

SENATE BILL No. 428

By Committee on Ways and Means

2-21

1 AN ACT concerning the department of health and environment; relating to
2 regulation of child care facilities; exemption from certain licensure and
3 inspection requirements; amending K.S.A. 65-527 and repealing the
4 existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-527 is hereby amended to read as follows: 65-
8 527. (a) As used in this section:

9 (1) ~~"Child care program" means a day care center, group day care~~
10 ~~home or day care home.~~ *"Drop-in program" means a child care facility*
11 *that is not located in an individual's residence, that serves exclusively*
12 *school-age children and youth and where the operator permits children*
13 *and youth to arrive at and depart from the program at the child or youth's*
14 *own volition at unscheduled times.*

15 (2) *"Public recreation center" means any building used by a political*
16 *or taxing subdivision of this state, or by an agency—thereof of such*
17 *subdivision, for recreation programs—~~which~~ that serve children who are*
18 *less than 18 years of age or younger.*

19 (3) *"School" means any building used by a unified school district or*
20 *an accredited nonpublic school for student for instruction or attendance of*
21 *pupils of students enrolled in kindergarten or any of the grades—~~one~~*
22 *through ~~6~~ 12 by a school district or an accredited nonpublic school.*

23 (4) *"School-age program" means a child care facility that serves*
24 *exclusively school-age children and youth but does not include a drop-in*
25 *program.*

26 (b) ~~No license for a child care program for school-age children drop-~~
27 ~~in program or school-age program shall be denied, suspended or revoked~~
28 ~~on the basis that the building does not meet requirements for licensure if~~
29 ~~the building:~~

30 (1) *Is a public recreation center or school and is used by school-age*
31 *children and youth the same age as children and youth cared for in the*
32 *drop-in program or school-age program;*

33 (2) ~~complies, during all hours of operation of the child care drop-in~~
34 ~~program or school-age program, with the Kansas fire prevention code or a~~
35 ~~building code—compliance with which that is by law deemed to be~~
36 ~~compliance comply with the Kansas fire prevention code; and~~

1 (3)—~~subject to~~ *complies, except as provided in subsection (c)—*
2 ~~complies~~, during all hours of operation of the ~~child-care drop-in program~~
3 ~~or school-age program~~, with all local building code provisions that apply
4 to recreation centers, if the building is a *public* recreation center, or
5 schools, if the building is a school; ~~and~~

6 ~~(4)—as a recreation center or school, is used by school-age children and~~
7 ~~the same-age children are cared for in the child-care program.~~

8 ~~(c)—In the case of an inconsistency in standards with which~~ *If the*
9 ~~standards that~~ a building is required to comply ~~{with}~~ pursuant to
10 subsections (b)(2) and (b)(3) *conflict or are otherwise inconsistent, then*
11 *the standards provided by subsection (b)(2) shall control.*

12 ~~(d) No license for a drop-in program or school-age program that~~
13 ~~operates in accordance with subsection (b)(1) shall be denied, suspended~~
14 ~~or revoked based on an environmental deficiency if:~~

15 ~~(1) The environmental deficiency does not pose an imminent risk to~~
16 ~~children and youth;~~

17 ~~(2) the environmental deficiency is outside the applicant's or~~
18 ~~licensee's immediate authority to correct; and~~

19 ~~(3) the applicant or licensee has notified the public recreation center~~
20 ~~or school of the environmental deficiency.~~

21 Sec. 2. K.S.A. 65-527 is hereby repealed.

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