

**SENATE BILL No. 453**

By Committee on Public Health and Welfare

2-5

10 AN ACT concerning the regulation of child care facilities; relating to  
11 exemptions therefrom; amending K.S.A. 65-501 **and 72-8236** and re-  
12 pealing the existing ~~section~~ **sections**.

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 65-501 is hereby amended to read as follows: 65-  
16 501. It shall be unlawful for any person, firm, corporation or association  
17 to conduct or maintain a maternity center or a child care facility for chil-  
18 dren under 16 years of age without having a license or temporary permit  
19 therefor from the secretary of health and environment. ~~Nothing in this~~  
20 ~~act shall~~ **The provisions of K.S.A. 65-501 et seq., and amendments thereto,**  
21 **shall not** apply to:

22 (a) A residential facility or hospital that is operated and maintained  
23 by a state agency as defined in K.S.A. 75-3701, and amendments thereto;  
24 ~~or~~

25 (b) a summer instructional camp that:

26 (1) Is operated by a Kansas educational institution as defined in  
27 K.S.A. 74-32,120, and amendments thereto, or a postsecondary educa-  
28 tional institution as defined in K.S.A. 74-3201b, and amendments thereto;

29 (2) is operated for not more than five weeks;

30 (3) provides instruction to children, all of whom are 10 years of age  
31 and older; and

32 (4) is accredited by an agency or organization acceptable to the sec-  
33 retary of health and environment; *or*

34 ~~(c) any facility, program or service operated, or authorized to be op-~~  
35 ~~erated, by the board of education of a school district~~ **if the board certifies**  
36 **annually, by resolution, that such facility, program or service:**

37 **(1) Is supervised by a teacher who holds a certificate to teach**  
38 **and an administrator who holds a school administrator's certificate**  
39 **issued by the state board of education pursuant to law;**

40 **(2) conducts, through the Kansas bureau of investigation, crim-**  
41 **inal background checks on all staff members upon hiring;**

42 **(3) provides classroom space comparable to that afforded other**  
43 **district programs;**

1     **(4) is offered at a site located on property owned or leased by**  
2 **the school district and which property complies with required**  
3 **building and fire codes;**

4     **(5) maintains staff and student records and emergency contact**  
5 **information;**

6     **(6) does not allow children under the age of three years to enroll**  
7 **at such facility or in such program or service; and**

8     **(7) assists students to achieve academic performance at or**  
9 **above state standards.**

10     **A copy of such resolution shall be sent to the secretary on or**  
11 **before November 1 of each year.**

12     **Sec. 2. K.S.A. 72-8236 is hereby amended to read as follows:**  
13 **72-8236. (a) The board of education of any school district may: (1)**  
14 **Establish, operate and maintain a child care facility; (2) enter into**  
15 **cooperative or interlocal agreements with one or more other boards**  
16 **for the establishment, operation and maintenance of a child care**  
17 **facility; (3) contract with private, nonprofit corporations or asso-**  
18 **ciations or with any public or private agency or institution, whether**  
19 **located within or outside the state, for the establishment, operation**  
20 **and maintenance of a child care facility; and (4) prescribe and col-**  
21 **lect fees for providing care at a child care facility.**

22     **(b) Fees for providing care at a child care facility established**  
23 **under authority of this section shall be prescribed and collected**  
24 **only to recover the costs incurred as a result of and directly attrib-**  
25 **utable to the establishment, operation and maintenance of the child**  
26 **care facility. Revenues from fees collected by a board under this**  
27 **section shall be deposited in the general fund of the school district**  
28 **and shall be considered reimbursements to the district for the pur-**  
29 **pose of the school district finance and quality performance act and**  
30 **may be expended whether the same have been budgeted or not and**  
31 **amounts so expended shall not be considered operating expenses.**

32     **(c) Except as provided in K.S.A. 65-501, and amendments thereto,**  
33 **every school district which establishes, operates and maintains a**  
34 **child care facility shall be subject to the provisions contained in**  
35 **article 5 of chapter 65 of Kansas Statutes Annotated.**

36     **(d) As used in this section, the term “child” means any child**  
37 **who is three years of age or older, and any infant or toddler whose**  
38 **parent or parents are pupils or employees of a school district which**  
39 **establishes, operates and maintains, or cooperates in the establish-**  
40 **ment, operation and maintenance of, a child care facility under au-**  
41 **thority of this act.**

42     **Sec. 3. K.S.A. 65-501 is and 72-8236 are hereby repealed.**

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1     Sec. ~~3~~ **4**. This act shall take effect and be in force from and after its  
2     publication in the statute book.