

1 AN ACT relating to child care.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 199.894 is amended to read as follows:

4 As used in KRS 199.892 to 199.896 and Section 2 of this Act, unless the context
5 otherwise requires:

6 (1) "Cabinet" means the Cabinet for Health and Family Services;

7 (2) ~~["Secretary" means secretary for health and family services;~~

8 ~~(3) —~~ "Child Care and Development Fund" has the same meaning as in 45 C.F.R. sec.
9 98.2;

10 (3) "Child Care Assistance Program" or "CCAP" means Kentucky's child-care
11 subsidy program providing families with the financial resources to find and
12 afford quality child care;

13 (4) "Child-care center" means any child-care center that provides full- or part-time
14 care, day or night, to four (4) or more children in a nonresidential setting who are
15 not the children, grandchildren, nieces, nephews, or children in legal custody of the
16 operator. "Child-care center" shall not include any child-care facility operated by a
17 religious organization while religious services are being conducted~~;~~ or a youth
18 development agency. For the purposes of this section, "youth development agency"
19 means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which
20 operates continuously throughout the year as an outside-school-hours center for
21 youth who are six (6) years of age or older, and for which there are no fee or
22 scheduled-care arrangements with the parent or guardian of the youth served;

23 ~~(5)(4)~~ "Department" means the Department for Community Based Services;~~—and~~

24 ~~(6)(5)~~ "Family child-care home" means a private home that is the primary residence
25 of an individual who provides full or part-time care day or night for six (6) or fewer
26 children who are not the children, siblings, stepchildren, grandchildren, nieces,
27 nephews, or children in legal custody of the provider;

1 (7) "Licensed type II child-care center" means a center that regularly provides child
2 care for at least seven (7), but no more than twelve (12), children including no
3 more than twelve (12) children that are related to the licensee; and

4 (8) "Secretary" means the secretary of the cabinet.

5 ➔Section 2. KRS 199.8982 is amended to read as follows:

6 (1) (a) The cabinet shall establish a family child-care home certification program
7 which shall be administered by the department. A family child-care provider
8 shall apply for certification of the provider's home if the provider is caring for
9 four (4) to six (6) children unrelated to the provider. A family child-care
10 provider caring for three (3) or fewer children may apply for certification of
11 the provider's home at the discretion of the provider. Applicants for
12 certification shall not have been found by the cabinet or a court to have
13 abused or neglected a child, and shall meet the following minimum
14 requirements:

- 15 1. Submit two (2) written character references;
- 16 2. Provide a written statement from a physician or advanced practice
17 registered nurse that the applicant is in good health;
- 18 3. Submit to a criminal record check in accordance with KRS 199.8965;
- 19 4. Provide smoke detectors, a telephone, an adequate water supply,
20 sufficient lighting and space, and a safe environment in the residence in
21 which care is provided;
- 22 5. Provide a copy of the results of a tuberculosis risk assessment and the
23 results of any appropriate follow-up with skin testing or chest X-ray for
24 applicants who are determined to be at risk for developing tuberculosis
25 in accordance with the recommendations of the Centers for Disease
26 Control and Prevention within thirty (30) days of the date of application
27 for certification; and

- 1 6. Demonstrate completion of a total of at least six (6) hours of training in
2 the following areas within three (3) months of application for
3 certification:
- 4 a. Basic health, safety, and sanitation;
5 b. Recognizing and reporting child abuse; and
6 c. Developmentally appropriate child-care practice.
- 7 (b) Initial applications for certification shall be made to the department. The
8 cabinet may promulgate administrative regulations to establish fees that shall
9 not exceed costs of the program to the cabinet, for proper administration of
10 the certification. The department shall issue a certificate of operation upon
11 inspecting the family child-care home and determining the provider's
12 compliance with the provisions of this section. The inspection shall be
13 unannounced. A certificate of operation issued pursuant to this section shall
14 not be transferable and shall be renewed every two (2) years for a fee that
15 shall not exceed costs of the program to the cabinet for renewal.
- 16 (c) A certified family child-care provider shall display the certificate of operation
17 in a prominent place within the residence in which care is provided. The
18 cabinet shall provide the certified family child-care provider with written
19 information explaining the requirements for a family day-care provider and
20 instructions on the method of reporting violations of the requirements which
21 the provider shall distribute to parents.
- 22 (d) Upon request of any person, the cabinet shall provide information regarding
23 the denial, revocation, suspension, or violation of any type of day-care license
24 of the family child-care provider. Identifying information regarding children
25 and their families shall remain confidential.
- 26 (e) The cabinet shall provide, upon request, public information regarding the
27 inspections of and the plans of correction for the family child-care home

1 within the past year. All information distributed by the cabinet under this
2 paragraph shall include a statement indicating that the reports as provided
3 under this paragraph from the past five (5) years are available from the family
4 child-care home upon the parent's, custodian's, guardian's, or other interested
5 person's request.

6 (f) The cabinet shall promulgate administrative regulations in accordance with
7 KRS Chapter 13A which establish standards for the issuance, monitoring,
8 release of information under this section and KRS 199.896 and 199.898,
9 renewal, denial, revocation, and suspension of a certificate of operation for a
10 family child-care home and establish criteria for the denial of certification if
11 criminal records indicate convictions that may impact the safety and security
12 of children in care. A denial, suspension, or revocation of a certificate may be
13 appealed, and upon appeal an administrative hearing shall be conducted in
14 accordance with KRS Chapter 13B. If the cabinet has probable cause to
15 believe that there is an immediate threat to the public health, safety, or
16 welfare, the cabinet may take emergency action to suspend a certificate
17 pursuant to KRS 13B.125. The cabinet shall promulgate administrative
18 regulations to impose minimum staff-to-child ratios. The cabinet may
19 promulgate administrative regulations relating to other requirements
20 necessary to ensure minimum safety in family child-care homes. The cabinet
21 shall develop and provide an "easy-to-read" guide containing the following
22 information to a family child-care provider seeking certification of his home:

- 23 1. Certification requirements and procedures;
- 24 2. Information about available child-care training; and
- 25 3. Child-care food sponsoring organizations.

26 (2) Family child-care providers shall annually demonstrate to the department
27 completion of at least six (6) hours of training in child development. These hours

1 shall include but are not limited to one and one-half (1.5) hours one (1) time every
2 five (5) years of continuing education in the recognition and prevention of pediatric
3 abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric
4 abusive head trauma may be designed in collaboration with organizations and
5 agencies that specialize in the prevention and recognition of pediatric abusive head
6 trauma approved by the secretary of the Cabinet for Health and Family Services.
7 The one and one-half (1.5) hours of continuing education required under this
8 section shall be included in the current number of required continuing education
9 hours.

10 (3) The cabinet shall, either through the development of or approval of, make available
11 a model training curriculum and training materials, including video instructional
12 materials, to cover the areas specified in subsection (1)(a)6. of this section. The
13 cabinet shall develop or approve the model training curriculum and training
14 materials to cover the areas specified in subsection (1)(a)6. of this section.

15 (4) (a) As used in this subsection "local government" means a city, county, charter
16 county, urban-county government, consolidated local government, or unified
17 local government.

18 (b) The provisions of this section shall supersede all local government ordinances
19 or regulations pertaining to the certification, licensure, and training
20 requirements related to the operation of family child-care homes and no local
21 government shall adopt or enforce any additional licensure, certification, or
22 training requirements specifically applicable to family child-care homes in
23 addition to those provided in this section. This subsection shall not be
24 interpreted or construed to exempt family child-care homes from compliance
25 with local government ordinances and regulations that apply generally within
26 the jurisdiction.

27 (c) Because the availability of adequate child-care as an essential business is vital

1 to the Commonwealth's state and local economies, by January 1, 2022, a local
2 government that has adopted land use regulations pursuant to KRS Chapter
3 100 shall specifically name family child-care homes in the text of its zoning
4 regulations to authorize the board of adjustments to separately consider the
5 applications of proposed family child-care homes for conditional use permits
6 within the residential zones of the planning unit where they are not a fully
7 permitted use pursuant to KRS 100.237.

8 (5) The cabinet shall promulgate administrative regulations in accordance with KRS
9 Chapter 13A to establish the process and procedures to allow certified family
10 child-care home providers and licensed type II child-care center providers to:

11 (a) Receive payments from the cabinet for children enrolled who are
12 participating in the CCAP operated by the cabinet utilizing federal funds
13 under the Child Care and Development Fund, in accordance with 45 C.F.R.
14 pt. 98;

15 (b) Apply as an individual family applicant for the CCAP operated by the
16 cabinet utilizing federal funds under the Child Care and Development
17 Fund, in accordance with 45 C.F.R. pt. 98, for his or her children who are
18 enrolled at his or her certified family child-care home or licensed type II
19 child-care center so long as the provider applicant is serving at least three

20 (3) children who are not the children, siblings, stepchildren, grandchildren,
21 nieces, nephews, or children in legal custody of the provider applicant; and

22 (c) Receive payments from the cabinet for his or her children who are enrolled
23 at his or her certified family child-care home or licensed type II child-care
24 center if the provider applicant meets the income guidelines of the CCAP
25 and the requirements of paragraph (b) of this subsection.

26 (6) (a) Any provider who violates any provision of subsection (5) of this section
27 shall be guilty of an intentional program violation. As used in this

1 subsection, "intentional program violation" means a CCAP recipient or
2 child care provider that has intentionally made a false or misleading
3 statement or misrepresented, concealed, or withheld facts.

4 (b) A provider that is guilty of an intentional program violation shall be
5 disqualified from participation in CCAP:

- 6 1. For twelve (12) months for a first offense;
7 2. For twenty-four (24) months for a second offense; and
8 3. Permanently for a third offense.