kansas. Our role is to ensure families are informed of their rights and that systems are responsive, accessible, and equitable for all children.

Families Together respectfully opposes HB 2486 due to concerns about its unintended consequences for young children, particularly those with disabilities, developmental delays, or suspected exceptionalities, and for the families navigating early childhood systems.

Families regularly contact our PTI seeking guidance when their child is experiencing developmental differences that have not yet been formally identified. As written, HB 2486 creates barriers to kindergarten enrollment for children who are not toilet trained, even though toileting delays are a common developmental concern and are often an early indicator of a disability that has not yet been evaluated. Conditioning enrollment on toilet training risks excluding children at the very point when access to school-based observation and evaluation is most critical.

Families Together is particularly concerned about the exception language tied to an existing IEP or Section 504 plan. Children who have not yet enrolled in school often do not have access to formal evaluations, resulting in a circular barrier: a child must be enrolled to be evaluated, but must be toilet trained—or already identified—to enroll. This structure places families in an impossible position and undermines the intent of federal Child Find obligations under IDEA, which require states and school districts to actively identify, locate, and evaluate children who may have disabilities.

Additionally, requiring medical verification for toileting-related conditions places an undue burden on families, particularly those in rural or underserved areas. Families may be

actively working with medical providers to understand the cause of toileting delays, yet lack a definitive diagnosis. In practice, this requirement could delay enrollment, discourage families from seeking support, and disproportionately affect families with limited access to healthcare or specialists.

Families Together also has concerns regarding provisions that allow for removal of a child from kindergarten if toileting concerns arise after enrollment. From a family perspective, removal from school can be traumatic and disruptive to a child's development. Before considering removal, schools should be required to fully evaluate whether toileting delays are related to a disability, developmental delay, or other factors, and to collaborate closely with families to identify appropriate supports and accommodations.

As PTIs, we work daily with families across Kansas who want to partner with schools to support their children's success. HB 2486, as written, risks shifting the focus from collaboration and support to exclusion and compliance. Families need clear communication, reasonable timelines, and assurance that their child will not be denied access to education while evaluations, supports, or medical investigations are underway.

In summary, Families Together urges the Committee to consider how HB 2486 may unintentionally limit access to kindergarten for children who most need early support and identification. Any policy addressing toileting should prioritize inclusion, family partnership, and alignment with federal special education protections, ensuring that no child is denied access to education based on developmental differences alone.

Thank you for the opportunity to share our perspective on HB 2486.