

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2486

As Amended by House Committee on Education

Brief*

HB 2486, as amended, would require each school district to establish a policy and procedures to address a kindergarten student who is found to not be toilet trained. The bill would also make conforming and technical changes.

The bill would permit a school district to determine that a kindergarten student is not toilet trained if the student has accidents with sufficient frequency to impact the educational experience of the student or the student's peers.

Each school district would be required to establish a policy and procedures that include the following:

- Require the school to consider whether a child's delay in toilet training may be a sign of an exceptionality and whether the child should be referred for an initial evaluation or a reevaluation;
- Set forth guidelines for when the child and the child's parent or person acting as parent shall be referred to a counselor or social worker for additional family supports and resources; and
- Provide for designating an employee to assist any student who is not toilet trained, subject to any criminal history record checks and compliance with any applicable school district safety and child protection policies and procedures. Such assistance would:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Be limited to toileting routines, hygiene needs, and positive reinforcement for toilet training progress;
- Occur in a private, safe, and sanitary setting in accordance with school district policy and procedure;
- Require the presence of at least two designated employees at all times;
- Be provided for a limited duration of time and the need for such assistance shall be regularly reviewed; and
- Be documented and incorporated into such student's written support plan.

The bill would define the term "toilet trained" to mean a child can communicate the need to use the bathroom to an adult, use the toilet without any assistance from an adult, and tend to personal hygienic needs after using the toilet and, if an accident occurs, the child can independently tend to hygienic needs and change clothes.

Background

The bill was introduced by the House Committee on Education at the request of Representative Brantley.

House Committee on Education

In the House Committee hearing, **proponent** testimony was provided by Representative Brantley, who stated the bill would help provide early intervention for students who may have developmental or medical needs, improve hygiene and reduce the spread of illness, protect student privacy, and minimize risk and liability for staff and schools.

Written-only proponent testimony was provided by a representative of Aligned.

Opponent testimony was provided by a representative of the Kansas Association of School Boards, who stated that toileting issues are best addressed by local boards of education and parents and that the bill would impose an unfunded mandate on schools.

Written-only opponent testimony was provided by representatives of the Children's Alliance of Kansas, Disability Rights Center of Kansas, Families Together, Inc., and Kansas School Nurses Organization.

No other testimony was provided.

The House Committee amended the bill to:

- Remove provisions prohibiting the enrollment of any child who is not toilet trained and requiring written assurance from a parent or person acting as parent that a child is toilet trained;
- Remove a provision providing an exception to the toilet training requirement if a child has an exceptionality described in the child's individualized education program or Section 504 plan or a verified medical condition;
- Remove provisions requiring the policy and procedures a school district would establish to include:
 - Authorizing a parent or person acting as parent to designate an adult individual to aid in the student's toilet training at school; and
 - Authorizing a school district to remove a child from kindergarten and reintegrate the child into kindergarten after such child has become toilet trained;
- Require school district policies and procedures to provide for designating an employee to assist any

student who is not toilet trained and specifying what the assistance must include; and

- Make technical and conforming changes.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Department of Education indicates enactment of the bill would have no fiscal effect on state aid or on administrative costs to the agency. The Kansas Association of School Boards indicates that enactment of the bill would increase school districts' administrative costs related to enforcement of the bill; however, a fiscal effect cannot be estimated.

Education; early childhood education; kindergarten; toilet training