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MEMORANDUM

To: Chairperson Estes
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: January 29, 2026

Subject: HB 2486 – Prohibiting the enrollment in kindergarten of any child who is not toilet trained.

House Bill No. 2486 (HB 2486) would amend K.S.A. 72-3118 to prohibit school districts from enrolling any child in kindergarten if that child is not toilet trained. K.S.A. 72-3118 generally provides for the ages at which a child may be enrolled in public school. The bill would add new subsection (e) prohibiting the enrollment in kindergarten of any child that is not toilet trained. School districts will be required to obtain written assurance from the parent of the child that such child is toilet trained.

HB 2486 also requires each school district to adopt policies and procedures for determining when a student is not toilet trained and what action to take upon making such determination. The bill states that a student may determined to be not toilet trained if accidents happen with such frequency as to impact the educational experience of the student or the student's peers. The policies and procedures must provide:

- That the district must consider whether the student should be evaluated or reevaluated for an exceptionality;
- For when the student and their family should be referred to counseling or a social worker for additional family support and resources;
- For when the parent may designate an adult to aid the student in toilet training at school; and
- That the district may remove the student from school until the student becomes toilet trained.

The bill provides exemptions from the general requirements for students with an individualized education program (IEP) or a 504 plan, or students who have a medical condition verified by a physician or mid-level practitioner.

Finally, HB 2486 defines “toilet trained” as being able to communicate the need to use the bathroom to an adult, using the toilet without assistance from an adult, tending to personal hygienic needs after using the toilet, and, if an accident occurs, being able to independently tend to personal hygienic needs and change clothes.

If enacted, HB 2486 would become effective on July 1, 2026.