

1 AN ACT relating to outdoor, nature-based early learning and child care programs.

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, unless the context otherwise requires:

- 5 (1) "Cabinet" means the Cabinet for Health and Family Services;
- 6 (2) "Secretary" means secretary for health and family services;
- 7 (3) "Child-care center" means any child-care center that provides full- or part-time
8 care, day or night, to four (4) or more children in a nonresidential setting who are
9 not the children, grandchildren, nieces, nephews, or children in legal custody of the
10 operator. "Child-care center" shall not include any child-care facility operated by a
11 religious organization while religious services are being conducted, or a youth
12 development agency. For the purposes of this section, "youth development agency"
13 means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which
14 operates continuously throughout the year as an outside-school-hours center for
15 youth who are six (6) years of age or older, and for which there are no fee or
16 scheduled-care arrangements with the parent or guardian of the youth served;
- 17 (4) "Department" means the Department for Community Based Services; ~~and~~
- 18 (5) "Family child-care home" means a private home that is the primary residence of an
19 individual who provides full or part-time care day or night for six (6) or fewer
20 children who are not the children, siblings, stepchildren, grandchildren, nieces,
21 nephews, or children in legal custody of the provider; and
- 22 (6) **"Outdoor, nature-based early learning and child care program"** means a child-
23 care center that operates an early learning or child care program that:
 - 24 (a) **Is a full-day or partial-day program for children who are between the ages**
25 **of three (3) and twelve (12); and**
 - 26 (b) **Operates at least fifty percent (50%) of the outdoor program's operating**
27 **hours outdoors in an approved outdoor natural space.**

1 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) The department shall, no later than June 30, 2027, promulgate administrative
4 regulations in accordance with KRS Chapter 13A and in consultation with the
5 advisory committee established in subsection (2) of this section related to the
6 establishment, licensure, and operation of outdoor, nature-based early learning
7 and child care programs. At a minimum, the regulations shall include provisions
8 for:

9 (a) Bathroom use and diaper changing;

10 (b) Hand washing;

11 (c) Sheltering during inclement weather, including but not limited to a:

12 1. Covered pavilion;

13 2. Building; or

14 3. Tarp;

15 (d) Child-to-staff ratios for the outdoor setting;

16 (e) The safe storage of and ready access to medication;

17 (f) Accommodations for children with disabilities;

18 (g) The safe storage and preparation of food;

19 (h) Establishing safe boundaries in unenclosed outdoor spaces and boundaries
20 around hazards;

21 (i) Proper outdoor clothing for children;

22 (j) Access to potable drinking water;

23 (k) Appropriate sleeping areas for naps;

24 (l) Site-specific emergency and disaster preparedness plans;

25 (m) Site-specific evacuation plans;

26 (n) Land-use agreement requirements for operating on public or private land;

27 (o) Alignment of the regulations to environmental conditions;

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(p) Related data collection; and

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(q) Related curriculum, training, and professional development for providers

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and department staff.

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(2) The Outdoor, Nature-Based Early Learning and Child Care Program Advisory

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Committee is hereby established within the department and shall be composed of

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the following fourteen (14) members:

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(a) The commissioner of the department or the commissioner's designee;

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(b) The director of the Division of Child Care within the department or the

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director's designee;

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(c) The director of the Division of Regulated Child Care within the department

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or the director's designee; and

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(d) Eleven (11) members appointed by the Governor as follows:

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1. Five (5) nature-based preschool or child care providers with a

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broad range of perspectives;

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2. One (1) provider representing a licensed child-care center;

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3. One (1) provider representing a licensed family child-care home;

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4. One (1) individual representing a statewide organization that

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represents environmental education with expertise in early childhood

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programming;

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5. One (1) individual representing a statewide early childhood

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intermediary organization;

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6. One (1) individual representing a professional development

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organization with expertise in nature-based programming in an early

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childhood setting; and

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7. One (1) parent with a child who attended a nature-based early

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childhood program.

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(3) Each committee member appointed under subsection (2)(d) of this section shall

1 serve a term of three (3) years, except that initial appointments shall be staggered
2 by the Governor. A member appointed to fill a vacancy occurring other than by
3 expiration of a term shall be appointed for the remainder of the unexpired term.

4 (4) The commissioner or the commissioner's designee shall serve as chair of the
5 committee. The committee shall annually elect a member to serve as vice chair.

6 (5) The committee shall meet at least quarterly. A majority of the members of the
7 committee shall constitute a quorum for the transaction of business. If a vote on a
8 matter before the committee results in a tie, the commissioner or the
9 commissioner's designee shall cast an additional deciding vote.

10 (6) Committee members who are not full-time state government employees shall be
11 compensated for their time when attending committee meetings or performing
12 official duties as directed by the committee. Members of the committee shall be
13 reimbursed for all expenses paid or incurred in the discharge of official business
14 consistent with the reimbursement policy for state employees.

15 (7) The committee shall provide ongoing advice and input to the department, but
16 shall not become directly involved in the licensing or regulation of outdoor,
17 nature-based early learning and child care program matters by the department.

18 (8) The committee shall have thirty (30) days to review and comment on a proposed
19 administrative regulation before the regulation is promulgated, amended, or
20 repealed by the department.