

**199.8911 Definitions for section -- Legislative intent for licensed child-care microcenters -- Kentucky Child-Care Microcenter Program -- Administrative regulations -- Standards for operation -- Required reporting.**

- (1) As used in this section:
  - (a) "Child-care microcenter" means a category of regulated child care supervised by the cabinet that serves between four (4) and twenty-four (24) children in a nonresidential setting for more than three (3) hours per day;
  - (b) "Eligible applicant" means a provider of a child-care program that:
    1. Has been licensed or certified by the cabinet for at least three (3) years at the time of application;
    2. Is in good standing with the cabinet; and
    3. Participates in the quality-based graduated early care and education rating system established under KRS 199.8943;
  - (c) "Nontraditional work hours" means hours of employment that generally but not exclusively occur between 7 p.m. to 5 a.m. Monday to Friday, or between 7 p.m. on Friday to 5 a.m. on Monday;
  - (d) "Opportunity zones" means a population census tract that is a low-income community and designated as a qualified opportunity zone under Sections 1400Z-1 and 1400Z-2 of the Internal Revenue Code; and
  - (e) "Rural areas" means a county with a population of less than fifty thousand (50,000) residents.
- (2) It is the intent of the General Assembly to allow for licensed child-care microcenters in order to encourage innovative child-care services in high-need areas and underserved populations, including but not limited to rural areas, workers with nontraditional hours, opportunity zones, parents in need of emergency or drop-in services, and postsecondary students and campuses. Child-care microcenters shall provide quality services, operate under setting-aligned health and safety standards, and be permitted to request and receive special variances from established standards and administrative regulations at the discretion of the cabinet.
- (3) The Kentucky Child-Care Microcenter Program is hereby established within the cabinet to regulate the standards and operations of child-care microcenters. To administer the program, the cabinet may enter into contracts with third parties to administer the program or specific parts of the program.
- (4) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A by July 1, 2027, to implement this section and determine appropriate standards under which child-care microcenters may be licensed and operated in Kentucky.
- (5) The cabinet shall establish standards for operations, including but not limited to staff background checks, adult-to-child ratios, health and safety standards, facility requirements, teacher and director training, and required paperwork for employees and enrolled children. In developing these standards, the cabinet shall solicit feedback from key stakeholders, including licensed and certified child-care providers, early childhood experts, local child care resource and referral agencies,

the Kentucky Child Care Advisory Council, and other relevant stakeholders.

- (6)
  - (a) The cabinet shall establish a process by which a child-care microcenter provider may apply for and receive a variance from established standards and administrative regulations for child-care microcenters. Applications shall demonstrate that the requested variance will not, in any way, jeopardize the health and safety of children receiving care at the child-care microcenter.
  - (b) Approved variances shall only apply to the specific child-care microcenter for which a variance is requested.
  - (c) Denials of applications for variances are not contestable.
  - (d) An eligible applicant for the program may request a variance in its initial program application.
  - (e) An approved child-care microcenter provider or eligible applicant may request a variance only once in a calendar year and shall not be allowed to operate with more than one (1) approved variance in place at a time.
- (7) Child-care microcenters shall not be required to provide meals or transportation to children enrolled in the program.
- (8) Playgrounds shall be optional for child-care microcenters, but a program shall have a plan for gross motor activity.
- (9) Child-care microcenters may utilize mixed age group child care, but the licensed capacity of the child-care microcenter shall be based on the youngest child served in the center.
- (10) The cabinet shall ensure that the application and approval process for child-care microcenters is efficient and streamlined, and the application fee for a child-care microcenter shall be cost-effective.
- (11) Only eligible applicants may be approved to operate a child-care microcenter.
- (12) The cabinet shall begin accepting and approving child-care microcenter applications from eligible applicants no earlier than July 1, 2027.
- (13) The cabinet shall approve or deny an application within ninety (90) days of receipt. If an application is denied, the cabinet shall notify the applicant and explain its reasoning.
- (14) In reviewing and approving applications, the cabinet shall prioritize applications from eligible applicants that:
  - (a) Seek to provide services in an opportunity zone or rural area;
  - (b) Seek to provide services to parents of children with nontraditional work hours; or
  - (c) Involve community partnerships with entities including but not limited to employers, schools, or faith-based organizations.
- (15) The cabinet shall authorize no more than ten (10) child-care microcenters to operate in the state at one (1) time, with no more than two (2) child-care microcenters allowable within a single county.
- (16) The cabinet shall develop an outreach plan to raise awareness of the program. This plan shall include partnerships with nonprofits and local child care resource and referral agencies in different parts of the state.

- (17) (a) By December 1, 2027, the cabinet shall submit a report to the Legislative Research Commission for referral to the Interim Joint Committee on Families and Children detailing the number of applications received, the number of applications approved, the locations of approved and denied applications, the number of children being served, and the number and nature of approved and denied variances.
- (b) By December 1, 2028, the cabinet shall submit a report to the Legislative Research Commission for referral to the Interim Joint Committee on Families and Children containing updated information on all components in paragraph (a) of this subsection, and also include commentary from the cabinet on the efficacy of the program in achieving the legislative intent of the program outlined in this section.

**Effective:** April 14, 2026

**History:** Created 2026 Ky. Acts ch. 146, sec. 4, effective April 14, 2026.