

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2486

By Committee on Education

Requested by Representative Brantley

1-21

1 AN ACT concerning education; relating to school districts; requiring
2 children to be toilet trained to enroll in and attend kindergarten;
3 providing exceptions thereto; amending K.S.A. 72-3118 and repealing
4 the existing section.
5

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

7 Section 1. K.S.A. 72-3118 is hereby amended to read as follows: 72-
8 3118. (a) (1) Subject to the provisions of subsection (b), any child is
9 eligible to attend the elementary grades in the school district ~~in which~~
10 *where* the child resides or in a school district ~~which that~~ *that* has entered into
11 an agreement ~~in accordance with and under authority of~~ *pursuant to*
12 K.S.A. 72-13,101, and amendments thereto, with the school district ~~in~~
13 ~~which where~~ the child resides if (1) for the 1994-95 school year, the child
14 will attain the age of six years on or before September 1 of the school year
15 and (2) for the 1995-96 school year, the child will attain the age of six
16 years on or before September 1 of the school year and (3) for any school
17 year commencing after the 1995-96 school year, the child will attain the
18 age of six years on or before August 31 of the school year;

19 (b) Any child who has completed a kindergarten course *that the child*
20 *had* entered and attended in this state in accordance with the provisions of
21 subsection (d) or who was a resident in another state and ~~who~~, while
22 residing in such other state, had entered and was in attendance in first
23 grade in such state or ~~who~~ had completed in such state a kindergarten
24 course maintained by a public school district or by an accredited private,
25 denominational or parochial school shall be eligible to attend first grade in
26 this state, regardless of age;

27 (c) Subject to the provisions of subsection (d) ~~and (e)~~, any child is
28 eligible to attend kindergarten in the school district ~~in which where~~
29 the child resides or in a school district ~~which that~~ *that* has entered into an
30 agreement ~~in accordance with and under authority of~~ *pursuant to* K.S.A.
31 72-13,101, and amendments thereto, with the school district ~~in which~~
32 ~~where~~ the child resides if (1) for the 1994-95 school year, the child will
33 attain the age of five years on or before September 1 of the school year and
34 (2) for any school year commencing after the 1994-95 school year, the
35 child will attain the age of five years on or before August 31 of the school

1 year;

2 (d) ~~Subject to the provisions of subsection (e),~~ Any child who was a
3 resident in another state and ~~who~~, while residing in such other state, had
4 entered and was in attendance in kindergarten in such state shall be eligible
5 to attend kindergarten in this state, regardless of age.

6 (e) (1) ~~Except as otherwise provided in this subsection, a school-~~
7 ~~district shall not enroll a child in kindergarten unless the child is toilet-~~
8 ~~trained. As part of the school district's kindergarten enrollment process, a~~
9 ~~school district shall require a written assurance from the parent or person~~
10 ~~acting as parent of a prospective kindergarten student that such child is~~
11 ~~toilet trained.~~

12 (2) ~~The provisions of paragraph (1) shall not apply to a child who is~~
13 ~~not toilet trained due to an exceptionality described in the child's-~~
14 ~~individualized education program or section 504 plan or due to a medical~~
15 ~~condition that is verified by an individual licensed by the state board of~~
16 ~~healing arts to practice medicine and surgery or a mid-level practitioner~~
17 ~~as defined in K.S.A. 65-1626, and amendments thereto.~~

18 (3) ~~A school district may determine that a kindergarten student is a~~
19 ~~student who is not toilet trained if the student has accidents with sufficient~~
20 ~~frequency to impact the educational experience of the student or the~~
21 ~~student's peers. Each school district shall establish a policy and~~
22 ~~procedures that the school district will use to address a kindergarten~~
23 ~~student who is found to not be toilet trained. Such policy and procedures~~
24 ~~shall:~~

25 (A) ~~Require the school to consider whether a child's delay in toilet~~
26 ~~training may be a sign of an exceptionality and whether the child should~~
27 ~~be referred for an initial evaluation or a reevaluation;~~

28 (B) ~~set forth guidelines for when the child and the child's parent or~~
29 ~~person acting as parent shall be referred to a counselor or social worker~~
30 ~~for additional family supports and resources; and~~

31 (C) ~~under limited circumstances, authorize a parent or person acting~~
32 ~~as parent to designate an adult individual to aid in the student's toilet~~
33 ~~training at school; and~~

34 (D) ~~authorize a school district to remove the child from kindergarten~~
35 ~~and reintegrate the child into kindergarten once the child has become~~
36 ~~toilet trained~~ provide for designating an employee to assist any student
37 who is not toilet trained, subject to any criminal history record checks
38 and compliance with any applicable school district safety and child
39 protection policies and procedures. Such assistance shall:

40 (i) Be limited to toileting routines, hygiene needs and positive
41 reinforcement for toilet training progress;

42 (ii) occur in a private, safe and sanitary setting in accordance
43 with school district policy and procedure;

1 **(iii) require the presence of at least two designated employees at**
2 **all times;**

3 **(iv) be provided for a limited duration of time and the need for**
4 **such assistance shall be regularly reviewed; and**

5 **(v) be documented and incorporated into such student's written**
6 **support plan.**

7 ~~(4)~~**(2)** *As used in this subsection, "toilet trained" means that a child*
8 *can communicate the need to use the bathroom to an adult, use the toilet*
9 *without any assistance from an adult and tend to personal hygienic needs*
10 *after using the toilet and, if an accident occurs, the child can*
11 *independently tend to hygienic needs and change clothes.*

12 Sec. 2. K.S.A. 72-3118 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its
14 publication in the statute book.