922 KAR 2:020. Child Care Assistance Program (CCAP) improper payments, claims, and penalties

Section 1. Definitions. (1) “Agency error” means an error on the part of the cabinet or its designee.

(2) “Cabinet” means the Cabinet for Health and Family Services or its designee.

(3) “Child Care Assistance Program” or “CCAP” means Kentucky’s child care subsidy program providing families, who meet the eligibility requirements of 922 KAR 2:160, with the financial resources to find and afford quality child care.

(4) “Child care provider” means the individual, business, or business proprietor who is receiving, or has received, payment for child care services under CCAP.

(5) “Claim” means an amount owed to the cabinet as a result of an overpayment of CCAP.

(6) “Claimant” means a current or former CCAP recipient or child care provider subject to a claim.

(7) “Compromise a claim” means accepting less than the full value of a claim.

(8) “Hearing officer” is defined by KRS 13B.010(7).

(9) “Improper payment” is defined by KRS 45.237(1)(d) or 45 C.F.R. 98.100(d).

(10) “Inadvertent error claim” means an overpayment resulting from a misunderstanding or unintended error on the part of a recipient or a child care provider.

(11) “Intentional program violation” or “IPV” means a CCAP recipient or child care provider having intentionally:

   (a) Made a false or misleading statement; or

   (b) Misrepresented, concealed, or withheld facts.

(12) “Overpayment” means a CCAP payment which exceeded the amount a CCAP recipient or a child care provider was eligible to receive.

(13) “Recipient” means a family who has been found eligible for CCAP.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(14) “Terminate a claim” means ceasing all collection actions on a claim.

(15) “Underpayment” means a payment which was less than the amount a recipient or a child care provider was eligible to receive.

Section 2. Responsibility for a Claim. (1) A parent of a recipient household or a child care provider shall be responsible for paying a claim which resulted from an:

(a) Overpayment due to an action or inaction on the part of the recipient or the child care provider, including failure to report a change in circumstance in accordance with 922 KAR 2:160, Section 11; or

(b) Agency error that provided the recipient or the child care provider with an overpayment.

(2) The cabinet shall make an exception to subsection 1(b) of this section if the recipient:

(a) Is approved for CCAP in accordance with 922 KAR 2:160, Section 5 or 6; and

(b) Complied with the requirements of the recipient’s:

1. Case plan developed in accordance with 922 KAR 1:430; or

2. Kentucky Works Program self-sufficiency plan developed in accordance with 921 KAR 2:370.

Section 3. Claim Category. (1) A claim shall be classified in one (1) of the following three (3) categories:

(a) A claim resulting from an IPV;

(b) Inadvertent error claim; or

(c) Agency error claim.

(2) The cabinet shall establish an IPV against a recipient or a child care provider if:

(a) A court of appropriate jurisdiction issues a conviction, or accepts an Alford or guilty plea, related to an IPV in CCAP against a parent of the recipient household or the child care provider;

(b) A parent of the recipient household or a child care provider completes, signs, and returns the:

1. DCC-84 Supplement A, Voluntary Waiver of Administrative Disqualification Hearing; or
Section 4. Action on an Improper Payment. (1) The cabinet shall investigate each:

(a) Instance of an improper payment; or

(b) Allegation of an IPV related to a:

1. Recipient; or

2. Child care provider.

(2) The cabinet shall initiate action to correct an improper payment in a CCAP case.

(3) If an overpayment has occurred, the cabinet shall:

(a) Determine the amount of overpayment in accordance with Section 5 of this administrative regulation; and

(b) Categorize and establish a claim to recover the amount of the overpayment.

(4) If the cabinet has sufficient documentary evidence to confirm that a recipient or child care provider has committed an IPV, the cabinet shall:

(a) Refer the case to the cabinet’s Office of Inspector General (OIG) for investigation or referral for prosecution if warranted by the facts of the case;

2. Initiate an administrative disqualification hearing in accordance with Section 9 of this administrative regulation; or

3. Accept a parent of a recipient household or a child care provider’s waiver of an administrative disqualification hearing through the parent or child care provider’s completing, signing, and returning a DCC-84 Supplement A; and

(b) Take an action necessary to establish a claim to collect any overpayment resulting from the suspected IPV.

Section 5. Calculating a Claim. (1) The cabinet shall calculate the amount of an overpayment for an:

(a) Agency error back to the month that the error first occurred, but not more than twelve (12) months prior to Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
the date that the cabinet became aware of the overpayment;

(b) Inadvertent error back to the month that the misunderstanding or error first occurred, but not more than three (3) years prior to date that the cabinet became aware of the overpayment; and

(c) IPV back to the month of the fraudulent act first occurred, but not more than five (5) years prior to the date that the cabinet became aware of the overpayment.

(2) If an overpayment occurred as a result of a change during the period of CCAP eligibility, the first day of the claim shall begin thirty-one (31) days from the date of the change.

(3) If the overpayment occurred due to the failure of a parent of a recipient household to report information at application or re-determination for eligibility in accordance with 922 KAR 2:160, Section 2 or 8, the claim shall start the first day of the approval of the application or redetermination.

(4)(a) The cabinet shall:

1. Calculate the amount of CCAP for each month that a recipient or a child care provider received the improper payment; and

2. Subtract the correct amount of CCAP from the CCAP actually received.

(b) The difference shall be the amount of the overpayment.

(5) If the overpayment exists for the entire period of CCAP eligibility, the cabinet shall calculate the full amount of benefits overpaid:

(a) On behalf of the recipient; or

(b) To the child care provider.

(6) If an overpayment and an underpayment exist for a recipient or a child care provider, the amounts of the overpayment and the underpayment shall be offset to determine the total amount of the claim.

(7) The amount of a claim may differ from a calculation obtained through the methods outlined in this section if a different claim amount is ordered by:

(a) An administrative hearing officer or agency head in accordance with 922 KAR 1:320; or

(b) A court of appropriate jurisdiction.

Section 6. General Claim Notices. (1) A KCD-2, General Claims Notice, shall serve many purposes in the Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
administration of CCAP claims collections, including the use as:

(a) An appointment letter;

(b) A demand letter;

(c) A notification of benefit reduction;

(d) A past due notice;

(e) A repayment agreement;

(f) A claim adjustment notice;

(g) A claim termination notice;

(h) A payment receipt;

(i) Notice of a claim being paid in full; or

(j) Notice of a delinquent claim’s referral for collection in accordance with Section 11(2) of this administrative regulation.

(2) The language on the KCD-2 shall differ according to the purpose of the notice as described in subsection (1) of this section.

Section 7. Notification of a Claim. (1) The cabinet shall:

(a) Provide initial notice in accordance with Section 6 of this administrative regulation to a recipient or a child care provider suspected of having a claim;

(b) Provide notice of a suspected IPV, if applicable, with a:

1. DCC-84, Notice of Suspected Intentional Program Violation; and

2. DCC-84 Supplement A; and

(c) Offer the recipient or the child care provider an opportunity to meet with the cabinet to:
1. Discuss the potential claim;

2. Determine the category of the claim as specified in Section 3 of this administrative regulation; and

3. Sign the DCC-84 Supplement A, if an IPV is suspected.

(2) If a recipient or a child care provider requests to reschedule the meeting within ten (10) days of the date of the notice provided in accordance with subsection (1) of this section, the cabinet shall reschedule the meeting.

(3) The cabinet shall determine the claim’s category in accordance with Section 3 of this administrative regulation and the amount of the claim based on the information available to the cabinet if the recipient or the child care provider:

   (a) Fails to attend the meeting to discuss the claim; and

   (b) Does not contact the cabinet to reschedule the meeting in accordance with subsection (2) of this section.

(4) If the cabinet determines the category and amount of a claim in accordance with subsections (1) through (3) of this section:

   (a) Collection shall be initiated in accordance with Section 10 of this administrative regulation; and

   (b) Subsequent notice pursuant to Section 6 of this administrative regulation shall be mailed to the recipient or the child care provider to give the claim:

1. Amount;

2. Time period;

3. Reason; and

4. Classification in accordance with Section 3 of this administrative regulation.

(5) A recipient or a child care provider shall return the notice made pursuant to subsection (4)(b) of this section within ten (10) days of receipt if the recipient or child care provider chooses to request an administrative hearing on the establishment of the claim in accordance with Section 18 of this administrative regulation.

Section 8. Disqualification Period. (1) A recipient or a child care provider determined to have committed an IPV in accordance with Section 3(2) of this administration regulation shall have a period of disqualification from CCAP pursuant to subsection (2) of this section.

(2)(a) A disqualification period from CCAP shall adhere to the following guidelines:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. Three (3) months disqualification for a first occurrence of IPV;

2. Six (6) months disqualification for a second occurrence of IPV; and

3. Permanent disqualification for a third occurrence of IPV.

(b) The cabinet shall make an exception to paragraph (a) of this subsection if:

1. The recipient is approved for CCAP in accordance with 922 KAR 2:160, Section 5 or 6; and

2. CCAP is necessary for the recipient to comply with the requirements of the recipient’s:
   a. Case plan developed in accordance with 922 KAR 1:430; or
   b. Kentucky Works Program self-sufficiency plan developed in accordance with 921 KAR 2:370.

3) If a court of appropriate jurisdiction issues a disqualification period upon conviction of a charge, or acceptance of an Alford or guilty plea, related to the IPV, the cabinet:
   a. May make exception to a disqualification period specified in subsection (2) of this section; and
   b. Shall enforce the court-ordered disqualification period.

4) Unless subsection 2(b) of this section applies, the disqualification period shall continue uninterrupted until it is completed regardless of the eligibility of the recipient or the child care provider.

5) Regardless of the disqualification period, the recipient or the child care provider shall continue to be responsible for the payment of a claim resulting from the IPV.

6) Eligibility of a recipient or payment to a child care provider shall not be affected by a suspected IPV until a disqualification is established in accordance with subsection (1) of this section.

7) If a court of appropriate jurisdiction fails to impose a disqualification period for an IPV, the cabinet shall impose a penalty in accordance with this section.

8) The cabinet shall not separate the same act of IPV repeated over a period of time for the imposition of multiple, separate penalties.

Section 9. Administrative Disqualification Hearing. (1) The cabinet shall initiate an administrative disqualification
hearing on the establishment of an IPV if the:

(a) Facts of the IPV do not warrant civil or criminal prosecution through a court of appropriate jurisdiction;

(b) Referral for prosecution is declined by prosecutorial authorities;

(c) Referral for prosecution is withdrawn by the cabinet; or

(d) Recipient or child care provider declines to sign the DCC-84 Supplement A.

(2) If the facts of the case arise out of the same or related circumstances, the cabinet shall not initiate an administrative disqualification hearing against a recipient or a child care provider:

(a) Whose case is currently referred for prosecution; or

(b) Subsequent to an action taken against the recipient or the child care provider by the prosecutor or a court of appropriate jurisdiction.

(3) Unless a different procedure is specified in this section, an administrative disqualification hearing shall:

(a) Be conducted in accordance with 922 KAR 1:320 and KRS Chapter 13B; and

(b) Include:

1. The issuance of a recommended order;

2. Procedures for written exceptions; and

3. The issuance of a final order.

(4) The cabinet may initiate an administrative disqualification hearing regardless of the current eligibility of a recipient or the payment status of a child care provider.

(5)(a) In accordance with KRS 13B.050, an administrative disqualification hearing notice shall be sent:

1. By certified mail;

2. To the addressee only; and

3. With a return recipient requested.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) An administrative disqualification hearing notice shall provide information in accordance with KRS 13B.050.

(6) Timeframes for an administrative disqualification hearing shall be in accordance with KRS 13B.110 and 13B.120.

(7)(a) The cabinet shall combine a request for an administrative hearing in accordance with Section 16 of this administrative regulation and an administrative disqualification hearing into a single hearing if the:

1. Factual issues arise out of the same or related circumstances; and
2. Recipient or the child care provider receives prior notice that the hearings are being combined.

   (b) If the hearings are combined for the purpose of settling the amount of the claim concurrent with a determination of whether an IPV occurred, the recipient or the child care provider subject to the claim shall lose the right to a subsequent administrative hearing on the amount of the claim.

(8) During an administrative disqualification hearing, the hearing officer shall advise the recipient or child care provider accused of an IPV of the option to refuse to answer questions during the hearing.

(9)(a) In accordance with KRS 13B.080(6), if a recipient or child care provider does not appear for the administrative disqualification hearing, the hearing officer shall review the case file to determine if the hearing shall:

1. Proceed without recipient or child care provider representation because the return receipt from the hearing notice verified the notice was received by the recipient or the child care provider; or
2. Not be conducted because the hearing notice or return receipt is annotated as unclaimed or undeliverable.

   (b) The cabinet shall conduct a new administrative disqualification hearing if the:

1. Recipient or the child care provider was not represented at the hearing;
2. Recipient or the child care provider was determined to have committed an IPV; and
3. Hearing officer determined the household had good cause, in accordance with 922 KAR 1:320, Section 6(7), for not appearing.

(10)(a) The determination of an IPV made through an administrative disqualification hearing shall not be reversed by a subsequent administrative hearing decision.

   (b) A recipient or child care provider shall be entitled to seek relief through a court of appropriate jurisdiction in accordance with KRS 13B.140.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 10. Collection of a Claim. (1) The cabinet shall collect a claim from a claimant through:

(a) Voluntary payment arrangement, negotiated either orally or in writing, which includes a payment schedule;

(b) Court-ordered repayment;

(c) State tax refund interception in accordance with KRS 45.238;

(d) Lottery offsets;

(e) Wage garnishment; or

(f) Referral to a collection agency.

(2)(a) The cabinet shall accept a lump sum payment on a claim from a recipient or a child care provider.

(b) The lump sum payment may be a full or partial payment.

(3)(a) If a claimant who is a child care provider submits a completed DCC-97 Supplement A, Voluntary Payment Reduction, indicating the amount the provider wishes to have applied to the claim, the child care provider currently receiving CCAP payment may choose to have an amount withheld from the provider’s CCAP payment to be applied towards a claim.

(b) The amount indicated on the DCC-97 shall not be less than ten (10) percent of the total CCAP payment.

(4) The cabinet shall refund to a claimant any amount the claimant pays in excess of the amount of the claim.

Section 11. Delinquent Claims. (1) In accordance with KRS 45.237(4), a claim shall be considered delinquent if:

(a) A claimant has not made a payment or entered into a satisfactory payment arrangement with cabinet sixty (60) calendar days from the date on the notice provided in accordance with Section 7(4)(b) of this administrative regulation; or

(b) Sixty (60) days have lapsed since the claimant has missed a scheduled payment pursuant to the payment arrangement with the cabinet.

(2) The cabinet shall pursue collection on a delinquent claim through a collection method specified in Section 10(1)(b) through (f) of this administrative regulation.

(3)(a) If the cabinet determines that a claimant who is a recipient is delinquent on a payment in accordance with subsection (1) of this section for ninety (90) days, the cabinet shall:

1. Terminate the recipient’s CCAP; and
2. Not reapprove the recipient for CCAP until the recipient has paid two (2) months of delinquent payments.

   (b) The cabinet shall make an exception to paragraph (a) of this subsection if:

   1. The recipient is approved for CCAP in accordance with 922 KAR 2:160, Section 5 or 6; and

   2. CCAP is necessary for the recipient to comply with the requirements of the recipient’s:

      a. Case plan developed in accordance with 922 KAR 1:430; or

      b. Kentucky Works Program self-sufficiency plan developed in accordance with 921 KAR 2:370.

(4) If the cabinet determines that a claimant who is a child care provider is delinquent on a payment in accordance with subsection (1) of this section for ninety (90) days, the cabinet shall:

   (a) Disallow any CCAP payments to the child care provider; and

   (b) Not approve the child care provider for further CCAP payments until the provider has paid two (2) months of delinquent payments.

(5) The cabinet shall provide notice in accordance with Section 6 of this administrative regulation prior to an action specified in subsection (3) or (4) of this section.

(6) If the cabinet is unable to determine a claim’s delinquency status because the claim collection is coordinated through the court system, the cabinet shall not subject a claim to the requirements for delinquent debts in accordance with this section.

(7) A claim shall not be considered delinquent if:

   (a) Another claim for the same claimant is currently being paid through a repayment agreement or court order; and

   (b) The cabinet expects to begin collection on the claim once the prior claim is settled.

(8)(a) A claim awaiting an administrative hearing shall not be considered delinquent.

   (b) If a hearing officer or agency head determines that a claim does exist as result of an administrative hearing, the cabinet shall:

1. Send subsequent notice of the claim in accordance with Section 6 of this administrative regulation; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 12. Compromising or Terminating a Claim. (1) Except for a claim that is established by a court of appropriate jurisdiction, the cabinet may compromise a claim or a portion of a claim if:

(a) A request for a compromise is received from the claimant; and

(b) The cabinet makes a determination that the claimant will be unable to pay the claim within five (5) years.

(2) The cabinet shall terminate a claim if the:

(a) Claim:

1. Is invalid, unless pursuing the overpayment as a different type of claim is appropriate;

2. Balance is twenty-five (25) dollars or less, and the claim has been delinquent for ninety (90) days or more, unless another claim is pending against the same claimant resulting in an aggregate claim total of greater than twenty-five (25) dollars; or

3. Has been delinquent for at least three (3) years;

(b) Claimant dies; or

(c) Cabinet is unable to locate the claimant.

(3) The cabinet shall provide notice in accordance with Section 6 of this administrative regulation if the cabinet:

(a) Compromises or terminates a claim; and

(b) Has a mailing address for the claimant.

Section 13. Underpayments and CCAP Restoration. (1) If an underpayment has occurred, the cabinet shall issue a payment to the child care provider that includes the difference between the amount that the child care provider:

(a) Was entitled to receive; and
(b) Actually received.

(2) CCAP shall be restored for no more than twelve (12) months to a recipient or a child care provider if benefits were lost:

(a) Due to an agency error; or

(b) By a disqualification period for an IPV that is subsequently reversed through an order of a court of appropriate jurisdiction.

Section 14. Disclosure of Information. The disclosure or the use of CCAP information shall be restricted in accordance with:

(1) KRS 194A.060; and

(2) 45 C.F.R. 205.50(a)(1)(i).

Section 15. Retention of Records. (1) Records for CCAP shall be retained in accordance with 45 C.F.R. 98.90(e).

(2) The cabinet shall retain:

(a) The official records of an administrative disqualification hearing until all appeals have been exhausted; and

(b) A CCAP record with an IPV disqualification indefinitely.

Section 16. A parent in the recipient household or a child care provider may request an appeal of the establishment of a claim in accordance with 922 KAR 1:320, Section 2(10).

Section 17. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) “DCC-83, Deferred Adjudication Disqualification Consent Agreement” edition 11/09;

(b) “DCC-84, Notice of Suspected Intentional Program Violation” edition 11/09;

(c) “DCC-84 Supplement A, Voluntary Waiver of Administrative Disqualification Hearing” edition 11/09;

(d) “DCC-97 Supplement A, Voluntary Payment Reductions” edition 11/09; and

(e) “KCD-2, General Claims Notice” edition 11/09.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
922 Ky. Admin. Regs. 2:090

922 KAR 2:090. Child-care center licensure

Child-Care Center Regulations: Page 14-31

Section 1. Definitions. (1) “Address check” means a cabinet search of the Sex Offender Registry to determine if a person’s residence is a known address of a registered sex offender.

(2) “Cabinet” is defined by KRS 199.894(1).

(3) “Child” is defined by KRS 199.011(4).

(4) “Child-care center” is defined by KRS 199.894(3).

(5) “Finding of fraud” means a suspected intentional program violation referred in accordance with 922 KAR 2:020, Section 4(4)(a)1, that is accepted for investigation and substantiated by the cabinet’s Office of Inspector General.

(6) “Licensee” means the owner and operator of a child-care center to include:

(a) Sole proprietor;

(b) Corporation;

(c) Limited liability company;

(d) Partnership;

(e) Association; or

(f) Organization, such as:

1. Board of education,

2. Private school;

3. Faith-based organization;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
4. Government agency; or

5. Institution.

(7) “Nontraditional hours” means the hours of:

(a) 7 p.m. through 5 a.m. Monday through Friday; or

(b) 7 p.m. on Friday until 5 a.m. on Monday.

(8) “Parent” is defined by 45 C.F.R. 98.2.

(9) “Premises” means the building and contiguous property in which child care is licensed.

(10) “Secretary” is defined by KRS 199.011(1).

(11) “Sex Offender Registry” means the registration system for adults who have committed sex crimes or crimes against minors established in accordance with KRS 17.500 through 17.580.

Section 2. Child-care Centers. The following child-care centers shall meet the requirements of this administrative regulation:

(1) A Type I child-care center. This child-care center shall be licensed to regularly provide child care services for:

(a) Four (4) or more children in a nonresidential setting; or

(b) Thirteen (13) or more children in a designated space separate from the primary residence of a licensee; and

(2) A Type II child-care center. This child-care center shall be primary residence of the licensee in which child care is regularly provided for seven (7), but not more than twelve (12), children including children related to the licensee.

Section 3. Exempt Child Care Settings. The following child-care settings shall be exempt from licensure requirements of this administrative regulation, 922 KAR 2:110, and 922 KAR 2:120:

(1) Summer camps certified by the cabinet as youth camps which serve school-age children;

(2) Kindergarten through grade 12 in private schools while school is in session.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(3) All programs and preschools regulated by the Kentucky Department of Education governed by KRS Chapter 157;

(4) Summer programs operated by a religious organization which a child attends no longer than two (2) weeks;

(5) Child care provided while parents are on the premises, other than the employment and educational site of parents;

(6) Child care programs operated by the armed services located on an armed forces base;

(7) Child care provided by educational programs that include parental involvement with the care of the child and the development of parenting skills;

(8) Facilities operated by a religious organization while religious services are being conducted; and

(9) A program providing instructional and educational programs:

(a) That operates for a maximum of twenty (20) hours per week; and

(b) Which a child attends for no more than ten (10) hours per week.

Section 4. Application. (1) An applicant for a license shall submit to the cabinet a completed OIG-DRCC-01, Child-Care Center License Application.

(2) Approval of an applicant for initial licensure shall result in the issuance of a preliminary license for a probationary period not to exceed six (6) months.

(3) The issuance of a preliminary license, or the issuance or reapproval of a regular license, shall be governed under the provisions of this section and Sections 5 through 7 of this administrative regulation.

(4) If the applicant for licensure is a:

(a) Corporation or a limited liability company, the application shall include a current certificate of existence or authorization from the Secretary of State; or

(b) Partnership, the application shall include:

1. A written statement from each partner assuring that the partnership is current and viable; and

2. Proof that each individual is twenty-one (21) years or older by photo identification or birth certificate.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(5) If the status of a corporation, partnership, or ownership of the child-care center changes, the new entity shall submit a completed OIG-DRCC-01.

(6) If ownership of a child-care center changes and the cabinet approves preliminary licensure upon inspection of the child-care center under the new ownership, the effective date on the preliminary license shall be the date of the approved inspection under the new ownership.

(7) The cabinet shall return the OIG-DRCC-01 and accompanying fee to an applicant if the applicant:

   (a) Has an ownership interest in a facility that is licensed or regulated by the cabinet, and that is subject to a finding of fraud or other investigation by:

1. The cabinet’s Office of Inspector General; or

2. An agency with investigative authority; and

   (b) Is requesting a:

1. Change in ownership; or

2. License for a new facility.

(8) An applicant or an applicant’s lead representative shall submit to background checks in accordance with Section 6(5) of this administrative regulation to confirm compliance with Section 11(7)(j) of this administrative regulation even if the applicant for licensure is not described in Section 6(4) of this administrative regulation.

(9) A child may include a person eighteen (18) years of age if the person has a special need for which child care is required.

Section 5. Evacuation Plan. (1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895.

(2) The cabinet shall post an online template of an evacuation plan that:

   (a) Fulfills requirements of KRS 199.895;

   (b) Is optional for a child-care center’s use; and

   (c) Is available to a licensed child-care center without charge.
Section 6. License Issuance. (1) The cabinet shall monitor a child-care center that operates under a preliminary license issued pursuant to Section 4(2) of this administrative regulation.

(2) Upon completion of the probationary period required in Section 4(2) of this administrative regulation, the cabinet shall:

   (a) Approve regular licensure for a child-care center operating under a preliminary license; or

   (b) If a condition specified in Section 11 of this administrative regulation exists, deny regular licensure.

(3) A preliminary or regular license shall not be issued unless each background check required by KRS 199.896(19) has been completed on behalf of an applicant for licensure.

(4) Background checks shall apply to:

   (a) A director;

   (b) An employee or volunteer who is present during the time a child is receiving care;

   (c) Any person with supervisory or disciplinary control over a child in care; or

   (d) Any person having unsupervised contact with a child in care.

(5) An individual described in subsection (4) of this section shall:

   (a) Submit to background checks described in paragraph (b) of this subsection;

   (b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:

   1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;

   2. Criminal records check required by KRS 199.896(19);

   3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and

   4. An address check of the Sex Offender Registry; and

   (c) Not be left alone in the presence of a child until copies of the background checks in accordance with

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(6) Upon completion of background checks described in subsection (4)(b) of this section, a licensee shall discharge immediately:

(a) An individual whose name is listed on the central registry established by 922 KAR 1:470;

(b) An individual who has been convicted of, or has entered an Alford plea or a plea of guilty to, a crime in accordance with KRS 17.165;

(c) An individual who is confirmed by an address check of the Sex Offender Registry and supporting documentation as a registered sex offender;

(d) An individual who has been convicted of, or entered an Alford plea or plea of guilty to, a drug-related felony, and five (5) years has not elapsed since the person was fully discharged from imprisonment, probation, or parole;

(e) A director who has been convicted of, or entered an Alford plea or a plea of guilty to, a felony offense involving fraud, embezzlement, theft, or forgery; and

(f) An individual who has been convicted of, or has entered an Alford plea or a plea of guilty to, an offense under a criminal statute of the United States or of another state similar to an offense specified in this subsection.

(7) An individual who has been convicted of, or entered an Alford plea or a plea of guilty to, a nonviolent felony or misdemeanor not specified in this section shall be handled on a case-by-case basis by the licensee with consideration given to the:

(a) Nature of the offense;

(b) Length of time that has elapsed since the event; and

(c) Individual’s life experiences after conviction, Alford plea, or guilty plea.

(8) If an applicant for licensure has had a previous ownership interest in a child-care provider which has had a prior certification, license, registration, or permit to operate denied, suspended, revoked, or voluntarily relinquished as a result of an investigation or pending adverse action, the cabinet shall grant the applicant a license if:

(a) A seven (7) year period has expired from the:

1. Date of the prior denial, suspension, or revocation;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
2. Date the certification, license, registration, or permit was voluntarily relinquished as a result of an investigation or pending adverse action;

3. Last day of legal remedies being exhausted; or

4. Administrative hearing decision; and

   (b) The applicant has:

   1. Demonstrated compliance with the provisions of this administrative regulation, 922 KAR 2:110, 922 KAR 2:120, and KRS 199.896;

   2. Completed, since the time of the prior denial, suspension, revocation, or relinquishment, sixty (60) hours of training in child development and child care practice, approved by the cabinet or its designee; and

   3. Not had an application, certification, license, registration, or permit denied, revoked, suspended, or voluntarily relinquished as a result of an investigation or pending adverse action:

      a. For one (1) of the reasons set forth in:

         (i) KRS 199.896(19);

         (ii) Subsection (6) of this section; or

         (iii) Section 11(2) or 11(7)(j) of this administrative regulation; or

      b. Due to a disqualification from:

         (i) The Child Care Assistance Program established by 922 KAR 2:160, including an intentional program violation in accordance with 922 KAR 2:020; or

         (ii) Another governmental assistance program for fraud or abuse of that program.

(9) If a license is granted after the seven (7) year period specified in subsection (8)(a) of this section, the licensee shall serve a two (2) year probationary period during which the child-care center shall be inspected on at least a quarterly basis.

(10) A preliminary or regular license shall specify:

   (a) A particular premises;
(b) A designated licensee;

(c) Age category of the children in care;

(d) The maximum number of children allowed under center supervision at one (1) time, including a child related to the licensee or an employee, based upon:

1. Available space as determined by the State Fire Marshal’s Office in conjunction with the cabinet;

2. Adequacy of program;

3. Equipment; and

4. Staff;

   (e) If provided, nontraditional hours;

   (f) If provided, transportation; and

   (g) A list of services to be provided by the child-care center.

(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:

(a) Provide written documentation from the local authority showing compliance with local zoning requirements;

(b) Be approved by the Office of the State Fire Marshal or designee;

(c) Have an approved water and sewage system in accordance with local, county, and state laws;

(d) Provide written proof of liability insurance coverage of at least $100,000 per occurrence;

(e) Comply with provisions of this administrative regulation, 922 KAR 2:110, and 922 KAR 2:120;

(f) Cooperate with the cabinet, the cabinet’s designee, or another agency with regulatory authority during:

1. An investigation of an alleged complaint, including an allegation of child abuse or neglect pursuant to KRS 620.030(4); and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
2. Unannounced inspections; and

(g) Have a director who meets the requirements listed in 922 KAR 2:110.

(12) A child-care center shall allow the cabinet or its designee, another agency with regulatory authority, and a parent of an enrolled child unannounced access to the child-care center during the hours of operation.

(13) Denial of access, including any effort to delay, interfere with, or obstruct an effort by a representative of the cabinet or another agency with regulatory authority, to enter the child-care center or deny access to records relevant to the inspection shall result in the cabinet pursuing adverse action in accordance with Section 10, 11, or 12 of this administrative regulation.

(14) A regular license shall be issued and reapplied if the center has met the requirements contained in this administrative regulation, 922 KAR 2:110, 922 KAR 2:120, and KRS 199.896(3), (13), (15), (16), (18), and (19).

(15) A preliminary or regular license shall not be sold or transferred.

(16) Changes to a child-care center as listed in 922 KAR 2:110, Section 6(4) shall be:

(a) In writing to the cabinet or its designee; and

(b) Signed by each owner listed on the preliminary or regular license.

(17) The cabinet or its designee shall not charge a fee for acting upon reported changes.

(18) The preliminary or regular license shall be posted in a conspicuous place in the child-care center.

(19) A child-care center shall not begin operation without a preliminary license to operate from the cabinet.

(20) A child-care center operating without a preliminary or regular license shall be subject to legal action.

(21) The voluntary relinquishment of a preliminary or regular license shall not preclude the cabinet’s pursuit of adverse action.

Section 7. Fees. (1) A nonrefundable licensing fee of fifty (50) dollars shall be charged according to KRS 199.896(3).

(2) Licensing fees shall be:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Payable to the Kentucky State Treasurer;

(b) Attached to the licensure application; and

(c) Paid by:

1. Cashier’s check;

2. Certified check; or

3. Money order.

Section 8. Annual Reapproval. (1) A licensee seeking reapproval of a regular license shall:

(a) Submit, one (1) month prior to license expiration, an OIG-DRCC-01; and

(b) Meet the requirements specified in Sections 4 through 7 of this administrative regulation.

(2) An application for renewal shall be denied in accordance with Section 11 of this administrative regulation.

Section 9. Statement of Deficiency and Corrective Action Plans. (1) If a center is found not to be in regulatory compliance, the cabinet or its designee shall complete a written statement of deficiency in accordance with KRS 199.896(5).

(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within ten (10) calendar days of receipt of the statement of deficiency to eliminate or correct the regulatory violation.

(3) A corrective action plan shall include:

(a) Specific action undertaken to correct a violation;

(b) The date action was or shall be completed; and

(c) Action utilized to assure ongoing compliance.

(4) The cabinet or its designee shall review the plan and notify the child-care center within thirty (30) calendar days of receipt of the plan, in writing, of the decision to:

(a) Accept the plan;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Not accept the plan; or

(c) Deny, suspend, or revoke the child-care center’s license, in accordance with Section 11 of this administrative regulation.

(5) A notice of unacceptability shall state the specific reasons the plan is unacceptable.

(6) A child-care center notified of the unacceptability of its plan shall:

(a) Within ten (10) calendar days of notification, submit an amended plan; or

(b) Have its license revoked or denied for failure to submit an acceptable amended plan in accordance with KRS 199.896(4).

(7) Following two (2) unacceptable plans of correction, in a forty-five (45) calendar day period, the cabinet may deny or revoke an application for licensure or license.

(8) The administrative regulatory violation reported on a statement of deficiency that poses an immediate threat to the health, safety, or welfare of a child shall be corrected within five (5) working days from the date of the statement of deficiency in accordance with KRS 199.896(5)(c).

Section 10. Intermediate Sanctions. (1) If the cabinet determines that a child-care center is in violation of this administrative regulation, 922 KAR 2:110, or 922 KAR 2:120, the cabinet may, based on the severity of the violation:

(a) Require the provider to participate in additional training;

(b) Increase the frequency of monitoring by cabinet staff;

(c) Enter into an agreement with the provider detailing the requirements for remedying a violation and achieving compliance; or

(d) Notify or require the provider to notify a parent of a child who may be affected by the situation for which an intermediate sanction has been imposed.

(2) An intermediate sanction shall result in a suspension or revocation of the license if a child-care center:

(a) Fails to meet a condition of the intermediate sanction; or

(b) Violates a requirement of an intermediate sanction.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 11. Basis for Denial, Suspension or Revocation. (1) The cabinet shall deny, suspend, or revoke a preliminary or regular license in accordance with KRS 199.896(4) and (19) if the applicant for licensure, director, employee, or a person who has supervisory authority over, or unsupervised contact with, a child fails to meet the requirements of this administrative regulation or those of 922 KAR 2:110 or 922 KAR 2:120.

(2) For the purposes of KRS 199.896(19), an applicant who has been found by the cabinet to have abused or neglected a child shall mean an individual who is listed on the central registry described in 922 KAR 1:470.

(3) An individual described in Section 6(4) of this administrative regulation shall report to the licensee if:

   (a) Convicted of, or entered an Alford or guilty plea to:

1. A violent crime or sex crime in accordance with KRS 17.165; or

2. A crime specified in Section 6(6) of this administrative regulation;

   (b) The subject of a cabinet child abuse or neglect investigation;

   (c) Found by the cabinet or a court to have abused or neglected a child;

   (d) Convicted of, or entered an Alford or guilty plea to, a drug-related felony, and five (5) years have not elapsed since the person was fully discharged from imprisonment, probation, or parole;

   (e) Placed on the Sex Offender Registry; or

   (f) Determined by a physician to have a health condition that renders the person unable to care for children.

(4) Each licensee shall report to the cabinet or its designee if the:

   (a) Licensee or an individual described in Section 6(4) of this administrative regulation meets a criterion of subsection (3) of this section; or

   (b) Licensee meets a criterion of subsection (7)(j) of this section.

(5) Emergency Action. (a) The cabinet shall take emergency action in accordance with KRS 199.896(4) by issuing an emergency order that suspends a child-care center’s license.

   (b) An emergency order shall:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. Be served to a licensed child-care center in accordance with KRS 13B.050(2); and

2. Specify the regulatory violation that caused the emergency condition to exist.

   (c) Upon receipt of an emergency order, a child-care center shall surrender its license to the cabinet.

   (d) The cabinet or its designee and the child-care center shall make reasonable efforts to:

1. Notify a parent of each child in care of the center’s suspension; and

2. Refer a parent for assistance in locating alternate child care arrangements.

   (e) A child-care center required to comply with an emergency order issued in accordance with this subsection may submit a written request for an emergency hearing within five (5) calendar days of receipt of the order to determine the propriety of the licensure’s suspension.

   (f) The cabinet shall conduct an emergency hearing within ten (10) working days of the request for hearing.

   (g)1. Within five (5) working days of completion of the hearing, the cabinet’s hearing officer shall render a written decision affirming, modifying, or revoking the emergency order to suspend licensure.

   2. The emergency order shall be affirmed if there is substantial evidence of an immediate threat to public health, safety, or welfare.

   (h) A provider’s license shall be revoked if the:

1. Provider does not request a hearing within the timeframes established in paragraph (e) of this subsection; or

2. The emergency order is upheld by the administrative hearing conducted in accordance with KRS Chapter 13B.

(6) Public information shall be provided in accordance with KRS 199.896(10) and (11), and 199.898(2)(d) and (e).

(7) Unless an applicant for a license meets requirements of Section 6(8) of this administrative regulation, the cabinet shall deny an applicant for a preliminary or regular license if:

   (a) The applicant has had previous ownership interest in a child-care provider which had its certification, license, or registration, or permit to operate denied, suspended, or revoked;

   (b) Denial, investigation, or revocation proceedings were initiated, and the licensee voluntarily relinquished the license;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) An appeal of a denial, suspension, or revocation is pending;

(d) The applicant previously failed to comply with the requirements of KRS 199.896, 922 KAR 2:110, 922 KAR 2:120, or this administrative regulation;

(e) An individual with ownership interest in the child-care center has been discontinued or disqualified from participation in:

1. The Child Care Assistance Program established by 922 KAR 2:160, including an intentional program violation in accordance with 922 KAR 2:020; or

2. Another governmental assistance program due to fraud or abuse of that program;

(f) The applicant is the parent, spouse, sibling, or child of a previous licensee whose license was denied, suspended, revoked, or voluntarily relinquished as described in paragraphs (a) through (d) of this subsection, and the previous licensee will be involved in the child-care center in any capacity;

(g) The applicant listed as an officer, director, incorporator, or organizer of a corporation or limited liability company whose child-care center license was denied, suspended, revoked, or voluntarily relinquished as described in paragraph (a) through (d) of this subsection within the past seven (7) years;

(h) The applicant knowingly misrepresents or submits false information on a form required by the cabinet;

(i) The applicant interferes with a cabinet or other agency representative’s ability to perform an official duty pursuant to Section 6(11)(f) or 6(12) of this administrative regulation;

(j) The applicant’s background check reveals that the applicant:

1. Is listed on the:

   a. Central registry in accordance with 922 KAR 1:470; or

   b. Sex Offender Registry; or

2. Has been convicted of, or entered an Alford or guilty plea to, a crime specified in Section 6(6) of this administrative regulation, including a felony offense involving fraud, embezzlement, theft, or forgery; or

   (k) The licensee is the subject of more than two (2) intermediate sanctions during a three (3) year period.

(8) A child-care center’s license shall be revoked if:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

(a) A representative of the center interferes with a cabinet or other agency representative’s ability to perform an official duty pursuant to Section 6(11)(f) or 6(12) of this administrative regulation;

(b) A cabinet representative, a representative from another agency with regulatory authority, or parent is denied access during operating hours to:

1. A child; or

2. The child-care center;

(c) The licensee is discontinued or disqualified from participation in:

1. The Child Care Assistance Program as a result of an intentional program violation in accordance with 922 KAR 2:020; or

2. A governmental assistance program as a result of fraud or abuse of that program;

(d) The licensee fails to meet a condition of, or violates a requirement of an intermediate sanction pursuant to Section 10(2) of this administrative regulation;

(e) The applicant or licensee knowingly misrepresents or submits false information on a form required by the cabinet; or

(f) The licensee is the subject of more than two (2) intermediate sanctions during a three (3) year period.

(9) The cabinet or its designee shall suspend the license if:

(a) Regulatory violations are found that pose an immediate threat to the health, safety, and welfare of the children in care as described in KRS 199.896(4); or

(b) The child care-center fails to comply with the approved corrective active plan.

Section 12. Civil Penalty. The cabinet shall assess and enforce a civil penalty in accordance with 922 KAR 2:190.

Section 13. Right of Appeal. (1) If an application has been denied or a licensee receives notice of suspension or revocation, the cabinet shall inform the applicant for licensure or licensee by written notification of the right to appeal the notice of adverse action in accordance with KRS Chapter 13B and 199.896(7).

(2) An adverse action may be appealed by filing form OIG-DRCC-02, Licensed Request for Appeal or Informal Dispute Resolution. The request shall:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Be submitted to the Secretary of the cabinet or designee within twenty (20) calendar days of receipt of the notice of adverse action; and

(b) Specify if an applicant for licensure or licensee requests an opportunity to informally dispute the notice of adverse action.

(3) If an applicant for licensure or a licensee files an OIG-DRCC-02 for a hearing, the cabinet shall:

(a) Appoint a hearing officer; and

(b) Proceed pursuant to KRS 13B.050.

(4) If an applicant for licensure or a licensee files a request for a hearing and a request for an informal dispute resolution, the cabinet shall:

(a) Abate the formal hearing pending completion of the informal dispute resolution process; and

(b) Proceed to informal dispute resolution.

Section 14. Informal Dispute Resolution. (1) A request for informal dispute resolution shall:

(a) Accompany the request for a hearing;

(b) Identify the licensure deficiency in dispute;

(c) Specify the reason the applicant for licensure or licensee disagrees with the deficiency; and

(d) Include documentation that disputes the deficiency.

(2) Upon receipt of the written request for informal dispute resolution, the regional program manager or designee shall:

(a) Review documentation submitted by the applicant for licensure or licensee; and

(b) If requested, schedule a first-level informal dispute resolution meeting with the applicant for licensure or licensee.

(3) The first-level informal dispute resolution meeting shall be held within ten (10) calendar days of receipt of the request by the cabinet, unless both parties agree in writing to an extension of time.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(4) The first-level informal dispute resolution meeting shall be conducted by:

(a) The regional program manager or designee; and

(b) A child care surveyor who did not participate in the survey resulting in the disputed deficiency.

(5) Within ten (10) calendar days of completion of the first-level informal dispute resolution meeting or request, the regional program manager or designee shall:

(a) Issue a decision by written notification to the return address specified in the request for informal dispute resolution;

(b) If a change is made to the statement of deficiencies, issue an amended statement of deficiencies; and

(c) Specify whether the adverse action has been rescinded.

(6) An applicant or a licensee may appeal a decision issued by the regional program manager or designee by:

(a) Proceeding with a hearing according to KRS 13B.050; or

(b) Filing a written request for a second-level informal dispute resolution to the Director of the Division of Regulated Child Care or designee within ten (10) calendar days of receipt of the first level decision. The request shall specify whether the applicant for licensure or licensee requests a meeting with cabinet staff.

(7) Upon receipt of the written request for second-level informal dispute resolution, the Director of the Division of Regulated Child Care or designee shall:

(a) Review the decision issued from the first-level informal dispute resolution;

(b) Review the documentation described in subsection (1)(d) of this section; and

(c) If requested, schedule a second-level informal dispute resolution meeting with the applicant for licensure or licensee.

(8) The second-level informal dispute resolution meeting shall be held within ten (10) calendar days of receipt of the request by the cabinet, unless both parties agree in writing to an extension of time.

(9) Within ten (10) calendar days of completion of the second-level informal dispute resolution meeting or request, the Director of the Division of Regulated Child Care or designee shall:

(a) Issue a decision by written notification to the return address specified in the request for second-level
(b) If a change is made to the statement of deficiencies, issue an amended statement of deficiencies; and

(c) Specify whether the adverse action has been rescinded.

(10) If a second-level informal review is requested in lieu of a first-level informal dispute resolution meeting, the Director of the Division of Regulated Child Care or designee shall comply with the provisions of subsection (9)(a) through (c) of this section within ten (10) calendar days of receipt of the request for second-level informal dispute resolution.

(11) If an applicant for licensure or licensee is satisfied with the decision issued during informal dispute resolution, the request for a hearing shall be withdrawn.

(12) If an applicant for licensure or licensee is not satisfied with the decision issued from the second-level informal dispute resolution, the hearing previously held in abeyance shall be conducted in accordance with KRS Chapter 13B concerning the deficiencies that were reviewed in the informal review process.

(13) A request for informal dispute resolution shall not:

(a) Limit, modify, or suspend enforcement action against the applicant for licensure or licensee; or

(b) Delay submission of a written plan of correction.

(14) Emergency action taken in accordance with Section 11(5) of this administrative regulation shall conform to the requirements of KRS 199.896(4). The informal dispute resolution process shall not restrict the cabinet’s ability to issue an emergency order to stop, prevent, or avoid an immediate threat to public health, safety, or welfare under KRS 13B.125(2) and 199.896(4).

Section 15. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) “OIG-DRCC-01, Child-Care Center License Application” edition 4/2013; and

(b) “OIG-DRCC-02, Licensed Request for Appeal or Informal Dispute Resolution” edition 8/3/12.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Inspector General’s Office, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.
Section 1. Definitions. (1) “Address check” means a cabinet search of the Sex Offender Registry to determine if a person’s residence is a known address of a registered sex offender.

(2) “Assistant” means a person:

   (a) Who meets the requirements listed in Section 2(6) and Section 10 (7), (8), and (9) of this administrative regulation; and

   (b) Whose work is either paid or unpaid.

(3) “Cabinet” is defined by the KRS 199.011(2).

(4) “Child” is defined by KRS 199.011(4).

(5) “Corporal physical discipline” is defined by KRS 199.896(18).

(6) “Developmentally appropriate” means suitable for the specific age range and abilities of a child.

(7) “Family child-care home” is defined by KRS 199.894(5).

(8) “Health professional” means a person currently licensed as a:

   (a) Physician;

   (b) Physician’s assistant;

   (c) Advanced registered nurse or practitioner; or

   (d) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.

(9) “Home” means the private primary residence of the certified family child-care home provider and contiguous property.

(10) “Infant” means a child who is less than twelve (12) months of age.

(11) “Parent” is defined by 45 C.F.R. 98.2.

(12) “Parental or family participation” means a family child-care home’s provision of information or inclusion of a child’s parent in the child-care home’s activities such as:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Distribution of a newsletter;

(b) Distribution of a program calendar;

(c) A conference between the provider and the parent; or

(d) Other activity designed to engage a parent in the program’s activities.

(13) “Pediatric abusive head trauma” is defined by KRS 620.020(8).

(14) “Premises” means the building and contiguous property in which child care is certified.

(15) “Preschool-age” means a child who is older than a toddler and younger than school-age.

(16) “Provider” means an owner, operator, or person who:

(a) Cares for a child in the provider’s own home;

(b) Is not required to be licensed under 922 KAR 2:090; and

(c) Meets the requirements of Section 2 of this administrative regulation.

(17) “Related” means having one (1) of the following relationships with the provider:

(a) Child;

(b) Grandchild;

(c) Niece;

(d) Nephew;

(e) Sibling;

(f) Step-child; or

(g) Child in legal custody of the provider.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(18) “School-age child” means a child attending kindergarten, elementary, or secondary education.

(19) “Sex Offender Registry” means the registration system for adults who have committed sex crimes or crimes against minors established in accordance with KRS 17.500 through 17.580.

(20) “Toddler” means a child between the age of twelve (12) months and twenty four (24) months.

Section 2. Certification Process. (1) The cabinet or its designee shall be responsible for certifying a family child-care home.

(2) An applicant for certification shall:

   (a) Show proof by photo identification or birth certificate that the individual is at least eighteen (18) years of age;

   (b) Obtain commercial liability insurance of at least $50,000 per occurrence; and

   (c) Submit within ninety (90) days of initiation of the application process:

1. A completed OIG-DRCC-03, Certification Application for Family Child-Care Home;

2. A nonrefundable certification fee pursuant to KRS 199.8982(1)(b);

3. Written documentation from the local authority showing the child-care home is in compliance with local zoning requirements;

4. Documentation of the requirements of KRS 199.8982(1)(a)1 through 3 and 5;

5. A DCC-157, Certified Family Child-Care Home Central Registry Check, to complete:

   a. A child abuse or neglect check using the central registry in accordance with 922 KAR 1:470; and

   b. An address check of the Sex Offender Registry;

6. A completed criminal records check required by KRS 17.165(5); and

7. A criminal records check for any previous state of residence completed once if:

   a. The applicant resided outside the state of Kentucky in the last five (5) years; and
b. No criminal records check has been completed for the applicant’s previous state of residence.

(3) An initial applicant for certification shall have a:

(a) High school diploma, general equivalency diploma (GED), or documentation from a comparable educational entity; or

(b) Commonwealth Child Care Credential in accordance with 922 KAR 2:250.

(4) An applicant shall be currently certified by an agency approved in accordance with 922 KAR 2:240 in infant and child:

(a) Cardiopulmonary resuscitation (CPR); and

(b) First aid.

(5) An adult living in the home of the applicant, present during the hours of operation, or having unsupervised contact with a child in care, and the applicant’s assistant shall submit to the cabinet:

(a) A criminal records check pursuant to KRS 17.165(5) by the Kentucky State Police or the Administrative Office of the Courts within one (1) year prior to application;

(b) A DCC-157 to complete:

1. A child abuse or neglect check using the central registry in accordance with 922 KAR 1:470; and

2. An address check of Sex Offender Registry;

(c) A criminal records check completed once for any previous state of residence if:

1. The adult resided outside the state of Kentucky in the last five (5) years; and

2. No criminal records check has been completed for the adult’s previous state of residence; and

(d) A copy of negative tuberculin results or a health professional’s statement documenting that the adult is free of active tuberculosis.

(6) An applicant or assistant who has been convicted of, or entered an Alford or guilty plea to, a non-violent felony or misdemeanor may be approved on a case by case basis with consideration given to the:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Nature of the offense;

(b) Length of time that has elapsed since the event; and

(c) Applicant’s life experiences after the conviction, Alford plea, or guilty plea.

(7) Upon receipt of a completed application for certification, and a nonrefundable certification fee pursuant to KRS 199.8982(1)(b), cabinet staff shall:

(a) Review and process the application; and

(b) Conduct an unannounced inspection of the home pursuant to KRS 199.8982(1)(b), including review of the evacuation plan in accordance with Section 18(7) of this administrative regulation.

(8) If the requirements of subsections (1) through (7) of this section, Section 3, and Sections 10 through 19 of this administrative regulation have been met, an applicant shall be certified as described in KRS 199.8982.

(9) Within three (3) months of submission to the cabinet of a complete OIG-DRCC-03, an applicant shall:

(a) Demonstrate completion of six (6) hours of cabinet-approved training in accordance with KRS 199.8982(1)(a)6; and

(b) Develop and implement a written plan for obtaining nine (9) hours of annual cabinet-approved training as required in Section 10(1) of this administrative regulation.

(10) A family child-care home certificate shall:

(a) Be displayed in a prominent place, as required by KRS 199.8982(1)(c);

(b) Contain the:

1. Name and address of the child care provider;

2. Maximum number of unrelated children who may be served;

3. Identification number; and

4. Effective and expiration dates; and

(c) Be valid for only the:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. Name of the individual authorized on the certificate to operate a family child-care home; and

2. Residential address printed on the certificate.

(11) A change of location shall require:

(a) A ten (10) calendar day notice;

(b) A completed OIG-DRCC-03;

(c) An inspection of the new home; and

(d) Continued compliance with this administrative regulation.

Section 3. Renewal of Certification. (1) A family child-care certification shall be renewed every two (2) years.

(2) A family child-care home provider shall submit one (1) month prior to expiration of the provider’s certification:

(a) A completed OIG-DRCC-03;

(b) A nonrefundable renewal fee pursuant to KRS 199.8982(1)(b);

(c) A physician’s statement documenting that the family child-care home provider’s health is satisfactory for continued operation of a family child-care home; and

(d) Proof that the family child-care home provider continues to meet the minimum requirements specified in Sections 2, 3, and 10 through 19 of this administrative regulation.

(3) The cabinet shall:

(a) Review and process the application;

(b) Conduct an unannounced inspection of the home pursuant to KRS 199.8982(1)(b); and

(c) Approve the family child-care home within fifteen (15) calendar days of receipt of the application if the requirements in Sections 2, 3, and 10 through 19 of this administrative regulation are met.

(4) To the extent funds are available, the cabinet may conduct an unannounced inspection of the home pursuant to

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 4. Statement of Deficiency and Corrective Action Plans. (1) If the cabinet finds a provider noncompliant with Sections 2, 3, or 10 through 19 of this administrative regulation, the cabinet or its designee shall complete a written statement of deficiency.

(2) Except for a violation posing an immediate threat, a family child-care home shall submit a written corrective action plan to the cabinet or its designee within ten (10) calendar days from receipt of the statement of deficiency to eliminate or correct the regulatory violation.

(3) A corrective action plan shall include:

   (a) Specific action undertaken to correct a violation;

   (b) The date action was or will be completed; and

   (c) Action utilized to assure ongoing compliance.

(4) The cabinet or its designee shall review the plan and notify a family child-care home within thirty (30) calendar days from receipt of a plan, in writing, of the decision to:

   (a) Accept the plan;

   (b) Not accept the plan; or

   (c) Deny, suspend, or revoke the family child-care home’s certification in accordance with Section 6, 7, or 8 of this administrative regulation.

(5) A notice of unacceptability shall state the specific reasons a plan was not accepted.

(6) A family child-care home notified of an unaccepted plan shall:

   (a) Submit an amended plan within ten (10) calendar days of notification; or

   (b) Have its certification revoked or denied for failure to submit an acceptable amended plan.

(7) Following two (2) unacceptable plans of correction in a forty-five (45) calendar day period, the cabinet shall deny an application for certification or revoke a provider’s certification.

(8) An administrative regulatory violation reported on a statement of deficiency that poses an immediate threat to the health, safety, or welfare of a child shall be corrected by the family child-care home provider within five (5) working days.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(9) The voluntary relinquishment of a family child-care home’s certification shall not preclude the cabinet’s pursuit of adverse action.

Section 5. Denial of Application for Certification. (1) An application for initial certification or renewal of certification as a family child-care home shall be denied if the applicant, an assistant, or an adult residing in the household:

(a) Has abused or neglected a child according to a check of the central registry in accordance with 922 KAR 1:470;

(b) Has a history of behavior that may impact the safety or security of a child in care including:

1. A criminal conviction of, or an Alford plea or a plea of guilty to, a sex crime or violent crime in accordance with KRS 17.165;

2. A conviction for, or an Alford plea or a plea of guilty to, a drug-related felony, and (5) five years has not elapsed since the person was fully discharged from imprisonment, probation, or parole; or

3. Other behavior or condition indicating inability to provide reliable care to a child; or

(c) Is placed on the Sex Offender Registry.

(2) An application for certification as a family child-care home provider shall be denied if the applicant:

(a) Fails to comply with the minimum certification standards specified in Sections 10 through 19 of this administrative regulation and KRS 199.8982;

(b) Knowingly misrepresents or submits false information on the application or other form required by the cabinet or its designee;

(c) Refuses, during the hours of operation, access by:

1. A parent of a child in care, the cabinet, the cabinet’s designee, or another agency with regulatory authority to:

   a. A child in care; or

   b. The provider’s premises; or

2. The cabinet, the cabinet’s designee, or another agency with regulatory authority to the provider’s records;
(d) Is placed on intermediate sanction more than two (2) times in a three (3) year period; or

(e) Has been discontinued or disqualified from participation in:

1. The Child Care Assistance Program established by 922 KAR 2:160, including an intentional program violation in accordance with 922 KAR 2:020; or

2. Another governmental assistance program due to fraud or abuse of that program.

(3) Effect of previous denial or revocation.

(a) If an applicant has had a previous child care registration, certification, license, or permit to operate subject to denial, suspension, revocation, or voluntary relinquishment pending an investigation or adverse action, the cabinet shall grant the applicant a certificate to operate a family child-care home if:

1. A seven (7) year period has expired from the:
   a. Date of the prior denial, suspension, or revocation;
   b. Date the certification, license, registration, or permit was voluntarily relinquished as a result of an investigation or a pending adverse action;
   c. Last day of legal remedies being exhausted; or
   d. Date of the Final Order from an administrative hearing; and

2. The applicant has:
   a. The proven ability to comply with the provisions of this administrative regulation and KRS 199.8982;
   b. Completed, since the time of the prior denial or revocation, sixty (60) hours of cabinet-approved training in developmentally appropriate child care practice; and
   c. Not had an application, registration, certificate, license, or permit to operate as a child care provider denied or revoked for:
      (i) Conviction of, or an Alford plea or a plea of guilty to, a sex crime or violent crime in accordance with KRS 17.165;
(ii) Abuse or neglect of a child according to a child abuse and neglect check of the central registry in accordance with 922 KAR 1:470;

(iii) Placement on the Sex Offender Registry;

(iv) Conviction of, or an Alford or guilty plea to, a drug-related felony, and five (5) years has not elapsed since the person was fully discharged from imprisonment, probation, or parole; or

(v) Has been discontinued or disqualified from participation in:

1. The Child Care Assistance Program established by 922 KAR 2:160, including an intentional program violation in accordance with 922 KAR 2:020; or

2. Another governmental assistance program due to fraud or abuse of that program.

(b) If a certificate is granted after the seven (7) year period specified in paragraph (a) of this subsection, the provider shall serve a two (2) year probationary period during which the home shall be inspected on at least a quarterly basis.

Section 6. Intermediate Sanctions. (1) If the cabinet determines that a certified family child-care home provider is in violation of this administrative regulation, the cabinet may, based on the severity of the violation:

(a) Require the provider to participate in additional training;

(b) Increase the frequency of monitoring by cabinet staff;

(c) Enter into an agreement with the provider detailing the requirements for remedying a violation and achieving compliance; or

(d) Notify or require the provider to notify a parent of a child who may be affected by the situation for which an intermediate sanction has been imposed.

(2) An intermediate sanction shall result in a suspension or revocation of certification if a certified family child-care home provider:

(a) Fails to meet a condition of the intermediate sanction; or

(b) Violates a requirement of an intermediate sanction.

Section 7. Suspension. The cabinet shall take emergency action in accordance with KRS 13B.125, by issuing an emergency order that results in suspension of the operation of a certified family child-care home. (1) An emergency order shall:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 7. Suspension.(a) Be served to a certified family child-care home provider in accordance with KRS 13B.050(2); and

(b) Specify the regulatory violation that caused the emergency condition to exist.

(2) Upon receipt of an emergency order, a provider shall surrender the certificate of operation to the cabinet.

(3) The cabinet or its designee and the provider shall make reasonable efforts to:

(a) Notify a parent of each child in care of the suspended provider; and

(b) Refer a parent for assistance in locating alternate child care arrangements.

(4) A certified family child-care home required to comply with an emergency order issued in accordance with this section may submit a written request for an emergency hearing within five (5) calendar days of receipt of the order to determine the propriety of the certification’s suspension.

(5) The cabinet shall conduct an emergency hearing within ten (10) working days of the request for hearing.

(6)(a) Within five (5) working days of completion of the hearing, the cabinet’s hearing officer shall render a written decision affirming, modifying, or revoking the emergency order to suspend certification.

(b) The emergency order shall be affirmed if there is substantial evidence of an immediate threat to public health, safety, or welfare.

(7) A provider’s certification shall be revoked if the:

(a) Provider does not request a hearing within the timeframes established in subsection (6) of this section;

(b) The emergency order is upheld by the administrative hearing conducted in accordance with KRS Chapter 13B; or

(c) The condition that resulted in the emergency order is not corrected within thirty (30) calendar days of service of the emergency order.

Section 8. Revocation.(1) A family child-care home provider’s certification shall be revoked if a provider:

(a) Knowingly misrepresents or submits false information on the application or other form required by the cabinet or its designee;

(b) Interferes with a cabinet representative’s ability to perform an official duty;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) Refuses, during the hours of operation, access by:

1. A parent of a child in care, the cabinet, the cabinet’s designee, or another agency with regulatory authority to:
   a. A child in care; or
   b. The provider’s premises; or

2. The cabinet, the cabinet’s designee, or another agency with regulatory authority to the provider’s records;
   (d) Is convicted of, or enters an Alford or guilty plea to, a criminal charge that threatens the health, safety, or welfare of a child in care;
   (e) Is unable to operate a family child-care home due to a medical condition;
   (f) Is unable to continue to meet the requirements of KRS 199.8982(1) or Sections 2, 3, and Sections 10 through 19 of this administrative regulation;
   (g) Is placed on intermediate sanction more than two (2) times in a three (3) year period; or
   (h) Has been discontinued or disqualified from participation in:

1. The Child Care Assistance Program established by 922 KAR 2:160, including an intentional program violation in accordance with 922 KAR 2:020; or

2. Another governmental assistance program due to fraud or abuse of that program.

(2) If the cabinet determines that a condition of subsection (1) of this section exists, the cabinet or its designee shall send a written notice of revocation delivered by personal service or through certified mail at least thirty (30) calendar days prior to the effective date of the revocation.

(3) The notice of revocation shall:
   (a) Explain the reason for the revocation;
   (b) Specify that the child care provider shall cease operation as a certified family child-care home upon revocation;
   (c) Advise the family child-care home provider of the right to request an appeal on an OIG-DRCC-05, Certified Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Family Child-Care Home Request for Appeal, prior to the effective date of the revocation;

(d) Specify that revocation shall be stayed if an appeal is requested; and

(e) Require the family child-care home provider to surrender the certificate of operation to cabinet staff when the revocation becomes effective.

(4) If a provider’s certification has been revoked, the cabinet or its designee and the provider shall make reasonable efforts to:

(a) Notify a parent of each child in care; and

(b) Refer the parent for assistance in locating alternate child care arrangements.

Section 9. Appeal of Denials, Intermediate Sanctions, Suspension, and Revocation. (1) If the cabinet denies certification, imposes an intermediate sanction, suspends certification, or revokes certification, the family child-care home provider may request an appeal by completing an OIG-DRCC-05 within twenty (20) calendar days of receipt of the notice of adverse action.

(2) Upon request of the appeal, the provider shall be afforded a hearing in accordance with KRS Chapter 13B.

(3) If a final order from an administrative hearing does not uphold a suspension, the provider may resume providing child care.

Section 10. Standards for the Provider. (1)(a) A provider shall complete annually at least nine (9) hours of cabinet-approved early care and education training beginning with the second year of operation, including one and one-half (1 1/2) hours of cabinet-approved pediatric abusive head trauma training in accordance with KRS 199.8982(2):

1. Within the second year of employment or operation in child care; and

2. Every subsequent five (5) years of employment or operation in child care.

(b) A provider or assistant’s compliance with the training in accordance with paragraph (a) of this subsection or subsection (9) of this section may be verified through the cabinet-designed database maintained pursuant to 922 KAR 2:240.

(2) A provider shall not provide care for more unrelated children than the number authorized on the certificate of operation.

(3) If a provider cares for more than four (4) infants, including the provider’s own or related infants, the provider shall have an assistant present.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(4) A provider shall not care for more than six (6) children under the age of six (6) years old, including the provider’s own or related children.

(5) The maximum number of unrelated children in the care of a certified family child-care home provider shall not exceed six (6) at any one (1) time. A provider may care for four (4) related children in addition to six (6) unrelated children for a maximum child care capacity of ten (10) at any one (1) time.

(6) If a provider operates the in-home child care business for twenty-four (24) consecutive hours, the provider shall:

   (a) Receive an eight (8) hour period of respite after working sixteen (16) consecutive hours; and

   (b) Employ an assistant during the period of respite.

(7) Prior to being left alone with a child, an assistant shall be certified by a cabinet-approved agency in infant and child:

   (a) CPR; and

   (b) First aid.

(8) An assistant shall be:

   (a) Eighteen (18) years of age or older;

   (b) Under direct supervision of a provider;

   (c) Used for providing care in a certified family child-care home; and

   (d) Used in the absence of the certified provider.

(9) An assistant used in the absence of the family child-care home provider in excess of fourteen (14) calendar days during a one (1) year period shall demonstrate completion of at least nine (9) hours of cabinet-approved training, including pediatric abusive head trauma training pursuant to KRS 199.8982(2), in accordance with subsection (1) of this section.

(10) If a provider, an assistant, or a member in a provider’s household is named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet in accordance with 922 KAR 1:330, the individual shall be removed from direct contact with a child in care:

   (a) For the duration of the family-in-need-of-services assessment or investigation; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Pending completion of an administrative appeal process for a cabinet substantiation of child abuse or neglect in accordance with 922 KAR 1:320 or 922 KAR 1:480.

(11) During hours of operation, a provider and another person in the home shall:

(a) Be free of the influence of alcohol or a controlled substance except for use of a controlled substance as prescribed by a physician; and

(b) Prohibit smoking in the presence of children in care

(12) During a provider’s absence, an assistant shall be physically present at the home during hours of operation.

(13) A provider shall:

(a) Not be employed outside of the home during regular hours of operation; and

(b) Maintain daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the provider through the Child Care Assistance Program.

Section 11. The General Requirements of the Family Child-Care Home Environment. (1) A provider’s home and each play area used for child care shall:

(a) Be free from risk of harm in accordance with the requirements of this administrative regulation; and

(b) Have adequate:

1. Heating and cooling;

2. Light; and

3. Ventilation.

(2) Each floor level used for child care shall have at least one (1):

(a) Unblocked exit to the outside;

(b) Smoke detector;

(c) Fire extinguisher; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(d) Carbon monoxide detector if the home:

1. Uses fuel burning appliances; or

2. Has an attached garage.

(3) A new applicant or a provider who changes location shall have at least two (2) unblocked exits to the outside on each floor level used for child care.

(d) The areas of the home that are accessible to children in care shall be free from items harmful to children including the following items:

(a) Cleaning supplies, poisons, paints, and insecticides;

(b) Knives, scissors, and sharp objects;

(c) Power tools, lawn mowers, hand tools, nails, and other equipment;

(d) Matches, cigarettes, lighters, combustibles, and flammable liquids;

(e) Alcoholic beverages;

(f) Plastic bags; and

(g) Litter and rubbish.

(5) In accordance with KRS 527.070(1), firearms and ammunition shall be stored away from the presence of children, in separate locked containers, which, in order to be opened, require a:

(a) Key; or

(b) Combination.

(6) Electrical outlets not in use shall be covered.

(7) An electric fan, floor furnace, or freestanding heater or fireplace shall:

(a) Be out of the reach of a child; or
(b) Have a safety guard to protect a child from injury.

(8) A certified family child-care home shall have:

(a) At least one (1) working land-line telephone on each level used for child care unless the cabinet has been notified that the telephone is temporarily out of service; and

(b) A list of emergency numbers posted by each telephone, including numbers for the:

1. Police;

2. Fire station;

3. Emergency medical care and rescue squad; and

4. Poison control center.

(9) Equipment and toys shall be:

(a) Designated by the manufacturer as developmentally appropriate to the age of children in care;

(b) In sufficient quantity for the number of children in care; and

(c) Safe, sound, clean, and in good repair.

(10) Stairs and steps used for children in care shall be:

(a) Solid;

(b) Safe; and

(c) Railed.

(11) If an infant or toddler is in the care of a provider, indoor stairs with more than two (2) steps shall be blocked.

(12) Exclusive of the bathroom and storage area, an indoor area, including furnishings, used for child care shall contain at least thirty-five (35) square feet per child for

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Play; and

(b) Activities that meet the developmental needs of the children in care.

(13) An outdoor play area shall be free of unavoidable danger or risk.

(14) Each child in an outdoor play area shall be under the direct supervision of the provider or assistant.

(15) Outdoor stationary play equipment shall be:

(a) Securely anchored;

(b) Developmentally appropriate; and

(c) Safe.

(16) A trampoline shall not be accessible to a child in the care of a provider.

(17) A swimming pool on the premises shall:

(a) Be maintained;

(b) Have a water filtering system;

(c) Be supervised when in use; and

(d) Be inaccessible to children when not in use.

(18) An above-ground pool shall have:

(a) A stationary wall no less than four (4) feet tall; and

(b) Hand holds or foot holds that are inaccessible when the pool is not in use.

(19) A fire drill shall be:

(a) Conducted during hours of operation at least monthly; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(20) An earthquake drill and a tornado drill shall be:

(a) Conducted during hours of operation at least quarterly; and

(b) Documented.

(21) A family child-care home shall:

(a) Be clean;

(b) Be uncluttered;

(c) Be free of insects and rodents;

(d) Have a water supply that is:

1. Potable;

2. Adequate; and

3. From an approved public water supply; and

(e) Have bathrooms, including toilets, sinks, and potty chairs that are:

1. Sanitary; and

2. In good working condition.

(22) Windows, doors, and outer openings shall be screened to prevent the entrance of vermin.

(23) Indoor and outdoor garbage shall be stored in a waterproof container with a tight-fitting cover.

(24) Playpens and play yards shall:

(a) Meet the federal standards as issued by the Consumer Product Safety Commission, including 16 C.F.R. 1221;
(b) Be manufactured for commercial use; and

c) Not be used for sleeping or napping.

Section 12. Care Requirements for a Provider. (1) A provider shall ensure the health, safety, and comfort of each
child.

(2)(a) Care for a child with a special need shall be consistent with the nature of the need as documented by the
child’s health professional.

(b) A child may include a person eighteen (18) years of age if the person has a special need for which child care
is required.

(3) Television or video viewing by a child shall be limited to:

(a) Two (2) hours daily;

(b) The planned program activities; and

c) Developmentally appropriate child-related content, as designated by standardized content guidelines.

(4) A child shall wash hands with liquid soap and warm running water:

(a) Before and after eating or handling food;

(b) After toileting or diaper change;

c) After handling animals;

d) After wiping or blowing nose;

e) After touching items soiled with body fluids or waste; and

(f) After outdoor and indoor play time.

(5) A provider and an assistant shall:

(a) Wash hands with liquid soap and warm running water;

1. Before and after diapering a child;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May
1, 2014.
2. Before and after feeding a child;  

3. After toileting or assisting a child with toileting;  

4. After handling animals;  

5. Before dispensing medication;  

6. After caring for a sick child; and  

7. After wiping or blowing a child’s or own nose; and  

   (b) Assure that a child does not share:  

1. Cups;  

2. Eating utensils;  

3. Wash cloths;  

4. Towels; and  

5. Toiletry items.  

(6) An infant shall sleep and nap on the infant’s back unless the infant’s health professional signs a waiver that states the infant requires an alternate sleeping position.  

(7) Rest time shall be provided for each child who is not school-age and who is in care for more than four (4) hours.  

(8) Rest time shall include adequate space specified by the child’s age as follows:  

   (a) For an infant:  

1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;  

2. A firm crib mattress in good repair with a clean tight-fitted sheet that is changed:  

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

a. Weekly; or

b. Immediately if it is soiled or wet;

3. No loose bedding; and

4. No toys or other items except for the infant’s pacifier; or

   (b) For a toddler or preschool-age child:

   1. An individual bed, a two (2) inch thick waterproof mat, or cot in good repair; and

   2. Bedding that is in good repair and is changed:

      a. Weekly; or

      b. Immediately if it is soiled or wet.

(9) Rest time shall not exceed two (2) hours for a preschool-age child unless the child is attending nontraditional hours or is sick.

(10) A child who does not sleep shall be permitted to play quietly and be visually supervised.

(11) If overnight care is provided, a provider or an assistant shall:

   (a) Remain awake until every child in care is asleep; and

   (b) Sleep on the same floor level of the home as an infant or toddler.

(12) A certified family child care home shall provide a daily planned program:

   (a) Posted in writing in a conspicuous location;

   (b) Of activities that are individualized and developmentally appropriate for each child served;

   (c) That provides experience to promote the individual child’s physical, emotional, social, and intellectual growth and well-being; and

   (d) That offers a variety of creative activities including:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. Art;
2. Music;
3. Dramatic play;
4. Stories and books;
5. Science;
6. Block building;
7. Tactile activity;
8. Culture;
9. Indoor or outdoor play in which a child makes use of both small and large muscles;
10. A balance of active and quiet play, including group and individual activity; and
11. An opportunity for a child to:
   a. Have some free choice of activities;
   b. If desired, play apart from the group at times; and
   c. Practice developmentally appropriate self-help procedures in respect to:
      (i) Clothing;
      (ii) Toileting;
      (iii) Hand-washing; and
      (iv) Eating.
13. Except for a school-aged child whose parent has given written permission and whose whereabouts are known, a
child shall not be permitted off the premises of a family child-care home without a caregiver.

(14) Use of corporal physical discipline shall be prohibited pursuant to KRS 199.896(18).

(15) A child shall be released from a family child-care home to:

(a) The child’s custodial parent;

(b) The person designated in writing by the parent to receive the child; or

(c) In an emergency, a person designated over the telephone by the parent.

Section 13. Toilet and Diapering Requirements. (1) A toilet room shall:

(a) Have an adequate supply of toilet paper; and

(b) Be cleaned and sanitized daily.

(2) A sink shall be:

(a) Located in or immediately adjacent to toilets;

(b) Equipped with hot and cold running water that allows for hand washing;

(c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;

(d) Equipped with liquid soap and single use, disposable hand drying material;

(e) Equipped with an easily cleanable, covered waste receptacle; and

(f) Immediately adjacent to a changing area used for infants and toddlers.

(3) Each toilet shall:

(a) Be kept in clean condition;

(b) Be kept in good repair;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) Be in a lighted room; and

(d) Have ventilation.

(4) Toilet training shall be coordinated with the child’s parent.

(5) An adequate quantity of freshly laundered or disposable diapers and clean clothing shall be available.

(6) If a toilet training chair is used, the chair shall be:

   (a) Emptied promptly; and

   (b) Sanitized after each use.

(7) Diapers or clothing shall be:

   (a) Changed when soiled or wet;

   (b) Stored in a covered leak proof container temporarily; and

   (c) Washed or disposed of at least once a day.

(8) The proper methods of diapering and hand-washing shall be posted at each diaper changing area.

(9) If a child is being diapered, the child shall:

   (a) Not be left unattended; and

   (b) Be placed on a surface that is:

1. Clean;

2. Padded;

3. Free of holes, rips, tears, or other damage;

4. Nonabsorbent;
5. Easily cleaned; and

6. Free of items not used for diaper changing.

(10) Unless prescribed by a physician, individual disposable washcloths shall be used to thoroughly clean the affected area of the child.

(11) A provider or an assistant shall disinfect the diapering surface after each child is diapered.

(12) If a provider or an assistant wear disposable gloves, the gloves shall be changed and disposed of after each child is diapered.

Section 14. Food Requirements. (1) A provider and an assistant shall:

(a) Use sanitary procedures when preparing and serving food;

(b) Refrigerate perishable food and beverages; and

(e) Serve:

1. Breast milk or iron-fortified formula to a child age birth to twelve (12) months;

2. Pasteurized whole milk to a child age twelve (12) months to twenty-four (24) months; or

3. Pasteurized skim or low fat one (1) percent milk to a child age twenty-four (24) months to school-age.

(2) Water shall be:

(a) Available to a child in care; and

(b) Served in addition to meal requirements if a child requests throughout the day.

(3) A certified family child-care home shall offer each child the same food items unless the child’s parent or health professional documents a dietary restriction that necessitates an alternative food item for the child.

(4) Second servings shall be available to a child.

(5) Food shall not be:
(a) Used for:

1. Reward; or

2. Punishment; or

(b) Withheld until all other food items are consumed.

(6) Meals shall:

(a) Be served in an amount appropriate to the age of the child;

(b) Include appropriate types of food according to the age of the child; and

(c) Not be served during television or video viewing.

(7) Breakfast shall include:

(a) Milk;

(b) Whole grain or enriched grain bread; and

(c) Fruit, vegetable, or 100 percent juice.

(8) A snack shall include two (2) of the following:

(a) Milk;

(b) Protein source;

(c) Fruit, vegetable, or 100 percent juice; or

(d) Whole grain or enriched grain bread.

(9) Lunch and dinner shall include:

(a) Milk;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Protein source;

(c) 1. Two (2) vegetables;

2. Two (2) fruits; or

3. One (1) fruit and one (1) vegetable; and

(d) Whole grain or enriched grain bread.

(10) A weekly menu shall be:

(a) Prepared;

(b) Dated;

(c) Posted in a conspicuous place; and

(d) Kept on file for thirty (30) calendar days.

(11) Substitutions to a posted weekly menu shall be noted on the day the meal is served.

(12) Unless provided as part of the fee for child care or the provider is a participant in the food program, an infant’s formula shall be prepared, labeled, and provided by the parent.

(13) Each child’s bottle shall be:

(a) Labeled;

(b) Covered; and

(c) Refrigerated.

(14) The refrigerator shall:

(a) Be in working order; and

(b) Maintain a product temperature at or below forty-five (45) degrees Fahrenheit.
(15) Except if thawed for preparation or use, frozen food shall be kept at a temperature of zero degrees Fahrenheit as verified by a thermometer in the freezer.

(16) While bottle-feeding an infant, the:

   (a) Child shall be held; and

   (b) Bottle shall not be:

   1. Propped;

   2. Left in the mouth of a sleeping infant; or

   3. Heated in a microwave.

Section 15. Medication and First Aid. (1) Medication, including medicine that requires refrigeration, shall be stored in a locked container or area with a lock.

(2) Prescription and nonprescription medication shall be administered to a child in care with a daily written request of the child’s parent.

(3) Prescription and nonprescription medications shall be:

   (a) Labeled; and

   (b) Administered according to directions or instructions on the label.

(4) A provider shall:

   (a) Maintain first aid supplies that are easily accessible for use in an emergency, and these supplies shall be inaccessible to the children in care; and

   (b) Wash superficial wounds with soap and water before bandaging.

(5) First aid supplies shall include a fully-equipped first aid kit containing the following non-expired items:

   (a) Liquid soap;

   (b) Adhesive bandages;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) Sterile gauze;

(d) Medical tape;

(e) Scissors;

(f) Thermometer;

(g) Flashlight;

(h) Cold pack;

(i) First-aid book;

(j) Disposable gloves; and

(k) CPR mouthpiece.

(6) A provider shall provide immediate notification of a medical emergency to a child’s:

(a) Parent; or

(b) Family physician, if the parent is unavailable.

(7) A quiet, separate area that is easily supervised shall be provided for a child too sick to remain with other children.

(8) A provider and an assistant shall:

(a) Be able to recognize symptoms of childhood illnesses;

(b) Be able to provide basic first aid; and

(c) Maintain a child care program that assures affirmative steps are taken to protect children from abuse or neglect pursuant to KRS 600.020(1).

Section 16. Animals. (1) An animal shall not be allowed in the presence of a child in care:

(a) Unless:
1. The animal is under the supervision and control of an adult;

2. Written parental consent has been obtained; and

3. The animal is certified as vaccinated against rabies; or

   (b) Except in accordance with subsection (3) of this section.

(2) A parent shall be notified in writing if a child has been bitten or scratched by an animal.

(3) An animal that is considered undomesticated, wild, or exotic shall not be allowed at a certified family child-care home unless the animal is:

   (a) A part of a planned program activity led by an animal specialist affiliated with a zoo or nature conservatory; and

   (b) In accordance with 301 KAR 2:081 and 301 KAR 2:082.

Section 17. Transportation. (1) If transportation is provided or arranged by the certified family child-care home provider, the provider shall:

   (a) Have written permission from a parent to transport his or her child;

   (b) Have a car or van equipped with seat belts;

   (c) Require that a child:

      1. Be restrained in an appropriate safety seat meeting state and federal motor vehicle safety standards in accordance with KRS 189.125 and 49 C.F.R. 571.213;

      2. Remain seated while the vehicle is in motion; and

      3. If under thirteen (13) years of age, be transported in the back seat;

      (d) Have a valid driver’s license issued by the Division of Motor Vehicles;

      (e) Have emergency and identification information about each child in the vehicle if children are being transported; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(f) Conform to state laws pertaining to vehicles, driver’s license, and insurance pursuant to KRS 186.020.

(2) A child shall not be left unattended:

(a) At the site of aftercare delivery; or

(b) In a vehicle.

(3) A child shall not be left in a vehicle while it is being repaired.

(4) The back of a pickup truck shall not be used to transport a child.

(5) Firearms, ammunition, alcohol, or illegal substances shall not be transported in a vehicle transporting children.

(6) A vehicle shall not transport children and hazardous materials at the same time.

(7) A vehicle transporting a child shall have the headlamps on.

(8) If the driver is not in the driver’s seat, the:

(a) Engine shall be turned off;

(b) Keys shall be removed; and

(c) Emergency brake shall be set.

(9) A driver of a vehicle transporting a child for a certified provider shall:

(a) Be at least twenty-one (21) years old;

(b) Complete:

1. The background checks described in Section 2(2)(c)5 or 2(5) of this administrative regulation; and

2. An annual check of the:

   a. Kentucky driver history records in accordance with KRS 186.018; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
b. Driver history records through the state transportation agency that issued the driver’s license;

(c) Hold a current driver’s license that has not been suspended or revoked during the last five (5) years; and

(d) Not caused an accident which resulted in the death of a person.

(10) Based on the harm, threat, or danger to a child’s health, safety, and welfare, the cabinet shall pursue an adverse action in accordance with Section 5, 6, 7, or 8 of this administrative regulation:

(a) For a violation of this section; or

(b) If the provider:

1. Fails to report an accident in accordance with Section 19(10)(a) of this administrative regulation; or

2. Transports more passengers than the vehicle’s seating capacity and safety restraints can accommodate.

Section 18. Records. (1) A provider shall maintain:

(a) A current immunization certificate for each child in care within thirty (30) days of the child’s enrollment, unless an attending physician or the child’s parent objects to the immunization of the child pursuant to KRS 214.036;

(b) A written record for each child:

1. Completed and signed by the child’s parent;

2. Retained on file on the first day the child attends the family child-care home; and

3. To contain:

   a. Identifying information about the child, which includes, at a minimum, the child’s name, address, and date of birth;

   b. Contact information to enable the provider to contact the child’s:

      (i) Parent at the parent’s home or place of employment;

      (ii) Family physician; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(iii) Preferred hospital;

c. The name of each person who is designated in writing to pick-up the child;

d. The child’s general health status and medical history including, if applicable:

(i) Allergies;

(ii) Restriction on the child’s participation in activities with specific instructions from the child’s parent or health professional; and

(iii) Permission from the parent for third-party professional services in the family child-care home;

e. The name and phone number of each person to be contacted in an emergency situation involving or impacting the child;

f. Authorization by the parent for the provider to seek emergency medical care for the child in the parent’s absence; and

g. A permission form for each trip away from the family child-care home signed by the child’s parent in accordance with Section 17(1) of this administrative regulation; and

(c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the provider through the Child Care Assistance Program.

(2) A certified family child-care home provider shall maintain the confidentiality of a child’s records.

(3) The cabinet shall provide, upon request, public information pursuant to KRS 199.8982(1)(d) and (e).

(4) A certified family child-care home provider shall:

(a) Report an incident of suspected child abuse or neglect pursuant to KRS 620.030(1); and

(b) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030(4).

(5) A certified family child-care home provider shall maintain a written record of:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

(a) Quarterly practiced earthquake drills and tornado drills detailing the date, time, and participants in accordance with Section 11(20) of this administrative regulation;

(b) Monthly practiced fire drills detailing the date, time, and participants in accordance with Section 11(19) of this administrative regulation; and

(c) Reports to the cabinet that are required in accordance with Section 19(10) of this administrative regulation.

(6) A certified family child-care home provider shall keep all records for five (5) years.

(7)(a) A certified family child-care home provider shall have a written evacuation plan in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to a child in care in accordance with KRS 199.895.

(b) The cabinet shall post an online template of an evacuation plan that:

1. Fulfills requirements of KRS 199.895;

2. Is optional for an applicant or a family child-care home’s use; and

3. Is available to an applicant or a family child-care home without charge.

Section 19. Certified Family Child-Care Home Program. The certified family child-care home provider shall:

(1) Develop written information that specifies the:

(a) Rate for child care;

(b) Expected frequency of payment for the program;

(c) Hours of operation; and

(d) Policy regarding:

1. Late fees;

2. Holidays;

3. Vacation;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

4. Illness; and

5. Emergency pick up;

(2) Make available a copy of the certification standards to each parent;

(3) Provide each parent with the name, address, and telephone number of the cabinet for the purpose of registering a complaint if the parent believes the family child-care home provider is not meeting the standards;

(4) Post and provide to each parent a copy of children and parent rights, as required by KRS 199.898;

(5) Allow a parent, the cabinet, the cabinet’s designee, or another agency with regulatory authority access to the family child-care home at any time a child is in care;

(6) Communicate with each child’s parent about the child’s:

(a) Development;

(b) Activities;

(c) Likes; and

(d) Dislikes;

(7) Post in a prominent area in the home:

(a) The staff to child ratios described in Section 10 of this administrative regulation;

(b) The planned program of activities;

(c) Each statement of deficiency issued by the cabinet during the current certification period;

(d) Each plan of correction submitted by the certified family child-care home to the cabinet during the current certification period; and

(e) Daily schedule including any trips outside the family child-care home;

(8) Coordinate at least one (1) annual activity involving parental or family participation;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(9) Maintain a written child care agreement with each child’s parent, including the name of each person designated by the parent to pick up the child; and

(10) Report:

(a) The following to the cabinet within twenty-four (24) hours from the time of discovery:

1. A communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;

2. An accident or injury to a child that requires medical care;

3. An incident that results in legal action by or against the family child-care home that:

   a. Affects:

      (i) A child in care;

      (ii) The provider;

      (iii) An assistant; or

      (iv) A member of the provider’s household; or

   b. Includes the provider’s discontinuation or disqualification from a governmental assistance program due to fraud or abuse of that program;

4. An incident involving fire or other emergency, including a vehicular accident when the provider is transporting a child receiving child care services; or

5. A report of child abuse or neglect that:

   a. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and

   b. Names the alleged perpetrator as the:

      (i) Provider;

      (ii) Provider’s assistant; or

      (ii) Member of the provider’s household;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) The death of a child to the cabinet within one (1) hour; or

(c) Temporary or permanent closure as soon as practicable to the cabinet and the parent of a child in the family child-care home.

Section 20. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) “DCC-157, Certified Family Child-Care Home Central Registry Check” edition 4/13;

(b) “OIG-DRCC-03, Certification Application for Family Child-Care Home” edition 7/13; and

(c) “OIG-DRCC-05, Certified Family Child-Care Home Request for Appeal” edition 8/3/12.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community-Based Services, Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

922 Ky. Admin. Regs. 2:110

922 KAR 2:110. Child-care center provider requirements

Child-Care Center Regulations: Page 69-121

Section 1. Definitions. (1) “Address check” means a cabinet search of the Sex Offender Registry to determine if a person’s residence is a known address of a registered sex offender.

(2) “Cabinet” is defined by KRS 199.011(2).

(3) “Child care” means care of a child in a center or home which regularly provides full or part-time care, day or night, and includes developmentally appropriate play and learning activities.

(4) “Child-care center” is defined by KRS 199.894(3).

(5) “Director” means an individual who meets the education and training requirements as specified in Section 4 of this administrative regulation.

(6) “Health professional” means a person actively licensed as a:

(a) Physician;

(b) Physician’s assistant;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) Advanced registered nurse practitioner; or

(d) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.

(7) “Infant” means a child who is less than twelve (12) months of age.

(8) “Licensee” means the owner and operator of a child-care center to include:

(a) Sole proprietor;

(b) Corporation;

(c) Limited liability company;

(d) Partnership;

(e) Association; or

(f) Organization, such as:

1. Board of education;

2. Private school;

3. Faith based organization;

4. Government agency; or

5. Institution.

(9) “Parent” is defined by 45 C.F.R. 98.2.

(10) “Parental or family participation” means a child-care center’s provision of information or inclusion of a child’s parent in the child-care center’s activities such as:

(a) Distribution of a newsletter;
(b) Distribution of a program calendar;

(c) A conference between the provider and a parent; or

(d) Other activity designed to engage a parent in the program’s activities.

(11) “Pediatric abusive head trauma” is defined by KRS 620.020(8).

(12) “Premises” means the building and contiguous property in which child care is licensed.

(13) “Preschool-age” means a child who is older than a toddler and younger than school-age.

(14) “Qualified substitute” means a person who meets the requirements of a staff person as described in Section 5 of this administrative regulation.

(15) “School-age” means a child attending kindergarten, elementary, or secondary education.

(16) “Sex Offender Registry” means the registration system for adults who have committed sex crimes or crimes against minors established in accordance with KRS 17.500 through 17.580.

(17) “Toddler” means a child between the age of twelve (12) months and twenty-four (24) months.

(18) “Type I child-care center” means a child-care center licensed to regularly provide child care services for:

(a) Four (4) or more children in a nonresidential setting; or

(b) Thirteen (13) or more children in a residential setting with designated space separate from the primary residence of a licensee.

(19) “Type II child-care center” means the primary residence of the licensee in which child care is regularly provided for at least seven (7), but not more than twelve (12), children including children related to the licensee.

Section 2. General. (1) A licensee shall be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:090, and 922 KAR 2:120.

(2) Child-care center staff shall be:

(a) Instructed by the child-care center’s director regarding requirements for operation; and

(b) Provided with a copy of this administrative regulation, 922 KAR 2:090, and 922 KAR 2:120.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(3) Information concerning a child or the child’s parent shall be kept in strict confidence by child-care center staff, except as otherwise required by law.

(4) A volunteer or board member shall comply with the policies and procedures of the child-care center.

(5) Program policies and procedures shall:

   (a) Be in writing; and

   (b) Include:

   1. Staff policies;

   2. Job descriptions;

   3. An organization chart;

   4. Chain of command; and

   5. Other procedures necessary to ensure implementation of:

      a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;

      b. 922 KAR 2:090, Child-care center licensure;

      c. 922 KAR 2:120, Child-care center health and safety standards; and

      d. This administrative regulation.

(6) An activity of a person living in a child-care center that is a dwelling unit shall not interfere with the child-care center program.

(7) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:

   (a) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

(b) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;

(c) Information on the Kentucky Consumer Product Safety Program and the program’s Web site as specified in KRS 199.897;

(d) A description of services provided by the child-care center, including:

1. Current rates for child care; and

2. Each service charged separately and in addition to the basic rate for child care;

(e) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and

(f) Daily schedule.

(8) If a director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with a child in care is named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet in accordance with 922 KAR 1:330, the individual shall be removed from direct contact with a child in care:

(a) For the duration of the family-in-need-of-services assessment or investigation; and

(b) Pending completion of the administrative appeal process for a cabinet substantiation of child abuse or neglect in accordance with 922 KAR 1:320 or 922 KAR 1:480.

Section 3. Records. (1) A child-care center shall maintain:

(a) A current immunization certificate for each child in care within thirty (30) days of the child’s enrollment, unless an attending physician or the child’s parent objects to the immunization of the child pursuant to KRS 214.036;

(b) A written record for each child:

1. Completed and signed by the child’s parent;

2. Retained on file on the first day the child attends the child-care center; and

3. To contain:

   a. Identifying information about the child, which includes, at a minimum, the child’s name, address, and date of birth;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
b. Contact information to enable a person in charge to contact the child’s:

   (i) Parent at the parent’s home or place of employment;

   (ii) Family physician; and

   (iii) Preferred hospital;

c. The name of each person who is designated in writing to pick-up the child;

d. The child’s general health status and medical history including, if applicable:

   (i) Allergies;

   (ii) Restriction on the child’s participation in activities with specific instructions from the child’s parent or health professional; and

   (iii) Permission from the parent for third-party professional services in the child-care center;

e. The name and phone number of each person to be contacted in an emergency situation involving or impacting the child;

f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent’s absence; and

g. A permission form for each trip off the premises signed by the child’s parent in accordance with 922 KAR 2:120, Section 12;

(c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;

(d) A written schedule of staff working hours;

(e) A current personnel file for each child-care center staff person to include:

1. Name, address, date of birth, and date of employment;

2. Proof of educational qualifications;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
3. Record of annual performance evaluation;

4. Written record of training participation to include:
   a. The training source;
   b. Location;
   c. Date; and
   d. Number of clock hours completed;

5. Every two (2) years, a:
   a. Statement from a health professional that the individual is free of active tuberculosis; or
   b. Copy of negative tuberculin results; and

6. For an individual specified in 922 KAR 2:090, Section 6(4), the results of a:
   a. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;
   b. Criminal records check required by KRS 199.896(19);
   c. Criminal records check from any previous state of residence completed once if:
      (i) The individual resided outside the state of Kentucky in the last five (5) years; and
      (ii) No criminal records check has been completed for the individual’s previous state of residence; and
   d. An address check of the Sex Offender Registry;
      (f) A written annual plan for child-care staff professional development;
      (g) A written evacuation plan in accordance with 922 KAR 2:090, Section 5, and KRS 199.895;
      (h) A written record of quarterly practiced earthquake drills and tornado drills detailing the date, time, and
children who participated in accordance with 922 KAR 2:120, Section 3;

(i) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;

(j) A written plan and diagram outlining the course of action in the event of a natural or manmade disaster, posted in a prominent place;

(k) A written record of reports to the cabinet required in Section 6 of this administrative regulation; and

(l) A written record of transportation services provided in accordance with 922 KAR 2:120, Section 12.

(2) A child-care center shall:

(a) Maintain the confidentiality of a child’s record;

(b) Maintain all records for five (5) years; and

(c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030(4).

Section 4. Director Requirements and Responsibilities. (1) Effective with the adoption of this administrative regulation, a director shall:

(a) Be twenty-one (21) years of age;

(b) Have a high school diploma, a general equivalency diploma (GED), or qualifying documentation from a comparable educational entity;

(c) Not be employed in a position other than an on-site child care director, or director of multiple facilities, during the hours the child-care center is in operation; and

(d) Ensure:

1. Compliance with 922 KAR 2:090, 922 KAR 2:120, and this administrative regulation; and

2. The designation of one (1) adult staff person in charge to carry out the director’s duties if the director is not present in the child-care center during operating hours;

(e) Manage the staff in their individual job descriptions;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(f) Develop child-care center plans, policies, and procedures;

(g) Supervise staff conduct to ensure implementation of program policies and procedures;

(h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;

(i) Conduct, manage, and document in writing staff meetings;

(j) Assess each staff person’s interaction with children in care and classroom performance through an annual written performance evaluation;

(k) Assure that additional staff are available during cooking and cleaning hours, if necessary, to maintain staff-to-child ratios pursuant to 922 KAR 2:120;

(l) Provide for the health, safety, and comfort of each child;

(m) Notify the parent immediately of an accident or incident requiring medical treatment of a child;

(n) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in Section 3(1)(e)6 of this administrative regulation;

(o) Assure each mandatory record specified in Section 3 of this administrative regulation has not been altered or falsified; and

(p) Coordinate at least one (1) annual activity involving parental or family participation.

(2) The director of a Type I child-care center shall meet one (1) of the following educational requirements:

(a) Master’s degree in Early Childhood Education and Development;

(b) Bachelor’s degree in Early Childhood Education and Development;

(c) Master’s degree or a bachelor’s degree in a field other than Early Childhood Education and Development, including a degree in pastoral care and counseling, plus twelve (12) clock hours of child development training;

(d) Associate degree in Early Childhood Education and Development;

(e) Associate degree in a field other than Early Childhood Education and Development, plus twelve (12) clock hours of child development training, and two (2) years of verifiable full-time paid experience working directly with children.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(f) A Director’s Credential in Early Childhood Development and one (1) year of verifiable full-time paid experience working directly with children in:

1. A school-based program following Department of Education guidelines;

2. An early childhood development program, such as Head Start; or

3. A licensed or certified child care program;

(g) Child development associate plus one (1) year of verifiable paid experience working directly with children in:

1. A school-based program following Department of Education guidelines;

2. An early childhood development program (head start); or

3. A licensed or certified child-care program; or

(h) Three (3) years of verifiable full-time paid experience working directly with children in:

1. A school-based program following Department of Education guidelines;

2. An early childhood development program, such as Head Start; or

3. A licensed or certified child-care program.

(3) The director of a Type II child-care center shall:

(a) Meet the requirements in subsection (2) of this section; or

(b) Meet two (2) of the following:

1. Have twelve (12) hours of orientation and child development training;

2. Have one (1) year of verifiable full-time paid experience working directly with children in:

a. A school-based program following Department of Education guidelines;
b. An early childhood development program, such as Head Start; or

c. A licensed or certified child-care program; or

3. Obtain six (6) additional hours of training in child day care program administration.

Section 5. Staff Requirements. (1) Child-care center staff:

   (a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:

1. High school diploma:

2. GED or qualifying documentation from a comparable educational entity; or

3. Commonwealth Child Care Credential as described in 922 KAR 2:250; and

   (b) Shall provide, prior to employment and every two (2) years thereafter:

1. A statement from a health professional that the individual is free of active tuberculosis; or

2. A copy of negative tuberculin results.

(2) A child-care center shall not employ a person:

   (a) Convicted of, or who entered an Alford or guilty plea to, a crime pursuant to 922 KAR 2:090, Section 6(6); 

   (b) Found by the cabinet to have abused or neglected a child, pursuant to 922 KAR 1:470;

   (c) Placed on the Sex Offender Registry; or

   (d) Determined by a physician to have a health condition that renders the person unable to care for children.

(3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

   (a) Infant and child cardiopulmonary resuscitation; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Infant and child first aid.

(4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

(a) Adult cardiopulmonary resuscitation; and

(b) First aid.

(5) Cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (14) of this section.

(6) Child-care centers shall have available in case of need:

(a) One (1) qualified substitute staff person for a Type II child-care center; or

(b) Two (2) qualified substitute staff persons for a Type I child-care center.

(7) Each qualified substitute staff person shall:

(a) Meet the staff requirements of this administrative regulation; and

(b) Provide the required documentation to verify compliance with this administrative regulation.

(8) A qualified substitute who works in more than one (1) licensed child-care center shall provide the required documentation to verify compliance with this administrative regulation at the time of employment with each child-care center.

(9) If the operator of a Type II child-care center is unable to provide care in accordance with this administrative regulation, 922 KAR 2:090, or 922 KAR 2:120, the Type II child-care center shall close temporarily until the operator is able to resume compliance.

(10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that:

(a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed;

(b) Each staff person under eighteen (18) years of age and each student trainee are under the direct supervision of a qualified staff person who meets the requirements of this section; and

(c) Unless providing care with a qualified staff person, a person under the age of eighteen (18) shall not be counted as staff for the staff-to-child ratio.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(11) Except for medication as prescribed by a physician, a controlled substance or alcohol use shall not be permitted on the premises during hours of operation.

(12) Each staff person shall remain awake while on duty except as specified in 922 KAR 2:120, Section 2(11)(f).

(13)(a) For each adult residing at a Type II child-care center, the results of the following shall be maintained on file at the center a:

1. Criminal records check indicating that the adult has not been convicted of, or entered an Alford or guilty plea to, a:
   
   a. Crime pursuant to KRS 17.165; or
   
   b. Drug-related felony, and five (5) years have not lapsed since the person was fully discharged from imprisonment, probation, or parole;

2. Child abuse and neglect check using the central registry in accordance with 922 KAR 1:470, indicating that the adult has not been found by the cabinet to have abused or neglected a child;

3. Criminal records check for any previous state of residence completed once if:
   
   a. The adult resided outside the state of Kentucky in the last five (5) years; and
   
   b. No criminal records check has been completed for the adult’s previous state of residence. The check shall indicate that the adult has not been convicted of, or has not entered an Alford plea or a plea of guilty to, an offense under a criminal statute of the United States or of another state similar to an offense specified in subparagraph 1 of this paragraph; and

4. Copy of negative tuberculin results or a health professional’s statement documenting that the adult is free of tuberculosis. Every two (2) years, the adult shall provide negative tuberculin results or health professional’s statement documenting that the adult is free of tuberculosis.

   (b) An address check of the Sex Offender Registry conducted on behalf of the applicant for a Type II child-care center and supporting documentation shall indicate that no individual residing in the household is a registered sex offender.

(14) In accordance with KRS 199.896(15) and (16), a staff person with supervisory authority over a child shall complete the following:

   (a) Six (6) hours of cabinet-approved orientation within the first three (3) months of employment;
   
   (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment.
including one and one-half (1 1/2) hours of pediatric abusive head trauma training; and

(c) Fifteen (15) hours of cabinet-approved early care and education training during each subsequent year of employment, including one and one-half (1 1/2) hours of pediatric abusive head trauma training completed once every five (5) years.

(15) A staff person’s compliance with the requirement for pediatric abusive head trauma training specified in subsection (14) or other training requirements of this section may be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.

Section 6. Reports. (1) The following shall be reported to the cabinet or designee and other agencies specified in this section within twenty-four (24) hours from the time of discovery:

(a) Communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;

(b) An accident or injury to a child that requires medical care;

(c) An incident that results in legal action by or against the child-care center that:

1. Affects a child or staff person; or

2. Includes the center’s discontinuation or disqualification from a governmental assistance program due to fraud or abuse;

(d) An incident involving fire or other emergency, including a vehicular accident when the center is transporting a child receiving child care services; or

(e) A report of child abuse or neglect that:

1. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and

2. Names a director, employee, volunteer, or person with supervisory or disciplinary control over, or having unsupervised contact with a child in care as the alleged perpetrator.

(2) An incident of child abuse or neglect shall be reported to the cabinet pursuant to KRS 620.030.

(3) A licensee shall report to the cabinet within one (1) week:

(a) Any resignation, termination, or change of director; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) The name of the acting director who satisfies the requirement of Section (4) of this administrative regulation.

(4) Written notification of the following shall be made to the cabinet to allow for approval before implementation:

(a) Change of ownership;

(b) Change of location;

(c) Increase in capacity;

(d) Change in hours of operation;

(e) Change of services in the following categories:

1. Infant;
2. Toddler;
3. Preschool-age;
4. School-age;
5. Nontraditional hours; or
6. Transportation; or

(f) Addition to the square footage a child-care center’s premises.

(5) The death of a child in care shall be reported to the cabinet within one (1) hour.

(6) The cabinet and the parent of a child enrolled in a child-care center shall receive notice as soon as practicable, and prior to, a child-care center’s temporary or permanent closure.

922 Ky. Admin. Regs. 2:120

922 KAR 2:120. Child-care center health and safety standards
(2) “Corporal physical discipline” is defined by KRS 199.896(18).

(3) “Developmentally appropriate” means suitable for the specific age range and abilities of a child.

(4) “Director” means an individual:

   (a) Who meets the education and training requirements as specified in 922 KAR 2:110, Section 4;

   (b) Whose primary full-time job responsibilities are to ensure compliance with 922 KAR 2:090, 922 KAR 2:110, and this administrative regulation; and

   (c) Who is responsible for directing the program and managing the staff at the child-care center.

(5) “Health professional” means a person currently licensed as a:

   (a) Physician;

   (b) Physician’s assistant;

   (c) Advanced registered nurse practitioner; or

   (d) Registered nurse as defined in KRS 314.011(5) under the supervision of a physician.

(6) “Infant” means a child who is less than twelve (12) months of age.

(7) “Licensee” means the owner and operator of a child-care center to include:

   (a) Sole proprietor;

   (b) Corporation;

   (c) Limited liability company;

   (d) Partnership;

   (e) Association; or
(f) Organization, such as:

1. Board of education;

2. Private school;

3. Faith-based organization;

4. Government agency; or

5. Institution.

(8) “Nontraditional hours” means the hours of:

(a) 7 p.m. through 5 a.m. Monday through Friday; or

(b) 7 p.m. on Friday until 5 a.m. on Monday.

(9) “Parent” is defined in 45 C.F.R. 98.2.

(10) “Premises” means the building and contiguous property in which child care is licensed.

(11) “Preschool-age” means a child who is older than a toddler and younger than school-age.

(12) “Protective surface” means loose surfacing material not installed over concrete which includes the following:

(a) Wood mulch;

(b) Double shredded bark mulch;

(c) Uniform wood chips;

(d) Fine sand;

(e) Coarse sand;

(f) Pea gravel, except for areas used by children under three (3) years of age;
(g) Certified shock absorbing resilient material; or

(h) Other material approved by the cabinet or designee.

(13) “Related” means having one (1) of the following relationships with the operator of the child-care center:

(a) Child;

(b) Grandchild;

(c) Niece;

(d) Nephew;

(e) Sibling;

(f) Stepchild; or

(g) Child in legal custody of the operator.

(14) “School-age” means a child attending kindergarten, elementary, or secondary education.

(15) “Toddler” means a child between the age of twelve (12) months and twenty-four (24) months.

(16) “Transition” means the changing from one (1) child care arrangement to another.

(17) “Transition plan” means a document outlining the process to be used in moving a child from one (1) child care arrangement to another.

(18) “Type I child-care center” means a child-care center licensed to regularly provide child care services for:

(a) Four (4) or more children in a nonresidential setting; or

(b) Thirteen (13) or more children in a residential setting with designated space separate from the primary residence of a licensee.

(19) “Type II child-care center” means the primary residence of the licensee in which child care is regularly provided for at least seven (7), but not more than twelve (12), children including children related to the licensee.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 2. Child Care Services. (1) Services described in this administrative regulation shall be maintained during all hours of operation that child care is provided.

(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:

<table>
<thead>
<tr>
<th>Age of Children</th>
<th>Ratio</th>
<th>Maximum Group Size*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant</td>
<td>1 staff for 5 children</td>
<td>10</td>
</tr>
<tr>
<td>Toddler</td>
<td>1 staff for 6 children</td>
<td>12</td>
</tr>
<tr>
<td>Preschool-age</td>
<td>1 staff for 10 children</td>
<td>20</td>
</tr>
<tr>
<td>2 to 3 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preschool-age</td>
<td>1 staff for 12 children</td>
<td>24</td>
</tr>
<tr>
<td>3 to 4 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preschool-age</td>
<td>1 staff for 14 children</td>
<td>28</td>
</tr>
<tr>
<td>4 to 5 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School-age</td>
<td>1 staff for 15 children</td>
<td>30</td>
</tr>
<tr>
<td>5 to 7 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School-age</td>
<td>1 staff for 25 children</td>
<td>30</td>
</tr>
<tr>
<td>7 and older</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School-age</td>
<td>before and after school)</td>
<td></td>
</tr>
<tr>
<td>1 staff for 20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>children (full</td>
<td></td>
<td></td>
</tr>
<tr>
<td>day of care)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Maximum Group Size shall be applicable only to Type I child-care centers.

(a) In a Type I child-care center, a group size shall:

1. Be separately maintained in a defined area unique to the group; and

2. Have specific staff assigned to, and responsible for, the group.

(b) The age of the youngest child in the group shall determine the:

1. Staff-to-child ratio; and

2. Maximum group size.

(c) This subsection and subsection (9) of this section shall not apply during normal school hours to a center:

1. Providing early childhood education to mixed-age groups of children whose ages range from two and one-half (2 1/2) years to six (6) years; and

2. Accredited by or affiliated with a nationally-recognized education association that has criteria for group size and staff-to-child ratios contrary to the requirements of this subsection.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(d) If a child related to the director, employee, or person under the supervision of the licensee is receiving care in the center, the child shall be included in the staff-to-child ratio.

(3)(a) Each center shall maintain a child-care program that assures each child will be:

1. Provided with adequate supervision at all times by a qualified staff person who ensures the child is:
   
   a. Within scope of vision and range of voice; or
   
   b. For a school-age child, within scope of vision or range of voice; and

2. Protected from abuse or neglect.

   (b) The program shall include:

   1. A procedure to inform child care staff of the laws of the Commonwealth pertaining to child abuse or neglect set forth in KRS 620.030; and
   
   2. Written policy that specifies that the procedures that were taught at the orientation training shall be implemented by each child-care center staff member.

(4) The child-care center shall provide a daily planned program:

   (a) Posted in writing in a conspicuous location with each age group and followed;
   
   (b) Of activities that are individualized and developmentally appropriate for each child served;
   
   (c) That provides experience to promote the individual child’s physical, emotional, social, and intellectual growth and well-being; and

   (d) That offers a variety of creative activities including the following:

   1. Art;
   
   2. Music;
   
   3. Dramatic play;
   
   4. Stories and books;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

5. Science;

6. Block building;

7. Tactile activity;

8. Culture;

9. Indoor or outdoor play in which a child makes use of both small and large muscles;

10. A balance of active and quiet play, including group and individual activity;

11. An opportunity for a child to:
   a. Have some free choice of activities;
   b. If desired, play apart from the group at times; and
   c. Practice developmentally appropriate self-help procedures in respect to:
      (i) Clothing;
      (ii) Toileting;
      (iii) Hand-washing; and
      (iv) Eating; and

12. Use of electronic viewing and listening devices if the:
   a. Material is appropriate to the child using the equipment;
   b. Material does not include any violence, adult content viewing, or inappropriate language;
   c. Viewing or individual listening is limited to two (2) hours per day;
   d. Viewing or listening is discussed with parents prior to viewing or listening; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
e. Viewing or listening is designed as an educational tool.

(5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities.

(6) Regularity of routines shall be implemented to afford the child familiarity with the daily schedule of activity.

(7) Sufficient time shall be allowed for an activity so that a child may progress at their own developmental rate.

(8) A child shall not be required to stand or sit for a prolonged period of time:

   (a) During an activity;

   (b) While waiting for an activity to start; or

   (c) As punishment.

(9) If school-age care is provided:

   (a) A separate area or room shall be provided in a Type I child-care center; and

   (b) Each child shall be provided a snack after school

(10) A child shall not be subjected to:

   (a) Corporal physical discipline pursuant to KRS 199.896(18);

   (b) Loud, profane, threatening, frightening, or abusive language; or

   (c) Discipline that is associated with:

1. Rest;

2. Toileting; or

3. Food.
(11) If nontraditional hours of care are provided:

(a) Including time spent in school, a child shall not be permitted to spend more than sixteen (16) hours in the child-care center during one (1) twenty-four (24) hour period;

(b) At least one (1) staff member shall be assigned responsibility for each sleeping room;

(c) A child present for an extended period of time during waking hours shall receive a program of well-balanced and constructive activity that is developmentally appropriate for the child;

(d) A child sleeping three (3) hours or more shall sleep in:

1. Pajamas; or

2. A nightgown;

(e) If a child attends school from the child-care center, the child shall be offered breakfast; and

(f) Staff shall:

1. If employed by a Type I child-care center, remain awake while on duty; or

2. If employed by or is the operator of a Type II child-care center, remain awake until every child in care is asleep.

(12)(a) Care for a child with a special need shall be consistent with the nature of the need as documented by the child’s health professional.

(b) A child may include a person eighteen (18) years of age if the person has a special need for which child care is required.

Section 3. General Requirements

(1) Electronic viewing and listening devices shall only be used in the center as a part of the child’s planned program of activity described in Section 2(4) of this administrative regulation.

(2) Activity areas, equipment, and materials shall be arranged so that the child’s activity can be given adequate supervision by staff.

(3) Computer equipment shall be equipped with a monitoring device which limits access by a child to items inappropriate for a child to view or hear.

(4) A child shall:
(a) Be helped with personal care and cleanliness based upon their developmental skills; and

(b) Wash his or her hands with liquid soap and warm running water:

1. a. Upon arrival at the center; or

   b. Within thirty (30) minutes of arrival for school-age children;

2. Before and after eating or handling food;

3. After toileting or diaper change;

4. After handling animals;

5. After wiping or blowing nose;

6. After touching items soiled with body fluids or wastes; and

7. After outdoor or indoor play time.

(5) Staff shall:

(a) Maintain personal cleanliness;

(b) Conform to hygienic practices while on duty; and

(c) Wash their hands with liquid soap and running water:

1. Upon arrival at the center;

2. After toileting or assisting a child in toileting;

3. Before and after diapering each child;

4. After wiping or blowing a child’s or own nose;

5. After handling animals;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
6. After caring for a sick child;

7. Before and after feeding a child or eating;

8. Before dispensing medication; and

9. If possible, before administering first aid.

(6) A staff person suspected of being infected with a communicable disease shall:

(a) Not perform duties that may allow for the transmission of the disease until the infectious condition can no longer be transmitted; and

(b) Provide a statement from a health professional, if requested.

(7) Except in accordance with subsection (8) of this section, the following shall be inaccessible to a child in care:

(a) Toxic cleaning supplies, poisons, and insecticides;

(b) Knives and sharp objects;

(c) Matches, cigarettes, lighters, and flammable liquids;

(d) Plastic bags;

(e) Litter and rubbish;

(f) Bar soap; and

(g) Personal belongings and medications of staff.

(8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:

(a) Knives and sharp objects;

(b) Litter and rubbish; and

(c) Plastic bags not used for personal belongings.
(9) In accordance with KRS 527.070(1), firearms and ammunition shall be stored separately in a locked area outside of the designated child care area.

(10) Smoking shall:

(a) Be permitted in accordance with local ordinances;

(b) Be allowed only in outside designated areas; and

(c) Not be permitted in the presence of a child

(11) While bottle feeding an infant, the:

(a) Child shall be held; and

(b) Bottle shall not be:

1. Propped;

2. Left in the mouth of a sleeping infant; or

3. Heated in a microwave.

(12) A fire drill shall be:

(a) Conducted during hours of operation at least monthly; and

(b) Documented.

(13) An earthquake drill and a tornado drill shall be:

(a) Conducted during hours of operation at least quarterly; and

(b) Documented.

Section 4. Premises Requirements. (1) The premises shall be:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services  
_Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

(a) Suitable for the purpose intended;

(b) Kept clean and in good repair; and

(c) Equipped with a working land-line telephone accessible to a room used by a child.

(2) A child-care center shall be in compliance with the State Fire Marshal and the local zoning laws.

(3) Fire and emergency exits shall be kept clear of debris.

(4) A working carbon monoxide detector shall be required in a licensed child-care center that is in a home if the home:

(a) Uses fuel burning appliances; or

(b) Has an attached garage.

(5) The building shall be constructed to ensure the:

(a) Building is:

1. Dry;

2. Adequately heated;

3. Ventilated; and

4. Well lit, including clean light fixtures that are:

   a. In good repair in all areas; and

   b. Shielded or have shattered proof bulbs installed; and

(b) Following are protected:

1. Windows;

2. Doors;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
3. Stoves;

4. Heaters;

5. Furnaces;

6. Pipes; and

7. Stairs.

(6) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child.

(7) Measures shall be utilized to control the presence of:

(a) Rodents;

(b) Flies;

(c) Roaches; and

(d) Other vermin.

(8) An opening to the outside shall be effectively protected against the entrance of vermin by:

(a) Self-closing doors;

(b) Closed windows;

(c) Screening;

(d) Controlled air current; or

(e) Other effective means.

(9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.

(10) The water supply shall be:
(a) Potable;

(b) Protected from contamination;

(c) Adequate in quality and volume;

(d) Under sufficient pressure to permit unrestricted use; and

(e) Obtained from an approved public water supply or a source approved by the local health department.

(11) Groundwater supplies for a child-care center caring for:

(a) More than twenty-five (25) children shall meet the specifications of the Cabinet for Environmental and Public Protection Division of Water, established in KRS Chapter 151; or

(b) Twenty-five (25) children or less shall secure approval from the:

1. Cabinet for Environmental and Public Protection; or

2. Local health department.

(12) Sewage shall be properly disposed by a method approved by the:

(a) Cabinet for Environmental and Public Protection; or

(b) Cabinet.

(13) All plumbing shall comply with the State Plumbing Code established in KRS Chapter 318.

(14) Solid waste shall be kept in a suitable receptacle in accordance with local, county and state law, as governed by KRS 211.350 to 211.380.

(15) If a portion of the building is used for a purpose other than child care:

(a) Necessary provisions shall be made to avoid interference with the child-care program; and

(b) A separate restroom shall be provided for use only by those using the building for its child care purpose.

(16) The temperature of the inside area of the premises shall be:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Sixty-five (65) to seventy-five (75) degrees Fahrenheit during the winter; or

(b) Sixty-eight (68) to eighty-two (82) degrees Fahrenheit during the summer months.

(17) Outdoor activity shall be restricted based upon:

(a) Temperature;

(b) Weather conditions; or

(c) Weather alerts, advisories, and warnings issued by the National Weather Service.

(18) A kitchen shall not be required if:

(a) The only food served is an afternoon snack to school-age children; and

(b) Adequate refrigeration is maintained.

(19) The Department of Housing, Buildings and Construction, State Fire Marshal’s Office, and cabinet shall be contacted concerning a planned new building, addition, or major renovation prior to construction.

(20) An outdoor play area shall be:

(a) Except for an after-school child-care program, located on the premises of a public or state-accredited nonpublic school and fenced for the safety of the children;

(b) A minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (6) of this section;

(c) Free from:

1. Litter;

2. Glass;

3. Rubbish; and

4. Flammable materials;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(d) Safe from foreseeable hazard;

(e) Well drained;

(f) Well maintained;

(g) In good repair; and

(h) Visible to staff at all times.

(21) A protective surface shall:

(a) Be provided for outdoor play equipment used to:

1. Climb;

2. Swing; and

3. Slide; and

(b) Have a fall zone equal to the height of the equipment.

(22) If a child-care center does not have access to an outdoor play area, an indoor space shall:

(a) Be used as a play area;

(b) Have a minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (6) of this section;

(c) Include equipment for gross motor skills;

(d) Be well-ventilated;

(e) Be heated; and

(f) Have a protective surface of at least two (2) inches thick around equipment intended for climbing.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(23) Fences shall be:

(a) Constructed of safe material;

(b) Stable; and

(c) In good condition.

(24) Supports for climbing apparatus and large equipment shall be securely fastened to the ground.

(25) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults.

(26) A sandbox shall be:

(a) Constructed to allow for drainage;

(b) Covered when not in use;

(c) Kept clean; and

(d) Checked for vermin prior to use.

(27) Bodies of water that shall not be utilized include:

(a) Portable wading pools;

(b) Natural bodies of water; and

(c) Unfiltered, nondisinfected containers.

(28) A child-care center shall have enough toys, play apparatus, and developmentally appropriate materials to provide each child with a variety of activities during the day, as specified in Section 2 of this administrative regulation.

(29) Storage space shall be provided:

(a) In the form of:

1. Shelves; or
2. Other storage device accessible to the children; and

(b) In sufficient quantity for each child’s personal belongings.

(30) Supplies shall be stored so that the adult can reach them without leaving a child unattended.

Section 5. Infant and Toddler Play Requirements. (1) Infant and toddler inside areas shall:

(a) Be separate from an area used by an older child;

(b) Not be an exit or entrance; and

(c) Have adequate crawling space for an infant or toddler away from general traffic patterns of the center.

(2) Except in accordance with subsection (3) of this section, an infant or toddler shall not participate in an activity with an older child for more than one (1) hour per day.

(3) A toddler may participate in an activity with an older child for more than one (1) hour per day if:

(a) The toddler is in transition to the pre-school age group;

(b) The toddler is twenty-one (21) months or older;

(c) Space for the toddler is available in the preschool-age group;

(d) The staff-to-child ratios and group sizes are maintained based on the age of the youngest child;

(e) The center has a procedure for listing a transitioning toddler on attendance records, including a specific day and time the toddler is with either age group; and

(f) The child care center has obtained the signature and approval of the toddler’s parent on the toddler’s transition plan.

(4) If a child-care center provides an outdoor play area for an infant or toddler, the outdoor area shall be:

(a) Shaded; and

(b) A separate area or scheduled at a different time than an older child.
(5) Playpens and play yards shall:

(a) Meet federal standards as issued by the Consumer Product Safety Commission, including 16 C.F.R. 1221;

(b) Be manufactured for commercial use; and

(c) Not be used for sleeping or napping.

Section 6. Sleeping and Napping Requirements. (1) An infant shall sleep or nap on the infant’s back unless the infant’s health professional signs a waiver that states the infant requires an alternate sleeping position.

(2) Rest time shall be provided for each child who is not school-age and who is in care for more than four (4) hours.

(3) Rest time shall include adequate space specified by the child’s age as follows:

(a) For an infant:

1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;

2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed:

   a. Weekly; or

   b. Immediately if it is soiled or wet;

3. No loose bedding; and

4. No toys or other items except the infant’s pacifier; or

   (b) For a toddler or preschool-age child:

   1. An individual bed, a two (2) inch thick waterproof mat, or cot in good repair; and

   2. Bedding that is in good repair and is changed:

      a. Weekly; or
b. Immediately if it is soiled or wet.

(4) Rest time shall not exceed two (2) hours for a preschool-age child unless the child is attending the child-care center during nontraditional hours.

(5) A child who does not sleep shall be permitted to play quietly and shall be visually supervised.

(6) Cots, equipment, and furnishings used for sleeping and napping shall be spaced twelve (12) inches apart to allow free and safe movement by a person.

(7) If cots or mats are used, floors shall be free from:

   (a) Drafts;

   (b) Liquid substances;

   (c) Dirt; and

   (d) Dampness.

(8) Cots or mats not labeled for individual use by a child shall be sanitized after each use.

(9) Individual bedding shall be stored in a sanitary manner.

Section 7. First Aid and Medicine (1) First aid supplies shall:

   (a) Be available to provide prompt and proper first aid treatment;

   (b) Be stored out of reach of a child;

   (c) Be periodically inventoried to ensure the supplies are current;

   (d) If reusable, be:

      1. Sanitized; and

      2. Maintained in a sanitary manner; and

      (e) Include:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. Liquid soap;

2. Adhesive bandages;

3. Sterile gauze;

4. Medical tape;

5. Scissors;

6. A thermometer;

7. Flashlight;

8. Cold pack;


10. Disposable gloves; and

11. A cardiopulmonary resuscitation mouthpiece protector.

(2) A child showing signs of an illness or condition that may be communicable shall not be admitted to the regular child-care program.

(3) If a child becomes ill while at the child-care center:

   (a) The child shall be placed in a supervised area isolated from the rest of the children;

   (b) The parent shall be contacted immediately; and

   (c) Arrangements shall be made to remove the child from the child-care center as soon as practicable.

(4) Prescription and nonprescription medication shall be administered to a child in care:

   (a) With a daily written request of the child’s parent; and
(b) According to the directions or instructions on the medication’s label.

(5) The child-care center shall keep a written record of the administration of medication, including:

(a) Time of each dosage;

(b) Date;

(c) Amount;

(d) Name of staff person giving the medication;

(e) Name of the child; and

(f) Name of the medication.

(6) Medication, including refrigerated medication, shall be:

(a) Stored in a separate and locked place, out of the reach of a child;

(b) Kept in the original bottle; and

(c) Properly labeled.

(7) Medication shall not be given to a child if the expiration date on the bottle has passed.

Section 8. Kitchen Requirements. (1) The kitchen shall:

(a) Be clean;

(b) Be equipped for proper food:

1. Preservation;

2. Storage;

3. Preparation; and
4. Service;

   (c) Be adequately ventilated to the outside air; and

(d) Except in a Type II child-care center when a meal is not being prepared, not be used for the activity of a child.

(2) A child-care center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.

(3) Convenient and suitable sanitized utensils shall be:

   (a) Provided; and

   (b) Used to minimize handling of food during preparation.

(4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:

   (a) Have an indicating thermometer or other appropriate temperature measuring device;

   (b) Be in a safe environment for preservation; and

   (c) Be forty (40) degrees Fahrenheit or below.

(5) Frozen food shall be:

   (a) Kept at a temperature of zero degrees Fahrenheit or below; and

   (b) Thawed:

   1. At refrigerator temperatures;

   2. Under cool, potable running water;

   3. As part of the cooking process; or

   4. By another method in accordance with the Department of Public Health’s food safety standards and permits, established in KRS Chapter 217.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(6) Equipment, utensils, and surfaces contacting food shall be:

(a) Smooth;

(b) Free of breaks, open seams, cracks, and chips;

(c) Accessible for cleaning; and

(d) Nontoxic.

(7) The following shall be clean and sanitary:

(a) Eating and drinking utensils;

(b) Kitchenware;

(c) Food contact surfaces of equipment;

(d) Food storage utensils;

(e) Food storage containers;

(f) Cooking surfaces of equipment; and

(g) Nonfood contact surfaces of equipment.

(8) A single-service item shall be:

(a) Stored;

(b) Handled and dispensed in a sanitary manner; and

(c) Used only once.

(9) Bottles shall be:

(a) Individually labeled;
Section 9. Food and Meal Requirements. (1) Food shall be:

(a) Clean;

(b) Free from:

1. Spoilage;

2. Adulteration; and

3. Misbranding;

(c) Safe for human consumption;

(d) Withheld from service or discarded if the food is hermetically sealed, nonacidic, or low-acidic food that has been processed in a place other than a commercial food-processing establishment;

(e) Obtained from a source that is in compliance with the Department of Public Health’s food safety standards and permits, established in KRS Chapter 217;

(f) Acceptable if from an established commercial food store;

(g) Served in a quantity that is developmentally appropriate for the child with additional portions provided upon request of the child; and

(h) Protected against contamination from:

1. Dust;

2. Flies;

3. Rodents and other vermin;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
4. Unclean utensils and work surfaces;

5. Unnecessary handling;

6. Coughs and sneezes;

7. Cuts in skin;

8. Communicable disease;

9. Flooding;

10. Drainage; and

11. Overhead leakage.

(2) Food shall not be:

(a) Used for reward;

(b) Used for discipline;

(c) Withheld until all other foods are consumed; or

(d) Served while viewing electronic devices.

(3) A serving of milk shall consist of:

(a) Breast milk or iron-fortified formula for a child age birth to twelve (12) months;

(b) Pasteurized whole milk for children ages twelve (12) months to twenty-four (24) months; or

(c) Pasteurized low fat one (1) percent or fat-free skim milk for children ages twenty-four (24) months to school-age.

(d) Formula or breast milk provided by the parent shall be prepared and labeled.

(5) A child-care center may participate in the Child and Adult Care Food Program (CACFP).
(6) A serving of bread shall only consist of whole or enriched grain.

(7) Drinking water shall be freely available to a child throughout the day.

(8) Food shall be stored on:

   (a) Clean racks;

   (b) Clean shelves;

   (c) Other clean surfaces; or

   (d) If maintained in a sanitary condition, in nonabsorbent labeled containers a minimum of six (6) inches off the floor.

(9) Fruits and vegetables shall be washed before cooking or serving.

(10) Meat salads, poultry salads, and cream-filled pastries shall be:

   (a) Prepared with utensils that are clean; and

   (b) Refrigerated unless served immediately.

(11) An individual portion of food served to a child or adult shall not be served again.

(12) Wrapped food that is still wholesome and has not been unwrapped may be reserved.

(13) Meals shall be:

   (a) Served every two (2) to three (3) hours; and

   (b) Served to a child:

1. Seated with sufficient room to manage food and tableware; and

2. Supplied with individual eating utensils designed for use by a child.

(14) All children shall be offered the same food items unless the child’s parent or health professional documents a dietary restriction that necessitates an alternative food item for the child.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(15) A child-care center shall serve:

(a) 1. Breakfast; or

2. A mid-morning snack;

(b) 1. Lunch; or

2. A mid-afternoon snack; and

(c) If appropriate, dinner.

(16) A weekly menu shall be:

(a) Prepared;

(b) Dated;

(c) Posted in advance in a conspicuous place;

(d) Kept on file for thirty (30) days; and

(e) Amended in writing with any substitutions on the day the meal is served.

(17) Breakfast shall include:

(a) Milk;

(b) Bread; and

(c) 1. Fruit;

2. Vegetable; or

3. 100 percent juice.

(18) A snack shall include two (2) of the following:
(a) Milk;
(b) Protein;
(c) Bread; or
(d) 1. Fruit;

2. Vegetable; or

3. 100 percent juice.

(19) Lunch and dinner shall include:

(a) Milk;
(b) Protein;
(c) Bread; and
(d) 1. Two (2) vegetables;

2. Two (2) fruits; or

3. One (1) fruit and one (1) vegetable.

Section 10. Toilet, Diapering, and Toiletry Requirements. (1) A child-care center shall have a minimum of one (1) toilet and one (1) lavatory for each twenty (20) children. Urinals may be substituted for up to one-half (1/2) of the number of toilets required for a male toilet room.

(2) A toilet room shall:

(a) 1. Be provided for each gender; or

2. A plan shall be implemented to use the same toilet room at separate times;

(b) Have a supply of toilet paper; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(3) A sink shall be:

(a) Located in or immediately adjacent to toilet rooms;

(b) Equipped with hot and cold running water that allows for hand washing;

(c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;

(d) Equipped with liquid soap;

(e) Equipped with hand-drying blower or single use disposable hand drying material;

(f) Equipped with an easily cleanable waste receptacle; and

(g) Immediately adjacent to a changing area used for infants and toddlers.

(4) Each toilet shall:

(a) Be kept in clean condition;

(b) Be kept in good repair;

(c) Be in a lighted room; and

(d) Have ventilation to outside air.

(5) Toilet training shall be coordinated with the child’s parent.

(6) An adequate quantity of freshly laundered or disposable diapers and clean clothing shall be available.

(7) If a toilet training chair is used, the chair shall be:

(a) Used over a surface that is impervious to moisture;

(b) Out of reach of other toilets or toilet training chairs;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) Emptied promptly; and

(d) Sanitized after each use.

(8) Diapers or clothing shall be:

(a) Changed when soiled or wet;

(b) Stored in a covered container temporarily; and

(c) Washed or disposed of at least once a day.

(9) The proper methods of diapering and hand-washing shall be posted at each diaper changing area.

(10) When a child is diapered, the child shall:

(a) Not be left unattended; and

(b) Be placed on a surface that is:

1. Clean;

2. Padded;

3. Free of holes, rips, tears, or other damage;

4. Nonabsorbent;

5. Easily cleaned; and

6. Free of any items not used for diaper changing.

(11) Unless allergic, individual disposable washcloths shall be used to thoroughly clean the affected area of the child.

(12) Staff shall disinfect the diapering surface after each child is diapered.

(13) If staff wears disposable gloves, the gloves shall be changed and disposed after each child is diapered.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(14) Combs, towels or washcloths, brushes, and toothbrushes used by a child shall be:

(a) Individually stored in separate containers; and

(b) Plainly labeled with the child’s name.

(15) Toothbrushes shall be:

(a) Individually identified;

(b) Allowed to air dry; and

(c) Protected from contamination.

(16) Toothpaste used by multiple children shall be dispensed onto an intermediate surface, such as waxed paper, to avoid cross contamination.

Section 11. Toys and Furnishings

(1) All toys, equipment, and furniture contacted by a child shall be:

(a) Kept clean and in good repair; and

(b) Free of peeling, flaking, or chalking paint.

(2) Indoor and outdoor equipment shall:

(a) Be clean, safe, and in good repair;

(b) Meet the physical, developmental needs, and interests of children of different age groups;

(c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and

(d) Be designed to guard against entrapment or situations that may cause strangulation.

(3) Toys shall be:

(a) Used according to the manufacturer’s safety specifications;

(b) Durable; and
(c) Without sharp points or edges.

(4) Toys and other items that are considered mouth contact surfaces by a child not toilet trained shall be sanitized daily by:

(a) Scrubbing in warm, soapy water using a brush to reach into crevices;

(b) Rinsing in clean water;

(c) Submerging in a sanitizing solution for at least two (2) minutes; and

(d) Air dried.

(5) Tables and chairs shall be of suitable size for children.

(6) Chairs appropriate for staff shall be provided to use when feeding, holding, or playing with a child.

Section 12. Transportation. (1) A center shall document compliance with KRS Chapter 186 and 603 KAR 5:072 pertaining to:

(a) Vehicles;

(b) Drivers; and

(c) Insurance.

(2) A center providing or arranging transportation service shall:

(a) Be licensed and approved by the cabinet or its designee prior to transporting a child;

(b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and

(c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.

(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Type of transportation offered;

(b) Type of vehicle used for transportation;

(c) Plan for ensuring staff perform duties relating to transportation properly;

(d) Full insurance coverage for each vehicle;

(e) Agency policy and procedures relating to an emergency plan for evacuating the vehicle;

(f) Contracts, agreements, or documents detailing arrangements with any third party for services; and

(g) Safety procedures for:

1. Transporting a child;

2. Loading and unloading a child; and

3. Providing adequate supervision of a child.

(4) A vehicle used to transport children shall be equipped with:

(a) A fire extinguisher;

(b) First aid supplies as described in Section 7 of this administrative regulation;

(c) Emergency reflective triangles; and

(d) A device to cut the restraint system, if necessary.

(5) Transportation provided by licensed public transportation or a school bus shall comply with subsections (1) and (2) of this section.

(6) A vehicle used to transport children shall meet the following requirements:

(a) A twelve (12) or more passenger vehicle shall display a current certification of inspection from the Transportation Cabinet on the designated window.

(b) A vehicle that requires traffic to stop while loading and unloading a child shall be equipped with a system...
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care
of:

1. Signal lamps;

2. Identifying colors; and

3. Cautionary words.

   (c) A vehicle shall be equipped with seat belts for each occupant to be individually secured.

   (d) A vehicle shall not transport children and hazardous materials at the same time.

(7) The appropriate car safety seat meeting federal and state motor vehicle safety standards in 49 C.F.R. 571.213 and KRS 189.125 shall be used for each child.

(8) A daily inspection of the vehicle shall be performed and documented for the following:

   (a) Tires;

   (b) Lights, signals, mirrors, gauges, and wiper blades;

   (c) Safety restraints;

   (d) Fuel; and

   (e) Free of debris.

(9)(a) The staff-to-child ratios set forth in Section 2(2) of this administrative regulation shall apply to vehicle transport, if not inconsistent with special requirements or exceptions in this section.

   (b) An individual who is driving with a child in the vehicle shall supervise no more than four (4) children under the age of five (5).

(10) Each child shall:

   (a) Have a seat;

   (b) Be individually belted or harnessed in the seat; and

   (c) Remain seated while the vehicle is in motion.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(11) A child shall not be left unattended:

   (a) At the site of aftercare delivery; or

   (b) In a vehicle.

(12) If the parent or designee is unavailable, a prearranged written plan shall be completed to designate where the child can be picked up.

(13) A child shall not be picked up or delivered to a location that requires crossing the street or highway unless accompanied by an adult.

(14) A vehicle transporting a child shall have the headlamps on.

(15) If a vehicle needs to be refueled, it shall be refueled when not being used to transport a child. If emergency refueling or repair is necessary during transporting, all children shall be removed and supervised by an adequate number of adults while refueling or repair is occurring.

(16) If the driver is not in the driver’s seat, the:

   (a) Engine shall be turned off;

   (b) Keys shall be removed; and

   (c) Emergency brake shall be set.

(17) Transportation services provided shall:

   (a) Be recorded in writing and include:

   1. The first and last name of the child transported; and

   2. The time each child gets on and the time each child gets off;

   (b) Be completed by a staff member other than the driver; and

   (c) Be kept for five (5) years.
(18) A driver of a vehicle transporting a child for a center shall:

(a) Be at least twenty-one (21) years old;

(b) Complete:

1. The background checks as described in 922 KAR 2:110; and

2. An annual check of the:

   a. Kentucky driver history records in accordance with KRS 186.018; or

   b. Driver history records through the state transportation agency that issued the driver’s license;

   (c) Hold a current driver’s license which has not been suspended or revoked during the last five (5) years; and

   (d) Not caused an accident which resulted in the death of a person.

(19) Firearms, ammunition, alcohol, or illegal substances shall not be transported in a vehicle transporting children.

(20)(a) Based on the harm, threat, or danger to a child’s health, safety, and welfare, the cabinet shall revoke a center’s privilege to transport a child or pursue an adverse action in accordance with Section 9, 10, 11, or 12 of 922 KAR 2:090:

1. For a violation of this section; or

2. If the center:

   a. Fails to report an accident in accordance with 922 KAR 2:110, Section 6; or

   b. Transports more passengers than the vehicle’s seating capacity and safety restraints can accommodate.

   (b) Revocation of a center’s privilege to provide transportation services in accordance with paragraph (a) of this subsection shall:

1. Apply to each site listed under the licensee; and

2. Remain effective for no less than a twelve (12) month period.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
A parent may use the parent’s vehicle to transport the parent’s child during a field trip.

Section 13. Animals. (1) An animal shall not be allowed in the presence of a child in care:

(a) Unless:

1. The animal is under the supervision and control of an adult;

2. Written parental consent has been obtained; and

3. The animal is certified as vaccinated against rabies; or

(b) Except in accordance with subsection (3) of this section.

(2) A parent shall be notified in writing if a child has been bitten or scratched by an animal.

(3) An animal that is considered undomesticated, wild, or exotic shall not be allowed at a child-care center unless the animal is:

(a) A part of a planned program activity lead by an animal specialist affiliated with a zoo or nature conservatory; and

(b) In accordance with 301 KAR 2:081 and 301 KAR 2:082.

(4) This section shall not apply to wild animals on the outer property of the child-care center which are expected to be found outdoors, such as squirrels and birds, if they are not:

(a) Disturbed; or

(b) Brought indoors.

Section 1. Definitions. (1) “Applicant” means a child’s natural or adoptive parent or an individual caring for a child in loco parentis who is applying for CCAP.

(2) “Cabinet” is defined by KRS 199.894(1).
(3) “Change in a circumstance” means a change that affects eligibility or benefit amounts and includes:

(a) Beginning or ending employment;

(b) Change in an employer or obtaining additional employment;

(c) Increase or decrease in the number of work hours;

(d) Increase or decrease in the rate of pay;

(e) Increase or decrease in family members;

(f) Change in self-employment activity;

(g) Change in scheduled hours care is needed;

(h) Beginning or ending an educational activity;

(i) Change in child care provider;

(j) Change in address or residence;

(k) Change in marital status; or

(l) Beginning or ending receipt of unearned income.

(4) “Child care” means the provision of care for a child for a portion of a day on a regular basis, designed to supplement, but not substitute for, the parent’s responsibility for the child’s protection, development, and supervision.

(5) “Child care and development fund” or “CCDF” is defined by 45 C.F.R. 98.2.

(6) “Child Care Assistance Program” or “CCAP” means Kentucky’s child care subsidy program providing families, who meet the eligibility requirements of this administrative regulation, with the financial resources to find and afford quality child care.

(7) “Child care certificate” is defined by 45 C.F.R. 98.2.

(8) “Child protective services” is defined in 922 KAR 1:330, Section 1(3).

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(9) “Child with a special need” means a child who has multiple or severe functional needs requiring ongoing specialized care.

(10) “Employment” means public or private, permanent or temporary work for an average of twenty (20) hours per week.

(11) “Family” means an applicant or parent, a child, and another responsible adult if present, residing in the same home.

(12) “Family child-care home”

(a) Is defined by KRS 199.894(5);

(b) Is described in KRS 199.8982; and

(c) Means a home certified in accordance with 922 KAR 2:100.

(13) “Full day” means child care that is provided for five (5) or more hours per day.

(14) “Health professional” means a person actively licensed as a:

(a) Physician;

(b) Physician’s assistant;

(c) Advanced registered nurse practitioner;

(d) Qualified mental health professional as defined by KRS 600.020(49); or

(e) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.

(15) “In loco parentis” means a person acting in place of a parent, including:

(a) A legal guardian;

(b) An individual related by blood, marriage, or adoption to the child; or

(c) A nonrelative pursuing legal custody of the child within one (1) year of application.
(16) “Infant” means a child who is less than one (1) year old.

(17) “Kentucky Transitional Assistance Program” or “K-TAP” means Kentucky’s Temporary Assistance for Needy Families or “TANF” money payment program established in 921 KAR Chapter 2.

(18) “Nonurban” means a county without a first, second, or third class city as specified in KRS 81.010(1) through (3).

(19) “Parent” is defined by 45 C.F.R. 98.2.

(20) “Part day” means child care that is provided for less than five (5) hours per day.

(21) “Preschool child” means a child who has reached the third birthday up to, but not including, the sixth birthday.

(22) “Preventive services” is defined by KRS 620.020(10).

(23) “Provider” means the entity providing child care services.

(24) “Qualified alien” means a child who meets the requirements of 921 KAR 2:006, Section 1(14).

(25) “Registered provider” means a child care provider who meets the requirements of 922 KAR 2:180.

(26) “Related” means having one (1) of the following relationships:

(a) Child;

(b) Stepchild;

(c) Grandchild;

(d) Great-grandchild;

(e) Niece;

(f) Nephew;

(g) Sibling;

(h) Child in legal custody; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(i) Child living in loco parentis.

(27) “Responsible adult” means a person other than the applicant who is in the child’s household and who is:

(a) The natural parent, adoptive parent, or stepparent; or

(b) The spouse of an individual caring for a child in loco parentis.

(28) “School-age child” means a child who has reached the sixth birthday.

(29) “Teenage parent” means a parent who is nineteen (19) years of age or younger.

(30) “Toddler” means a child who has reached the first birthday up to, but not including, the third birthday.

(31) “Urban” means a county listed in KRS 81.010(1) through (3) as having a first, second, or third class city.

Section 2. Application Rights and Requirements. (1) An individual may apply or reapply for CCAP through the cabinet or its designee.

(2)(a) Unless an applicant is approved according to the criteria in Section 5 or 6 of this administrative regulation, an application shall have been made on the date:

1. A signed DCC-90, Application for Subsidized Child Care Assistance, or DCC-90.1, Intent to Apply for Child Care Assistance, is received at the cabinet or its designee office; or

2. The agency is contacted, if the person:

   a. Has a physical or mental disability; and

   b. Needs special accommodation due to the impairment.

   (b) If the applicant is physically unable to come to the office to apply, the applicant may designate an authorized representative to make application.

   (c) The applicant may be:

1. Assisted by another individual of choice in the application process; and

2. Accompanied by the individual in a contact with the agency.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(d) In accordance with the procedures described in 920 KAR 1:070, interpreter services shall be provided for persons who are:

1. Deaf; or

2. Hard of hearing.

(e) Interpreter services shall be provided for a non-English speaking individual in accordance with Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d.

(3) The cabinet or its designee shall not discriminate against an applicant based on age, race, color, sex, disability, religious creed, national origin, or political beliefs.

(4) For the month child care payment is intended to cover, a family shall meet the technical and financial eligibility criteria, according to its particular circumstances, as described in Sections 3, 4, 5, 6, and 7 of this administrative regulation.

(a) The applicant or recipient shall be the primary source of information and shall:

1. Furnish verification of:

   a. Income;

   b. Technical eligibility; and

   c. Employment; and

2. Give written consent to the cabinet or its designee necessary to verify information pertinent to the eligibility determination.

(b) Upon receiving written notice of a request for information or a scheduled appointment to present required documentation, failure of an applicant or recipient to respond shall be considered a failure to present adequate proof of eligibility.

(5) The cabinet or its designee shall:

(a) Render a decision on each application; and

(b) Send a DCC-105, Child Care Assistance Program Notice of Action, to the applicant in accordance with Section 11(5) of this administrative regulation to provide written notification of the decision within thirty (30) days.
(6) Each decision regarding eligibility for assistance shall be supported by documentation recorded in the applicant or recipient’s case record.

(7) A family shall not receive:

(a) Assistance until approval of the application for benefits; or

(b) Benefits prior to application.

Section 3. Technical Eligibility. (1) A child shall be eligible for child care assistance, if the child:

(a) Is a:

1. Resident of Kentucky; and

2. U.S. citizen or qualified alien;

(b) Is under age:

1. Thirteen (13); or

2. Nineteen (19) and is:

   a. Physically or mentally incapable of caring for himself, as demonstrated by a written document provided by a health professional;

   b. Under court supervision; or

   c. Identified as a priority by federal statute, regulation, or funding source; and

   (c) Has a current immunization certificate showing that the child is immunized, unless:

1. There is an exception pursuant to KRS 214.036; or

2. The child is attending a:

   a. Licensed child care center;
b. Certified child care home;

c. Public school;

d. Head Start; or

e. Other entity that requires the immunization record.

(2) If a child served by the CCAP is not immunized, child care assistance benefits shall be available or continue for a period of thirty (30) calendar days following the notification of the needed immunization while the family takes necessary action to comply with the immunization requirement.

(3) A family shall not be eligible for a CCAP benefit if care is provided by:

(a) A parent or stepparent;

(b) A legal guardian;

(c) A member of the K-TAP or food stamp assistance case in which the child in need of child care assistance is included;

(d) A person living in the same residence as the child in need of care;

(e) A provider not:

1. Licensed according to 922 KAR 2:090, Child care center licensure;

2. Certified according to 922 KAR 2:100, Certification of family child care homes; or

3. Registered according to 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;

(f) An alternative program such as Head Start, state preschool, or state kindergarten; or

(g) Another child care provider if the family operates the child care business in the home.

(4) If the restrictions specified in subsection (3) of this section do not apply to the provider related to the child, the provider related to the child may be eligible for payment from CCAP if the requirements of 922 KAR 2:180 are met.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 4. Requirements for Low Income Working Family Eligibility Determination.

(1) A child shall be eligible to receive CCAP if the child meets the requirements specified in Section 3 of this administrative regulation and resides with:

(a) An applicant who has employment an average twenty (20) hours per week;

(b) An applicant and a responsible adult who have employment an average of forty (40) hours per week combined, if the individual with the least employment has an average of at least five (5) hours of employment per week;

(c) An applicant and a responsible adult if either the applicant or the responsible adult has employment an average of twenty (20) hours per week, and the other is physically or mentally unable to provide adequate care or supervision as documented by a written statement from a health professional;

(d) An applicant who:

1. Loses employment through no fault of their own up to four (4) weeks;

2. Is on maternity leave for up to six (6) weeks; or

3. Is on medical leave from employment due to a health condition verified by a health professional for up to six (6) weeks;

(e) A relative caregiver pursuant to the conditions of a program established by KRS 605.120(5), who meets:

1. All requirements in this section; and

2. Income eligibility standards in Section 7(1); or

(f) A teen parent attending high school or pursuing a general equivalency degree (GED).

(2) Compliance with subsection (1) of this section for an applicant or a responsible adult who is self-employed shall be determined by dividing income calculated in accordance with Section 7(7)(d) of this administrative regulation by minimum wage established in accordance with KRS 337.275.

(3) An applicant eligible in accordance with this section shall sign and return the DCC-91, Client Rights and Responsibilities Sheet, and the DCC-94, Child Care Service Agreement and Certificate.
Section 5. Requirements for Protection and Permanency Eligibility Determination. (1) A child shall be eligible to receive CCAP if the child:

(a) Resides with an applicant who:

1. Receives child protective or preventive services; or

2. Needs to receive child protective or preventive services based upon an assessment conducted by child protective services staff pursuant to 922 KAR 1:330; and

(b) Meets the requirements listed in Section 3 of this administrative regulation.

(2) A child shall be approved for child care assistance by the cabinet in accordance with subsection (1) of this section without a separate application, as an integral part of a protective or preventive services plan in accordance with 922 KAR 1:430.

(3) A child who participates in the CCAP as a result of a child protective or preventive services authorization shall not be eligible for more than six (6) months without further authorization.

(4)(a) Based on the assessment in accordance with 922 KAR 1:330, the cabinet may waive the family copayment required by Section 10 of this administrative regulation for child who participates in CCAP as a result of child protective services authorization.

(b) If the cabinet waives the family copayment in accordance with paragraph (a) of this subsection, the cabinet shall document the reason for the waiver in the child’s protective services case plan.

(5) An applicant eligible in accordance with this section shall sign and return the DCC-91.

Section 6. Kentucky Works Child Care Eligibility Determination. (1) A child shall be eligible for CCAP if the child:

(a) Resides with an applicant who is participating in the Kentucky Works Program described in 921 KAR 2:370; and

(b) Meets the requirements listed in Section 3 of the administrative regulation.

(2) A child shall be approved for child care assistance by the cabinet in accordance with subsection (1) of this section without a separate application as an integral part of a Kentucky Works Program self-sufficiency plan.

(3) An applicant eligible in accordance with this section shall sign and return the DCC-91.

Section 7. Income Eligibility. (1)(a) Prior to July 1, 2013, a child shall be eligible for the CCAP if the family’s...
income is less than or equal to:

1. 150 percent of the federal poverty level at the initial application; or

2. 165 percent of the federal poverty level at the redetermination or eligibility recalculation in accordance with Section 8 of this administrative regulation.

   (b) Effective July 1, 2013, a child shall be eligible for the CCAP if the family’s income is less than or equal to:

   1. 100 percent of the federal poverty level at the initial application; or

   2. 100 percent of the federal poverty level at the redetermination or eligibility recalculation in accordance with Section 8 of this administrative regulation.

(2) A family that becomes ineligible for K-TAP shall remain eligible for CCAP for twelve (12) months from the date of the K-TAP discontinuance, if the family’s income remains less than or equal to:

   (a) 165 percent of the federal poverty level prior to July 1, 2013; or

   (b) 100 percent of the federal poverty level effective July 1, 2013.

(3) Except for a child who is eligible as specified in Section 5 of this administrative regulation, gross income received or anticipated to be received by the applicant and responsible adult shall be considered when the cabinet or its designee determines the family’s eligibility for the CCAP.

(4) A child that is eligible for CCAP as specified in Section 5 of this administrative regulation shall be eligible without regard to the family’s income.

(5) Excluded income shall be:

   (a) K-TAP child only payments, including back payment;

   (b) A payment received from the Kinship Care Program, pursuant to 922 KAR 1:130, including back payment;

   (c) Educational grant, loan, scholarship, and work study income;

   (d) The value of Kentucky Works supportive services payment pursuant to 921 KAR 2:017;

   (e) The value of United States Department of Agriculture program benefits including:
1. Donated food;

2. Supplemental food assistance received pursuant to 42 U.S.C. 1771;

3. Special food service program for a child pursuant to 42 U.S.C. 1775;

4. Nutrition program for the elderly pursuant to 42 U.S.C. 3001; and

5. The monthly allotment under the Supplemental Nutrition Assistance Program (formerly known as the Food Stamp Program):
   
   a. Defined by 7 U.S.C. 2012, as amended by P.L. 110-246; and
   
   b. Governed by Title 921 KAR Chapter 3;

   (f) Payment made directly to a third party on behalf of the applicant or recipient by a nonresponsible person;

   (g) In-kind income;

   (h) Reimbursement for transportation in performance of an employment duty, if identifiable;

   (i) Nonemergency medical transportation payment;

   (j) Highway relocation assistance;

   (k) Urban renewal assistance;

   (l) Federal disaster assistance and state disaster grant;

   (m) Home produce utilized for household consumption;

   (n) Housing subsidy received from federal, state, or local governments;

   (o) Receipt distributed to a member of certain Indian tribes by the federal government pursuant to 25 U.S.C. 459, 1261 and 1401;

   (p) Funds distributed per capita to or held in trust for a member of an Indian tribe by the federal government pursuant to 25 U.S.C. 459, 1261 and 1401;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(q) Payment for supporting services or reimbursement of out-of-pocket expense made to an individual volunteering as:

1. Senior health aide; or

2. Member of the:
   
   a. Service Corps of Retired Executives; or
   
   b. Active Corps of Executives;

(r) Payment made to an individual from a program pursuant to 42 U.S.C. 4950 to 5084 if less than the minimum wage under state or federal law, whichever is greater, including:

1. Volunteers in Service to America (VISTA);

2. Foster Grandparents;

3. Retired and Senior Volunteer Program; or

4. Senior Companion;

(s) Payment from the cabinet for:

1. Child foster care; or

2. Adult foster care;

(t) Energy assistance payment made under:

1. The Low Income Home Energy Assistance Program pursuant to 42 U.S.C. 8621; or

2. Other energy assistance payment made to an energy provider or provided in-kind;

(u) The principal of a verified loan;

(v) Up to $12,000 to Aleuts and $20,000 to an individual of Japanese ancestry for payment made by the United States Government to compensate for a hardship experienced during World War II;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(w) The advance payment or refund of earned income tax credit;

(x) Payment made from the Agent Orange Settlement Fund;

(y) Payment made from the Radiation Exposure Compensation Trust Fund;

(z) Up to $2,000 per year of income received by individual Indians denied from a lease or other use of individually-owned trust or restricted lands;

(aa) Payment made to an individual because of the individual’s status as a victim of Nazi persecution;

(bb) Income received from temporary employment from the United States Department of Commerce, Bureau of the Census;

(cc) A payment received from the National Tobacco Growers Settlement Trust;

(dd) A Tobacco Loss Assistance Program payment pursuant to 7 C.F.R. 1463;

(ee) A payment received from a crime victim compensation program according to the Antiterrorism and Effective Death Penalty Act of 1996 pursuant to 42 U.S.C. 10602(c);

(ff) A payment made, pursuant to 38 U.S.C. 1815 by the Veteran’s Administration, to children of female Vietnam veterans;

(gg) A discount or subsidy provided to Medicare beneficiaries pursuant to Section 1860D-31(g)(6) of the Social Security Act, 42 U.S.C. 601-619;

(hh) Any cash grant received by the applicant under the Department of State or Department of Justice Reception and Placement Programs pursuant to 45 C.F.R. 400.66(d);

(ii) Reimbursement payment for a vocational rehabilitation individual participating in Preparing Adults for Competitive Employment pursuant to 29 U.S.C. 723(a)(5); or

(jj) Income or earnings from a program funded under the Work Investment Act (WIA) pursuant to 20 C.F.R. 652 and 660 to 671.

(6) Deductions from gross income shall be:

(a) Actual, legally obligated child support payment made by the applicant or responsible adult to a party not living in the family’s residence; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Operating costs to determine adjusted gross income from self-employment.

(7) Best estimate.

(a) Gross income shall be computed by using a best estimate of income that may exist in the benefit month.

(b) The following method shall be used to calculate a best estimate of earned income other than earned self-employment:

1. Cents shall not be rounded at any step in the calculation;

2. Unless it does not represent the ongoing situation, income from all pay periods in the preceding two (2) calendar months shall be used;

3. A monthly amount shall be determined by:

   a. Adding gross income from each pay period;

   b. Dividing by the total number of pay periods considered; and

   c. Converting the pay period figure to a monthly figure by multiplying a:

      (i) Weekly amount by 4.334;

      (ii) Biweekly amount by 2.167; or

      (iii) Semimonthly amount by two (2); and

4. If income has recently begun and the applicant or recipient has not received two (2) calendar months of earned income, the anticipated monthly income shall be computed by:

   a. Multiplying the:

      (i) Hourly rate by the estimated number of hours to be worked in a pay period; or

      (ii) Daily rate by the estimated number of days to be worked in the pay period; and

   b. Converting the resulting pay period figure to a monthly amount pursuant to subparagraph 3.c. of this paragraph.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

(c) For a case with unearned income, other than unearned self-employment income, a monthly amount shall be determined by:

1. Not rounding cents at any step in the calculation;

2. Using the gross monthly amount of continuing, stable unearned income received on a monthly basis; and

3. Averaging the amount of nonstable unearned income received in the three (3) prior calendar months, unless it does not represent the ongoing situation.

(d) For a case with self-employment income, a monthly amount shall be determined as follows:

1. Cents shall not be rounded at any step in the calculation;

2. If the self-employment enterprise has been in operation for at least a year, the income shall be prorated by dividing the income from the last calendar year by twelve (12);

3. If the self-employment enterprise has been in operation for less than a year, the income shall be prorated by dividing by the number of months the business has been in existence; and

4. Profit shall be determined by:

   a. Dividing the allowable expenses permitted by the Internal Revenue Service except for depreciation by:

      (i) Twelve (12) if the enterprise has been in operation for at least a year; or

      (ii) The number of months the business has been operating if the business has been in existence for less than a year; and

   b. Subtracting the monthly expense from the monthly income.

Section 8. Continuing Eligibility. (1) Continued eligibility under the CCAP shall be redetermined at least every:

   (a) Twelve (12) months; or

   (b) Six (6) months for a child eligible pursuant to requirements in Section 5 of this administrative regulation.

(2) Eligibility shall be reviewed and recalculated if necessary due to a known or reported change in circumstance.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(3) A nonrelative who is acting in loco parentis for a child shall be required to show proof of efforts to seek permanent custody of the child or adopt the child within one (1) year of initial application as a condition of continued eligibility for CCAP.

Section 9. Payment Rates and Policy. (1) To the extent funds are available, the cabinet shall make payments as listed in the DCC-300, Kentucky Child Care Maximum Payment Rates Chart.

(a) The rates in the DCC-300 shall represent the maximum payment rates on a per day, per child, per child care provider basis.

(b) The maximum payment rates shall include the following categories:

1. Full day;

2. Part day;

3. Urban;

4. Nonurban;

5. Licensed;

6. Certified;

7. Registered;

8. Infant/Toddler;

9. Preschool child; and

10. School-age child.

(2) To the extent funds are available, a licensed or certified provider shall receive:

(a) Two (2) dollars per day beyond the maximum rate if the provider is accredited by the:

1. National Association for the Education for Young Children;

2. National Early Childhood Program Accreditation;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
3. National Association for Family Child Care;

4. Council on Accreditation; or

5. Other accrediting body approved by the Early Childhood Advisory Council or the cabinet; or

   (b) One (1) dollar per day beyond the maximum rate for nontraditional care for providing child care assistance based on the parent’s schedule between:

   1. 7 p.m. to 5 a.m. daily; or

   2. Friday, 7 p.m. through Monday, 5 a.m.

(3) To the extent funds are available, a licensed, certified, or registered provider shall receive a special care rate of one (1) additional dollar per day beyond the maximum rate for care of a child:

   (a) With a special need; or

   (b) Who is age thirteen (13), but under age nineteen (19), and is:

   1. Physically or mentally incapable of caring for himself as determined by a health professional; or

   2. Under court supervision.

(4) The cabinet or its designee shall determine the maximum daily reimbursement rate not to exceed the amount charged to the general public.

(5) A child care provider registered according to 922 KAR 2:180 shall not be paid for more than:

   (a) Three (3) children receiving CCAP per day; or

   (b) Six (6) children receiving CCAP per day, if those children are:

   1. A part of a sibling group; and

   2. Related to the provider.

(6) A family meeting the requirements of Section 4 or 6 of this administrative regulation shall be eligible for payment to cover child care needs due to full-time or part-time enrollment in an educational program.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(7) To the extent funds are available, required enrollment fees shall be paid no more than three (3) times in a twelve (12) month period for a family meeting the requirements in Section 5 or 6 of this administrative regulation.

Section 10. Family Copayment. (1) Unless a family copayment has been waived in accordance with Section 5(4) of this administrative regulation, a family of a child served by the CCAP shall be responsible for a copayment in accordance with the family copayment table in subsection (3) of this section.

(2) If a court orders a parent of a CCAP-eligible child to pay a portion of the child’s child care expenses, the court-ordered payment shall be in lieu of the family copayment required by subsection (3) of this section.

(3)(a) The cabinet or its designee shall determine a copayment that a family shall pay to the provider for the cost of child care, based on the following table:

<table>
<thead>
<tr>
<th>Income Range</th>
<th>Family Size 2</th>
<th>Family Size 3</th>
<th>Family Size 4 or More</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Co-Pay</td>
<td>Family Co-Pay</td>
<td>Family Co-Pay</td>
<td>Family Co-Pay</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>0 899</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>900 999</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>1,000 1,099</td>
<td>$3</td>
<td>$3</td>
<td>$2</td>
</tr>
<tr>
<td>1,100 1,199</td>
<td>$4</td>
<td>$4</td>
<td>$3</td>
</tr>
<tr>
<td>1,200 1,299</td>
<td>$4</td>
<td>$5</td>
<td>$4</td>
</tr>
<tr>
<td>1,300 1,399</td>
<td>$5</td>
<td>$5</td>
<td>$5</td>
</tr>
<tr>
<td>1,400 1,499</td>
<td>$6</td>
<td>$6</td>
<td>$6</td>
</tr>
<tr>
<td>1,500 1,599</td>
<td>$6</td>
<td>$6</td>
<td>$5</td>
</tr>
<tr>
<td>1,600 1,699</td>
<td>$8</td>
<td>$6</td>
<td>$7</td>
</tr>
<tr>
<td>1,700 1,799</td>
<td>$9</td>
<td>$7</td>
<td>$8</td>
</tr>
<tr>
<td>1,800 1,899</td>
<td>$10</td>
<td>$8</td>
<td>$7</td>
</tr>
<tr>
<td>1,900 1,999</td>
<td>$10</td>
<td>$9</td>
<td>$8</td>
</tr>
<tr>
<td>2,000 2,099</td>
<td>$11</td>
<td>$10</td>
<td>$8</td>
</tr>
<tr>
<td>2,100 2,199.99</td>
<td>$12</td>
<td>$11</td>
<td>$9</td>
</tr>
<tr>
<td>2,200 2,299.99</td>
<td>$12</td>
<td>$11</td>
<td>$10</td>
</tr>
<tr>
<td>2,300 2,399.99</td>
<td>$12</td>
<td>$12</td>
<td>$11</td>
</tr>
<tr>
<td>2,400 2,499.99</td>
<td>$12</td>
<td>$13</td>
<td>$12</td>
</tr>
<tr>
<td>2,500 2,599.99</td>
<td>$12</td>
<td>$13</td>
<td>$14</td>
</tr>
<tr>
<td>2,600 2,699.99</td>
<td>$12</td>
<td>$13</td>
<td>$14</td>
</tr>
<tr>
<td>2,700 2,799.99</td>
<td>$12</td>
<td>$13</td>
<td>$14</td>
</tr>
</tbody>
</table>

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) The maximum copayment for an eligible family with more than five (5) members shall be twenty-five (25) dollars.

(4)(a) If a provider notifies the cabinet or its designee that a family has failed to comply with a required copayment for two (2) weeks, the cabinet or its designee shall request that the provider develop a payment plan with the family.

(b) If a provider notifies the cabinet or its designee that a family fails to enter into a payment plan within ten (10) days from a provider’s notification that a payment plan is necessary, or a family fails to make two (2) payments in accordance with the payment plan, the cabinet shall:

1. Not pay a subsequent provider until the family demonstrates compliance with the payment plan; and

2. Terminate CCAP for the family.

(c) The cabinet or its designee may grant an exception to paragraph (b) of this subsection due to:

1. A disaster verified by utility provider, local, state, or federal government;

2. The closure of a provider;

3. Family circumstances, such as relocation, illness, or death; or

4. A risk to the health, welfare, or safety of the child or parent.

Section 11. Family Rights and Responsibilities. (1) The family of a child served by the CCAP shall have rights pursuant to KRS 199.898(1) and (2).

(2) Unless an alternative program such as Head Start, state preschool, or state kindergarten is available and accessible during the time child care is needed, an applicant for a child who receives or has been approved to receive CCAP benefits shall:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Be offered choice of child care assistance subject to the availability of state and federal funds; and

(b) Receive a child care certificate, the DCC-94.

(3) An applicant approved in accordance with Section 4 of this administrative regulation shall sign and return the DCC-91 and the DCC-94.

(4) An applicant approved in accordance with Section 5 or 6 of this administrative regulation shall sign and return the DCC-91.

(5) Notification of action.

(a) A DCC-105 shall serve many purposes in the administration of CCAP, including notice to an applicant or recipient of:

1. Changes in:
   a. Copayment;
   b. Certification period; or
   c. Household size;

2. Approval of:
   a. Application; or
   b. Continued eligibility; or

3. Adverse action, including:
   a. Denial of application;
   b. Reduction of CCAP benefits; or
   c. Termination of CCAP benefits.

(b) The DCC-105 providing notice of an adverse action shall include;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. Reason for the adverse action;

2. Citation from an applicable state administrative regulation; and

3. Information regarding the:

   a. Informal dispute resolution process in accordance with Section 17 of this administrative regulation; and

   b. Opportunity to request an administrative hearing in accordance with Section 18 of this administrative regulation.

   (c) The language on the DCC-105 shall differ according to the purpose of the notice described in paragraphs (a) and (b) of this subsection.

(6) An applicant may change the applicant’s provider a maximum of three (3) times in a twelve (12) month period, unless an exception is authorized by the cabinet or its designee due to:

   (a) A disaster verified by utility provider, local, state, or federal government;

   (b) Closure of a provider;

   (c) Family circumstances, such as relocation, illness, or death;

   (d) A risk to the health, welfare, or safety of the child or the applicant; or

   (e) Failure of the provider to comply with Section 13(1) of this administrative regulation.

(7) A family that changes the child care provider more than three (3) times as described in subsection (6) of this section shall be discontinued from the CCAP and unable to participate until the end of the eligibility period in effect at the time of discontinuance.

(8) An applicant for a child served by CCAP shall advise the cabinet or its designee of a change in a circumstance within ten (10) calendar days of the day the change is known.

(9) Failure to report a change in a circumstance may result in a:

   (a) Decrease or discontinuance of CCAP benefits based on the type of change; or

   (b) Claim in accordance with 922 KAR 2:020.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(10) An applicant for a child served by CCAP who fails to cooperate with a cabinet quality control or case review shall be:

(a) Discontinued from CCAP benefits; and

(b) Unable to participate in CCAP until the applicant meets the requirements of the quality control or case review.

(11) An applicant for a child served by CCAP shall report to the cabinet or its designee a provider whom the applicant suspects is not fulfilling requirements in accordance with Section 13(1)(c) of this administrative regulation.

Section 12. Cabinet Requirements. (1) The DCC-94 shall:

(a) Be used for child care assistance provided by a licensed, certified, or registered provider; and

(b) Not be considered a contract, employment, or grant to the child care provider, but shall be considered assistance to the applicant pursuant to 45 C.F.R. 98.30(c)(6).

(2) The cabinet or its designee shall provide consumer information regarding conditions for termination of the DCC-94 pursuant to KRS 199.8994(6)(b).

(3) The cabinet or its designee shall assure that a provider of child care assistance funded under the CCDF and other local, state, or federal funds shall comply with the applicable regulatory requirements pursuant to:

(a) 922 KAR 2:090, Child care center licensure;

(b) 922 KAR 2:100, Certification of family child care homes;

(c) 922 KAR 2:110, Child care facility provider requirements;

(d) 922 KAR 2:120, Child care facility health and safety standards;

(e) 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;

(f) 922 KAR 2:020, Child Care Assistance Program (CCAP) improper payments, claims, and penalties; and

(g) 922 KAR 2:190, Civil penalties.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(4) If CCAP benefits are reduced or terminated due to the shortage of funding, the cabinet shall provide a minimum thirty (30) calendar day notice to each family receiving child care assistance.

(5) If the daily maximum payment rate is reduced due to the shortage of funding, the cabinet shall provide a minimum thirty (30) calendar day notice to licensed, certified, or registered providers.

(6) The cabinet shall send a DCC-105 providing notice of adverse action in accordance with Section 11(5) of this administrative regulation, ten (10) calendar days in advance of this adverse action.

(7) The cabinet shall prioritize child care assistance benefits as determined by the available funds as follows:

   a. Child protective or preventive services authorization;
   b. A child with a special need;
   c. K-TAP recipients participating in the Kentucky Works Program established in 921 KAR 2:370;
   d. Teen parents attending high school or pursuing a general equivalency degree (GED);
   e. A K-TAP recipient attempting to transition off assistance through employment;
   f. A parent whose K-TAP case has been discontinued during the previous twelve (12) months and who needs child care assistance in order to accept or retain employment;
   g. A low income working parent; or
   h. A parent in education or training programs leading to self-sufficiency.

Section 13. Provider Requirements. (1) A licensed, certified, or registered child care provider that serves a child who participates in the CCAP shall:

   a. Sign and submit the DCC-94 to the cabinet or its designee prior to receiving payment from the CCAP;
   b. Report all absences on the DCC-97, Provider Billing Form, submitted to the cabinet or its designee;
   c. Maintain the DCC-94E, Child Care Daily Attendance Record, in which the daily arrival and departure times of each child have been:
      a. Recorded legibly on a daily basis; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
b. Signed by the parent or applicant for the child served by CCAP; and

2. Submit the DCC-94E upon request of the cabinet or its designee; and

   (d) Comply with the applicable regulatory requirements pursuant to:

1. 922 KAR 2:090, Child care center licensure;

2. 922 KAR 2:100, Certification of family child care homes;

3. 922 KAR 2:110, Child care facility provider requirements;

4. 922 KAR 2:120, Child care facility health and safety standards;

5. 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;

6. 922 KAR 2:020, Child Care Assistance Program (CCAP) improper payments, claims, and penalties; and

7. 922 KAR 2:190, Civil penalties.

(2) A licensed or certified child care provider shall complete the DCC-94B, Licensed or Certified Provider Information Form, prior to receiving payment from the CCAP.

(3) A licensed child care provider shall maintain written documents with attendance records stating the reason for any absence of a child receiving CCAP in excess of five (5) absences per month per child.

Section 14. Other Services. To the extent state funds are available, a child whose family's income is over the income limits for the CCAP described in Section 7 may be eligible for:

(1) Child care payments;

(2) Enrollment fees;

(3) Activity or day trip fees;

(4) Material fees;

(5) Transportation fees; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(6) Other items relating to child care services with prior approval of the cabinet.

Section 15. An improper payment, claim, or penalty in CCAP shall be in accordance with 922 KAR 2:020.

Section 16. Criteria for Nonpayment. (1) Payment under the CCAP shall:

(a) Not be made to a licensed provider for more than five (5) absences per child during a month if the provider fails to verify in writing, and maintain attendance records verifying, that the additional absences were related to:

1. A death in the family;

2. An illness of the:
   
   a. Child; or

   b. Applicant; or

3. A Disaster verified by utility provider, local, state, or federal government;

   (b) Not be made to a certified provider for more than five (5) absences per child during a month;

   (c) Not be made to a registered provider for any absences;

   (d) Be denied in accordance with KRS 199.8994(6);

   (e) Cease if a family or provider defaults on a payment in accordance with Section 10(4) of this administrative regulation or 922 KAR 2:020;

   (f) Not be made if a family no longer meets the technical or financial eligibility requirements under the CCAP;

   (g) Not be made to a provider for payment requests ninety (90) days after the date of service;

   (h) Not be made to a licensed or certified provider for more than ten (10) holidays per calendar year;

   (i) Cease if a provider denies:

1. A parent of a child in care, the cabinet, the cabinet’s designee, or a representative of an agency with regulatory authority;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services  
_Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

a. Entry into the provider’s premises during operating hours; or

b. Access to a child in care; or

2. The cabinet, the cabinet’s designee, or a representative of an agency with regulatory authority access to the provider’s records relevant to a:

a. Cabinet review, including CCAP quality control or case review; or

b. Review by another agency with regulatory authority;

(j) Not be made to a provider if the provider’s DCC-94E in accordance with Section 13(1)(c) of this administrative regulation does not support billing for a child reported as served for the same period of time on the DCC-97; or

(k) Not be made if a licensed or certified provider cares for a child served by CCAP at a location not specified on the DCC-94.

(2) Subject to the availability of state or federal funds, the cabinet may suspend approval of initial application for benefits under the CCAP following the priorities established in Section 12(8) of this administrative regulation.

Section 17. Informal Dispute Resolution and Appeals. (1) An applicant for CCAP or a parent of a child receiving CCAP:

(a) May seek an informal dispute resolution if the applicant or parent is dissatisfied with an action by the cabinet or its designee concerning a denial, reduction, or termination of CCAP benefits;

(b) Shall request an informal dispute resolution with the cabinet or its designee within ten (10) days of the:

1. Notice of denial for CCAP in accordance with Section 2(5) of this administrative regulation; or

2. Date of the adverse action for which notice is provided in accordance with Section 12(6) of this administrative regulation; and

(c) Who is dissatisfied with the decision of the informal dispute resolution, may submit an administrative hearing request:

1. In accordance with Section 18 of this administrative regulation; and

2. Within thirty (30) calendar days of the date of the decision made by the cabinet or its designee in accordance with subsection (3) of this section.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(2)(a) If the child’s parent provides notice within ten (10) calendar days from the date of adverse action in accordance with 45 C.F.R. 205.10(a)(6), a child receiving CCAP may continue to receive CCAP during the informal dispute resolution or administrative hearing process pending the outcome of the informal dispute resolution or the administrative hearing.

(b) If an informal dispute resolution or administrative hearing process upholds the denial, reduction, or termination of CCAP, the child’s parent who continued to receive CCAP benefits during the informal dispute resolution or administrative hearing process shall repay the CCAP back to the effective date of the denial, reduction, or termination.

(3) Upon receipt of a request for the informal dispute resolution, the cabinet or its designee shall:

(a) Review the request; and

(b) Render a written decision on the issue raised within ten (10) days, unless:

1. The commissioner or designee grants an extension to the timeframe specified in this paragraph due to extenuating circumstances that prolong the review of the request; and

2. Notice of the extension is provided to the applicant or parent who made the request for informal dispute resolution.

(4) An applicant for CCAP or a parent of a child receiving CCAP may request an administrative hearing in accordance with Section 18 of this administrative regulation at any time during the informal dispute resolution process established in this section.

Section 18. Administrative Hearings. An administrative hearing may be requested in accordance with:

(1) 922 KAR 1:320; or

(2) 922 KAR 2:020.

Section 19. Records. Records of CCAP shall be maintained and disclosed in accordance with:

(1) KRS 194A.060;

(2) 45 C.F.R. 98.90(e); and

(3) 45 C.F.R. 205.50(a)(1)(i).

Section 20. Incorporation by Reference. (1) The following material is incorporated by reference:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 1. Definitions. “Anniversary date” means the approval date on a STARS for KIDS NOW quality rating certificate.

(2) “Commonwealth Child Care Credential” means a certificate of completion of sixty (60) clock hours of instruction from a state agency-approved organization in accordance with 922 KAR 2:250.

(3) “Environment assessment” means one (1) of four (4) rating scales designed to assess quality in an early childhood or school age care group, and consists of the following items to evaluate:

(a) Physical environment;

(b) Basic care;

(c) Curriculum;
(d) Interaction;

(e) Schedule and program structure; and

(f) Parent and staff education.

(4) “Infant” means a child who is less than twelve (12) months of age.

(5) “Parental or family participation” means a child care program’s provision of information or inclusion of a parent or caregiver in the program’s activities, such as:

(a) Distribution of a newsletter;

(b) Distribution of a program calendar;

(c) A conference between a child care program’s staff and a parent or caregiver; or

(d) Any other activity designed to engage a parent or caregiver in the program’s activities.

(6) “Preschool” means a child who is older than twenty-four (24) months and younger than school age.

(7) “STARS for KIDS NOW Program” or “STARS” means the voluntary quality-based graduated child care rating system established by KRS 199.8943(1).

(8) “School-age” means a child attending kindergarten, elementary, or secondary education.

(9) “Substitute” means a person employed by a Type I center for a period not to exceed fourteen (14) days in a one (1) year period.

(10) “Toddler” means a child between the age of twelve (12) and twenty-four (24) months.

(11) “Type I child-care center” means a child care center licensed to regularly provide child care services for:

(a) Four (4) or more children in a nonresidential setting; or

(b) Thirteen (13) or more children in a residential setting with designated space separate from the primary residence of a licensee.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 2. Application. (1) A Type I center may:

(a) Apply to participate in STARS after six (6) months from the date of initial licensure; and

(b) Achieve a quality rating certificate of Level 1 through Level 4.

(2) If an applicant seeks participation in STARS as a Level 1 quality rating certificate:

(a) The applicant shall complete a:

1. “DCC-400, Level 1 Rating Certificate Application” and

2. “DCC-401, STARS for KIDS NOW-Level 1 Standards Check List” and

(b) The cabinet or its designee shall verify on the DCC-401 the center’s documented compliance with the Level 1 requirements described in Section 3 of this administrative regulation.

(3) If an applicant seeks a Level 2, 3, or 4 quality rating certificate, the:

(a) Applicant shall complete a, DCC-401, and DCC-405, STARS for KIDS NOW Rating Visit Request Form; and

(b) Cabinet or its designee:

1. Shall contact the applicant within fifteen (15) working days to schedule a STARS rating visit, upon receipt of a completed DCC-401 and DCC-405;

2. And the applicant shall agree to a two (2) week time period in which the STARS rating visit will occur; and

3. Shall issue to an approved applicant, within sixty (60) calendar days from the date of the STARS rating visit, a quality rating certificate that shall:

   a. Be valid for a period specified in Section 11(3) of this administrative regulation; and

   b. Specify the rating level approved for the center.

(4) For the purpose of redetermining a center’s quality rating certificate, a participant in the STARS program may request, at least six (6) months after issuance of a quality rating certificate, another rating visit.

(5) An environment assessment shall be completed during each rating visit for one-third (1/3) of the total number of

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
classrooms, including at least one (1) classroom for each of the following age groups for which the center provides care:

(a) Infant;

(b) Toddler;

(c) Preschool; and

(d) School age.

(6) A center applying for or participating in the STARS program shall:

(a) Not have an immediate closure, denial of relicensure, or recertification, suspension, or revocation action against the center’s license; and

(b) Pay any civil penalty levied against the center if the:

1. Center has waived the right to appeal a civil penalty; or

2. Civil penalty has been upheld on appeal.

Section 3. Level 1 Quality Rating Certificate Requirements. (1) A Type I center:

(a) Shall not be allowed to participate as a Level 1 child care center for more than a two (2) year period; and

(b) May reapply for participation six (6) months after expiration of the Level 1 quality rating certificate.

(2) A center participating in the STARS Program and holding a Level 1 quality rating certificate shall:

(a) Post prominently in each classroom, and maintain compliance with, the:

1. Minimum staff-to-child ratios and group size established in 922 KAR 2:120, Section 2;

2. Planned program of activities; and

3. Daily schedule;

(b) Comply with the staff requirements set forth in 922 KAR 2:110, Section 5;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) Ensure that the center’s director or an individual with decision-making authority such as the owner, board chair, or minister, attends an overview of STARS prior to program participation;

(d) Complete an assessment in which at least one (1) environment assessment shall be used to observe each age group described in Section 2(5) of this administrative regulation, under the following conditions:

1. The center’s director shall conduct each assessment within the first twelve (12) months of participation in STARS, and may request assistance from the cabinet or its designee.

2. A Level 1 quality rating certificate shall not require a center’s achievement of a specific score on the environment assessment; and

3. Upon completion of the environment assessment by the center’s director during the second year of certification at a Level 1 quality rating, the director shall develop a written plan for improved performance in each area identified by the environment assessment as needing improvement, and may request assistance from the cabinet or its designee;

(e) Coordinate at least one (1) annual activity involving parental or family participation;

(f) Implement an annual plan for professional development for each employee, including the licensee;

(g) Ensure that the individual who attended the overview described in subsection (2)(c) of this section provides, to each employee who has direct supervisory authority over a child, training regarding the:

1. Licensure requirements in:
   
   a. 922 KAR 2:090, Child care center licensure;
   
   b. 922 KAR 2:110, Child-care center provider requirements; and
   
   c. 922 KAR 2:120, Child-care center health and safety standards;

2. Requirements for participation in the STARS Program;

3. Environment assessment; and

4. Early Childhood Development Scholarship Program; and

   (h) Comply with the requirements of 922 KAR 2:160, Child Care Assistance Program (CCAP).

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 4. Level 2 Quality Rating Certificate Requirements. A licensed child care center participating in STARS and holding a Level 2 quality rating certificate shall:

1. Meet the requirements of Sections 2(3) and 3(2)(a), (b), (c), and (f) through (h) of this administrative regulation;

2. Have in each classroom a roster that specifies the first and last name of:
   (a) The room’s teacher or employee with supervisory authority over a child; and
   (b) Each child enrolled in the center and cared for in that room;

3. Coordinate at least two (2) annual activities that involve parental or family participation;

4. Provide documentation of a written plan for parental or family involvement;

5. Achieve an overall average score of at least three (3) on the environment assessment portion of the STARS rating visit, calculated based upon the total number of environment assessments conducted during the quality rating visit;

6. If the center achieves an overall average score of three (3) on the environment assessment, develop a written plan for improved performance on subsequent environment assessments, and obtain assistance from the cabinet or its designee upon request;

7. Achieve and maintain an overall average score of at least four (4) on the environment assessments by the fourth year of certification at a Level 2 quality rating;

8. Review and sign the “DCC-402, STARS for KIDS NOW-Level 2 Standards Checklist” during the STARS rating visit;

9. Comply with the provisions of:
   (a) 11 KAR 16:040, Early Childhood Development Scholarship Program recordkeeping requirements; and
   (b) 11 KAR 16:060, Early Childhood Development Scholarship Program system of monetary incentives;

10. Ensure that each employee or substitute who has direct supervisory authority over a child receives fifteen (15) clock hours annually of early care and education training approved by the cabinet or its designee;

11. Ensure that the center’s director, or the person responsible for the on-site operation of the center, receives eighteen (18) clock hours annually of early care and education training approved by the cabinet or its designee; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(12) Provide documentation demonstrating that standardized personnel evaluations are conducted annually.

Section 5. Level 3 Quality Rating Certificate Requirements. A licensed child care center participating in STARS and holding a Level 3 quality rating certificate shall:

(1) Post prominently in each classroom and maintain the following staff-to-child ratios and group size:

<table>
<thead>
<tr>
<th>Age</th>
<th>Ratio</th>
<th>Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth - 1 year</td>
<td>1 staff for 4 children</td>
<td>8</td>
</tr>
<tr>
<td>1 to 2 years</td>
<td>1 staff for 5 children</td>
<td>10</td>
</tr>
<tr>
<td>2 to 3 years</td>
<td>1 staff for 8 children</td>
<td>16</td>
</tr>
<tr>
<td>3 to 4 years</td>
<td>1 staff for 11 children</td>
<td>22</td>
</tr>
<tr>
<td>4 to 6 years</td>
<td>1 staff for 12 children</td>
<td>24</td>
</tr>
<tr>
<td>6 to 12 years</td>
<td>1 staff for 14 children</td>
<td>28</td>
</tr>
</tbody>
</table>

(2) Meet the requirements of Sections 2(3) and 3(2)(a)(2 and 3, (b), (c) and (f) through (h) of this administrative regulation;

(3) Coordinate at least three (3) annual activities involving parental or family participation;

(4) Document a procedure for use of parental or family feedback;

(5) Achieve an overall average score of at least four point five (4.5) on the environment assessment portion of the STARS rating visit;

(6) Review and sign the “DCC-403, STARS for KIDS NOW-Level 3 Standards Checklist” during the STARS rating visit;

(7)(a) Meet the requirements of Section 4(2), (4), (9), (10), and (12) of this administrative regulation; and

    (b) Ensure that at least fifty (50) percent of staff, including substitutes, who have direct supervisory authority over a child have completed one (1) of the following:

1. A Commonwealth Child Care Credential;

2. A Child Development Associate’s Credential;

3. A Montessori Certificate; or

4. An associate or higher level of education in:

   a. Interdisciplinary early childhood education;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
b. Early childhood special education;

c. Early childhood education;

d. Early childhood development;

e. Elementary education for teaching kindergarten through fourth grade, if the employee cares for school-age children; or

f. A related degree approved by the Early Childhood Development Authority;

(8) Ensure that at least fifty (50) percent of staff, including substitutes, who have direct supervisory authority over a child are certified in infant and child:

(a) Cardiopulmonary resuscitation; and

(b) First aid;

(9) Ensure that the center’s director, or the person responsible for the on-site operation of the center;

(a) Annually receives twenty-four (24) clock hours of early care and education training approved by the cabinet or its designee; and

(b) Has one (1) of the following:

1. A Child Development Associate’s Credential;

2. A Director’s Credential or an equivalent credential approved by the Early Childhood Development Authority;

3. A Montessori Certificate; or

4. An associate degree or higher level of education in:

   a. Interdisciplinary early childhood education;

   b. Early childhood special education;

   c. Early childhood education;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
d. Early childhood development;

e. Elementary education for teaching kindergarten through fourth grade, if the director works primarily with school-age children; or

f. A related degree approved by the Early Childhood Development Authority;

(10) Ensure that one (1) of the following is present in the center at least seventy-five (75) percent of the center’s daily hours of operation:

(a) The center’s director;

(b) A person responsible for the center’s operation;

(c) An employee qualified as a child development associate; or

(d) An employee with a higher level of education, as described in subsection (7)(b)3 or 4 of this section;

(11) Provide at least six (6) days paid leave per year to each employee who:

(a) Works at least thirty-seven and one-half (37.5) hours per week in the center; and

(b) Has been employed in the center less than one (1) year;

(12) Provide paid leave in an amount prorated according to the standard established in subsection (11) of this section for each employee who:

(a) Works less than thirty-seven and one-half (37.5) hours per week in the center; and

(b) Has been employed in the center less than one (1) year;

(13) Provide at least eleven (11) days paid leave per year to each employee who:

(a) Works at least thirty-seven and one-half (37.5) hours per week in the center; and

(b) Has been employed in the center for at least one (1) year;

(14) Provide paid leave in an amount prorated according to the standard established in subsection (13) of this section for each teaching employee who:
(a) Works less than thirty-seven and one-half (37.5) hours per week in the center; and

(b) Has been employed in the center for at least one (1) year; and

(15) If year-round child care services are not offered, provide paid leave in an amount prorated according to the standards established in subsections (11) and (13) of this section.

Section 6. Level 4 Quality Rating Certificate Requirements. A licensed child-care center participating in STARS and holding a Level 4 quality rating certificate shall:

(1) Post prominently in each classroom and maintain the staff-to-child ratios and group size recommended by the National Association for the Education of Young Children, located at www.NAEYC.org;

(2) Meet the requirements of Sections 2(3), 3(2)(a), (b), (c) and (f) through (h), and 5(6) of this administrative regulation;

(3) Coordinate at least four (4) annual activities involving parental or family participation;

(4) Meet the requirements of Section 4(2), (4), (9), (10), and (12) of this administrative regulation;

(5) Meet the requirements of Section 5(4), (7), (8), and (10) through (15) of this administrative regulation;

(6) Achieve an overall average score of at least six (6) on the environment assessment portion of the STARS rating visit;

(7) Review and sign the “DCC-404, STARS for KIDS NOW-Level 4 Standards Checklist” during the STARS rating visit;

(8) Be accredited by:

   (a) The National Association for the Education of Young Children (NAEYC);

   (b) The National Early Childhood Program Accreditation (NECPA);

   (c) The National After School Association (NAA);

   (d) The Southern Association of Colleges and Schools (SACS);

   (e) The National Accreditation Commission for Early Care and Education Programs;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(f) The Association of Christian Schools International Preschool Accreditation Program;

(g) The Council on Accreditation; or

(h) An organization approved by the Early Childhood Development Authority;

(9) Ensure that at least one (1) employee who has a Child Development Associate’s Credential or higher level of education, as described in Section 5(7)(b)2 through 3 of this administrative regulation, is present in each classroom during all hours of operation; and

(10) Ensure that the center’s director or employee who is designated responsible for the center’s on-site operation as required by 922 KAR 2:110:

(a) Meets the standards recommended by the organization by which the center is accredited;

(b) Annually receives twenty-four (24) clock hours of early care and education training; and

(c) Has completed the Director’s Credential or an equivalent credential approved by the Early Childhood Development Authority.

Section 7. STARS for KIDS NOW Achievement Awards. To the extent that funds are available, the cabinet shall pay achievement awards to qualified STARS for KIDS NOW participants.

1. A STARS achievement award shall be awarded to a Type I center:

(a) The first time the center achieves a STARS level, according to the following chart:

<table>
<thead>
<tr>
<th>Enrollment</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 children or less</td>
<td>$200</td>
<td>$500</td>
<td>$1,700</td>
<td>$3,000</td>
</tr>
<tr>
<td>51 to 100 children</td>
<td>$200</td>
<td>$750</td>
<td>$2,200</td>
<td>$4,000</td>
</tr>
<tr>
<td>More than 100 children</td>
<td>$200</td>
<td>$1,000</td>
<td>$2,700</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

; and

(b) The first time and each subsequent time a center achieves a higher STARS level, for each STARS level up to and including all STARS level ratings achieved at that time.

2. A Type I child-care center that continues to be a STARS rated Level 3 or 4 provider shall be eligible for an achievement award when the center:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
annual achievement award during the month of the anniversary date based upon the following chart:

<table>
<thead>
<tr>
<th>Number of children</th>
<th>Level 3</th>
<th>Level 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or less children</td>
<td>$850</td>
<td>$1,500</td>
</tr>
<tr>
<td>51 to 100 children</td>
<td>$1,100</td>
<td>$2,000</td>
</tr>
<tr>
<td>More than 100 children</td>
<td>$1,350</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

Section 8. Quality incentive award. To the extent funds are available, the cabinet shall pay quality incentive awards to qualified STARS for KIDS NOW participants.

(1) A Level 1 STARS rated Type I center shall not be eligible to receive a quality incentive award.

(2) Quality incentive awards shall be calculated and paid on the percentage of children served by the Child Care Assistance Program, as described in 922 KAR 2:160, to the qualified center.

(3) A quality incentive award shall be calculated and paid based on the center’s STARS rating level and the percentage of CCAP subsidized children, compared to the total number of children served during the month the quality rating certificate was issued. The product of this equation shall be the monthly amount of the quality incentive award.

(4) The following chart shall be used when calculating the amount of a quality incentive award:

<table>
<thead>
<tr>
<th>Participant’s enrollment percentage</th>
<th>Amount per month per child under age three (3)</th>
<th>Amount per month per child age three and over</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 10%</td>
<td>$8</td>
<td>$12</td>
</tr>
<tr>
<td>11 - 25%</td>
<td>$9</td>
<td>$13</td>
</tr>
<tr>
<td>26 - 50%</td>
<td>$10</td>
<td>$14</td>
</tr>
<tr>
<td>51 - 75%</td>
<td>$11</td>
<td>$15</td>
</tr>
<tr>
<td>76% or more</td>
<td>$12</td>
<td>$16</td>
</tr>
</tbody>
</table>

(5) A Quality incentive award shall be paid to a qualified center at least annually, and the quality incentive award shall be recalculated annually to the center.

Section 9. Enhancement Awards. To the extent funds are available, the cabinet shall pay enhancement awards to qualified STARS for KIDS NOW participants.

(1) A Level 4 Type I child-care center shall be eligible for an enhancement award if the child-care center:

(a) Completes the DCC-404E, STARS for KIDS NOW-Level 4 Enhanced Standards Checklist, ensuring that health insurance is available to each employee of the center;

(b) Pays at least fifty (50) percent of the cost of a single health insurance plan for each employee who works at least thirty-seven and one-half (37.5) hours per week in the center; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

(c) Pays the cost of a single health insurance plan in an amount no less than a percentage prorated according to the standard set forth in subsection (1)(b) of this section, for each employee who works less than thirty-seven and one-half (37.5) hours per week in the center.

(2) The annual enhancement award shall be:

(a) Only for Type I Level 4 child-care centers;

(b) Paid during the month of the anniversary date; and

(c) Based upon the following chart:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Award Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or less children</td>
<td>$1,500</td>
</tr>
<tr>
<td>51 to 100 children</td>
<td>$2,000</td>
</tr>
<tr>
<td>More than 100 children</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

Section 10. Interim Report. (1) Except during a renewal year, a Level 2, 3, or 4 center shall complete and submit to the cabinet or its designee prior to the anniversary date a:

(a) DCC-413, STARS for KIDS NOW Interim Report Standards Documentation; and

(b) DCC-414, STARS for KIDS NOW Interim Report Staff Training Documentation, for each staff person, including the director.

(2) The cabinet or its designee shall notify a participating center of requirements in subsection (1) of this section at least ninety (90) calendar days prior to the anniversary date.

Section 11. Renewal of a Quality Rating Certificate. (1) The cabinet or its designee shall notify a participating center at least ninety (90) calendar days before expiration of the center’s quality rating certificate.

(2) A center shall submit a DCC-401 and DCC-405 to the cabinet or its designee for a quality rating visit at least sixty (60) calendar days prior to expiration of the quality rating certificate.

(3) A quality rating certificate shall be renewed by a quality rating visit every:

(a) Year for a Level 1 rated center;

(b) Two (2) years for a Level 2 rated center;

(c) Three (3) years for a Level 3 rated center; and

(d) Four (4) years for a Level 4 rated center.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 12. Conditions Requiring Reevaluation. (1) Reevaluation of a center’s quality rating certificate and associated level shall be conducted if the:

(a) Location of a licensed child care center changes;

(b) Participant requests a reevaluation in accordance with Section 2(4) of this administrative regulation;

(c) Cabinet or its designee determines a need to reassess the participating center’s STARS participation or level rating due to reports or findings concerning a reduction in the center’s quality of care and services; or

(d) Center fails to return the DCC-413 or DCC-414.

(2) A decrease in level rating due to a re-evaluation shall reduce the basis of awards specified in sections 7, 8, and 9 of this administrative regulation.

Section 13. Conditions Requiring Revocation. (1) A participant’s quality rating certificate shall be revoked for:

(a) Immediate closure pursuant to KRS 13B.125 and 199.896(4);

(b) Denial of relicensure;

(c) A pending suspension or revocation action taken against the child care center’s license;

(d) 1. Failure to comply with payment of a civil penalty levied against the center; or

2. Failure to make payment arrangements for a civil penalty within sixty (60) days and comply with that arrangement; if:

   a. The center waived the right to appeal the civil penalty; or

   b. The civil penalty has been upheld on appeal;

   (e) Failure to comply with the requirements of 922 KAR 2:160;

   (f) Two (2) or more civil penalties levied against the center in a twelve (12) month period; or

   (g) A change in ownership.

(2) Upon revocation of a quality rating certificate, payment shall cease for:
(a) A quality incentive award;

(b) An enhancement award; or

(c) An annual achievement award.

Section 14. Quality Rating Certificate. A quality rating certificate shall be returned to the cabinet if the:

(1) Certificate is revoked;

(2) Certificate is not renewed; or

(3) Center voluntarily withdraws from the STARS Program.

Section 15. Appeals. (1) If the cabinet or its designee determines that a participant does not meet the rating level standards for which the center is certified, a center shall:

(a) Accept a lower rating level; or

(b) Request an administrative hearing in accordance with 922 KAR 1:320, Section 2(11).

(2) Payment of an award in Sections 7, 8, or 9 of this administrative regulation shall be held in abeyance pending resolution of appeal of a reduced rating level.

(3) If denial, suspension, or revocation of a child care center’s license is reversed upon appeal, the:

(a) Center may reapply for participation in the STARS Program; or

(b) Cabinet may reinstate the center at the STARS level the center was rated prior to the licensure issue if the:

1. Center submits a request for reinstatement; and

2. Center’s STARS quality rating certificate and licensure has not expired.

Section 16. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) “DCC-400, Level 1 Rating Certificate Application” edition 9/06;

(b) “DCC-401, STARS for KIDS NOW-Level 1 Standards Checklist” edition 1/08;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
922 KAR 2:180. Requirements for registered child care providers in the Child Care Assistance Program

Registered Child-Care Provider Regulations: Page 164-180

Section 1. Definitions. (1) “Address check” means a cabinet search of the Sex Offender Registry to determine if a person’s residence is a known address of a registered sex offender.

(2) “Cabinet” is defined by KRS 199.011(2).

(3) “Child” is defined by KRS 199.011(4).

(4) “Closed” means the provider is no longer a registered program provider.

(5) “Conditional Approval” means time-limited approval while completing required training.

(6) “Corporal physical discipline” is defined by KRS 199.896(18).

(7) “Denied” means the application for program registration is not approved and the applicant will be penalized.

(8) “Developmentally appropriate” means suitable for the specific age range and abilities of a child.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(9) “Health professional” means a person actively licensed in Kentucky as a:

   (a) Physician;

   (b) Physician’s assistant;

   (c) Advanced registered nurse practitioner; or

   (d) Registered nurse as defined in KRS 314.011(5) under the supervision of a physician.

(10) “Related” means having one (1) of the following relationships with the registered provider:

   (a) Child;

   (b) Grandchild;

   (c) Niece;

   (d) Nephew;

   (e) Sibling;

   (f) Step-child;

   (g) Child in legal custody of the provider; or

   (h) Child living with the provider acting in loco parentis.

(11) “Parent” is defined by 45 C.F.R. 98.2.

(12) “Pediatric abusive head trauma” is defined in KRS 620.020(8).

(13) “Revoked” means the provider is no longer a registered provider and the provider will be penalized.

(14) “Sex Offender Registry” means the registration system for adults who have committed sex crimes or crimes against minors established in accordance with KRS 17.500 through 17.580.
Section 2. Application Rights and Requirements for Child Care Provider Registration. (1) An individual shall notify the cabinet or its designee of the individual’s intent to apply for child care provider registration:

    (a) Directly by:

    1. Telephone; or

    2. Written statement; or

    (b) Indirectly by being designated as the choice for providing unregulated child care by an applicant for benefits under the Child Care Assistance Program (CCAP) in accordance with 922 KAR 2:160.

(2) An individual may apply or reapply for child care provider registration on the same day that the notice of intent to apply in accordance with subsection (1) of this section is made with the cabinet or its designee.

(3) An individual who intends and requests to apply for registration as a child care provider shall not be required to appear in person to complete an application and supporting documentation in accordance with subsections (4) and (5) of this section, but may receive all necessary forms and instructions by mail.

(4) To apply for child care provider registration in CCAP, an individual shall, within thirty (30) calendar days of giving notice of intent to apply pursuant to subsection (1) of this section:

    (a) Submit:

    1.a. A completed DCC-95, Application for Registered Child Care Provider in Provider’s Home; or

            b. A completed DCC-96, Application for Registered Child Care Provider in Child’s Home;

    2. Written verification from a health professional that the individual is:

            a. Free of active tuberculosis; and

            b. In good general health and able to care for children;

    3. A completed DCC-94A, Registered Child Care Provider Information Form;

    4. A completed IRS W-9, Request for Taxpayer Identification Number and Certification; and
5. A written evacuation plan in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to a child in care that includes:

   a. A designated relocation site;

   b. Evacuation routes;

   c. Measures for notifying parents of the relocation site and ensuring a child’s return to the child’s parent; and

   d. Actions to address the needs of an individual child to include a child with a special need. The cabinet shall post an online template of an evacuation plan that fulfills requirements of this administrative regulation for an individual’s free and optional use;

   (b) Show proof by photo identification or birth certificate that the individual is eighteen (18) years or older;

   (c) Show verification of Social Security number; and

   (d) Meet the requirements of KRS 17.165(5), as shown by providing:

1. A criminal records check conducted by the Kentucky State Police or the Administrative Office of the Courts within the previous twelve (12) months on the individual;

2. A child abuse and neglect check using the central registry in accordance with 922 KAR 1:470 on the individual;

3. A criminal records check for any previous state of residence completed once if:

   a. The applicant resided outside the state of Kentucky in the last five (5) years; and

   b. No criminal records check has been completed for the applicant’s previous state of residence; and

4. An address check of the Sex Offender Registry.

(5)(a) An applicant may receive conditional approval in accordance with Section 4(2) of this administrative regulation.

   (b) Within ninety (90) calendar days of giving notice of intent to apply for registration as a child care provider in CCAP pursuant to subsection (1) of this section, the applicant shall provide verification that the applicant has obtained six (6) hours of training approved by the cabinet or its designee, in the areas of:

1. Health, safety, and sanitation;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

2. Recognition of child abuse and neglect, which may include cabinet-approved pediatric abusive head trauma training in accordance with KRS 199.896(16); and

3. Developmentally appropriate child care practice.

(c) An applicant who fails to complete training in accordance with paragraph (b) of this subsection shall be subject to cabinet action in accordance with Section 4(4) of this administrative regulation.

Section 3. Additional Requirements for Registered Providers in Provider’s Home. (1) If a registered child care provider provides child care services in the provider’s home:

(a) The provider shall:

1. Submit written verification from a health professional that each member of the provider’s household age eighteen (18) or older is free from tuberculosis; and

2. Provide written verification that each member of the provider’s household who is age eighteen (18) or older meets the requirements in KRS 17.165 by the member’s provision of the following to the cabinet or its designee:

   a. Criminal records check conducted by the Kentucky State Police or the Administrative Office of the Courts;

   b. Criminal records check for any previous state of residence completed once if:

      (i) The household member resided outside the state of Kentucky in the last five (5) years; and

   (ii) No criminal records check has been completed for the household member’s previous state of residence; and

   c. Child abuse and neglect check using the central registry in accordance with 922 KAR 1:470.

(b) An address check of the Sex Offender Registry and supporting documentation shall confirm that no individual residing in the provider’s household is a registered sex offender.

(2) A registered child care provider shall certify that the provider’s home and each play area used for child care are safe and have adequate:

(a) Heat;

(b) Light; and

(c) Ventilation.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(3) Each floor of a registered child care provider’s home used for child care shall have at least one (1):

(a) Unblocked exit to the outside;

(b) Smoke detector;

(c) Fire extinguisher; and

(d) Carbon monoxide detector if the home:

1. Uses fuel burning appliances; or

2. Has an attached garage.

(4) A registered child care provider’s home and areas accessible to children in care shall be free of hazards, and the following items shall be inaccessible to a child in care:

(a) Cleaning supplies, poisons, paints, and insecticides;

(b) Knives, scissors, and other sharp objects;

(c) Power tools, lawn mowers, hand tools, nails, and other like equipment;

(d) Matches, cigarettes, lighters, combustibles, and flammable liquids;

(e) Alcoholic beverages; and

(f) Medications.

(5) In accordance with KRS 527.070(1), firearms and ammunition shall be stored and locked in locations separate from each other and inaccessible to a child in care.

(6) Electrical outlets not in use shall be covered.

(7) An electric fan, floor furnace, freestanding heater, wood burning stove, or fireplace, shall:

(a) Be out of the reach of a child; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Have a safety guard to protect a child from injury.

(8) A registered child care provider shall use protective gates to block all stairways if a child in care is under age three (3).

(9) Stairs and steps shall:

(a) Be in good repair; and

(b) Include railing of comparable length to the stairs or steps.

(10) A registered child care provider’s home shall have:

(a) At least one (1) working telephone with a residential line or an active mobile service; and

(b) An accessible list of emergency telephone numbers, including the numbers for the:

1. Police;

2. Fire station;

3. Emergency medical care;

4. Poison control center; and

5. Reporting of child abuse and neglect.

(11) A registered child care provider’s home shall have a:

(a) Refrigerator in working order that maintains a temperature of forty-five (45) degrees Fahrenheit or below; and

(b) Freezer that maintains a temperature of zero degrees Fahrenheit.

(12) A registered child care provider shall maintain first aid supplies that include:

(a) Liquid soap;

(b) Band aids;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) Sterile gauze; and

(d) Adhesive tape.

(13) A registered child care provider shall wash hands with liquid soap and running water:

(a) Before and after diapering a child;

(b) Before and after food preparation;

(c) Before feeding a child; and

(d) At other times when necessary to prevent the spread of disease.

(14) In accordance with KRS 199.896(18), a registered child care provider shall not use corporal physical discipline on a child entrusted to the provider’s care.

(15) Pets or livestock shall be vaccinated and not left alone with a child.

(16) If transportation is provided by a registered child care provider, the provider shall:

(a) Have written permission from a parent or guardian to transport the child;

(b) Have a vehicle equipped with seat belts; and

(c) Comply with KRS 189.125 regarding child restraint and seating.

Section 4. Actions on Applications. (1) The cabinet or its designee shall approve, deny, or withdraw an individual’s application for registration within thirty (30) calendar days from receipt of the individual’s notice of intent to apply made in accordance with Section 2(1) of this administrative regulation.

(2) The cabinet or its designee may conditionally approve an individual who made a notice and application pursuant to Section 2(1) and (4) of this administrative regulation, to provide child care services to a child for ninety (90) calendar days, if the applicant meets the requirements of:

(a) Sections 2(4), 5, and 6 of this administrative regulation; and

(b) Section 3 of this administrative regulation, if child care is given in the home of the provider.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(3) The cabinet or its designee shall approve an individual who made a notice and application pursuant to Section 2(1) and (4) of this administrative regulation as a registered child care provider for one (1) year, if the applicant meets the requirements specified in:

(a) Sections 2(4) through (5), 5, and 6 of this administrative regulation; and

(b) Section 3 of this administrative regulation if child care is given in the home of the provider.

(4) If a conditionally approved provider, as specified in subsection (2) of this section, has not completed the training requirement within the ninety (90) day timeframe pursuant to Section 2(5) of this administrative regulation, the cabinet or its designee shall:

(a) Not approve an applicant for payment pursuant to 922 KAR 2:160 past the ninety (90) days of conditional approval; and

(b) Deny another:

1. Period of conditional approval for the same applicant; or

2. Application from the same applicant unless training has been completed in accordance with Section 2(5) of this administrative regulation.

(5) The cabinet may confirm training verification provided by an applicant, conditionally approved applicant, or registered child care provider through the cabinet-approved training database maintained in accordance with 922 KAR 2:240.

Section 5. General Requirements for Registered Child Care Providers. (1) A registered child care provider shall not:

(a) Live in the same residence as the child in care;

(b) Hold a license to provide child care in accordance with 922 KAR 2:090;

(c) Hold certification to provide child care in accordance with 922 KAR 2:100; or

(d) Provide care for more than three (3) children unrelated to the provider in accordance with KRS 199.8982(1)(a).

(2) A registered child care provider shall not provide other home based services, including services, such as:

(a) A personal care home in accordance with 902 KAR 20:036;
(b) A family care home in accordance with 902 KAR 20:041;

(c) An adult day care in accordance with 910 KAR 1:160; or

(d) Supports for community living in accordance with 907 KAR 1:145.

(3) A registered child care provider shall:

(a) Comply with the:

1. Provisions of KRS 199.898; and

2. Provider requirements in accordance with 922 KAR 2:160, Section 13;

(b) Allow the cabinet, the cabinet’s designee, another agency with regulatory authority, and a parent of a child in care access to the premises where a child receives care during the hours that the child care services are provided; and

(c) Report within ten (10) calendar days any change to the provider’s:

1. Address;

2. Name;

3. Telephone number;

4. Household members; or

5. Location where the child care is provided.

(4) A registered child care provider who gives care in the provider’s home shall comply with the requirements of Section 3(1) of this administrative regulation within ten (10) calendar days for a:

(a) New household member who is eighteen (18) years or older; or

(b) Household member who turns age eighteen (18).

(5)(a) A registered child care provider shall maintain an attendance sheet in which the daily arrival and departure times of each child are recorded in accordance with 922 KAR 2:160, Section 13.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) A registered child care provider shall retain attendance sheets completed in accordance with paragraph (a) of this subsection for five (5) years.

(6)(a) Care for a child with a special need shall be consistent with the nature of the need as documented by the child’s health professional.

(b) A child may include a person eighteen (18) years of age if the person has a special need for which child care is required.

(7) While providing child care services, a registered provider and another person in the provider’s home shall:

(a) Be free of the influence of alcohol or a controlled substance, except for use of a controlled substance as prescribed by a physician; and

(b) Prohibit smoking in the presence of a child in care.

(8) A registered child care provider shall report to the cabinet or designee:

(a) Within twenty-four (24) hours from the time of discovery:

1. A communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;

2. An accident or injury to a child that requires medical care;

3. An incident that results in legal action by or against the registered child care provider that:

   a. Affects:

      (i) A child in care;

      (ii) The registered child care provider; or

      (iii) An adult residing in the registered child care provider’s household if child care services are provided in the provider’s home; or

   b. Includes the provider’s discontinuation or disqualification from a governmental assistance program due to fraud or abuse of that program;

4. An incident involving a fire or other emergency, including a vehicular accident when the provider is transporting a child receiving child care services; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
5. A report of child abuse or neglect that:

   a. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and

   b. Names:

      (i) The registered child care provider as the alleged perpetrator; or

      (ii) A member of the registered child care provider’s household as alleged perpetrator if child care services
           are provided in the provider’s home;

           (b) An incident of child abuse or neglect pursuant to KRS 620.030;

           (c) The death of a child in care within one (1) hour; or

           (d) The provider’s temporary or permanent closure as soon as practicable, which shall also be given to the
               parent of a child in care.

Section 6. Child Ratios. During hours of operation, a registered child care provider shall not care for more than:

   (1) Three (3) children receiving CCAP per day;

   (2) Six (6) children receiving CCAP per day, if those children are:

       (a) A part of a sibling group; and

       (b) Related to the provider; or

   (3) A total of eight (8) children inclusive of the provider’s own children.

Section 7. Renewal of Registration. (1) The cabinet or its designee shall send a reminder notice to a registered child care provider at least forty-five (45) calendar days prior to the expiration date of the provider’s registration issued in accordance with Section 4(3) of this administrative regulation.

(2) To renew child care provider registration prior to the expiration of the registration, a registered child care provider shall:

    (a) Meet the requirements specified in Sections 2(4), 5, and 6 of this administrative regulation;

    (b) Complete, and provide verification of, three (3) hours of training in early care and education approved by

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. To include one and one-half (1 1/2) hours of pediatric abusive head trauma training:

   a. Within first year of employment or operation as a child care provider; and

   b. Completed once during each subsequent five (5) years of employment or operation as a child care provider; and

2. In one (1) or more of the following subjects:

   a. Child growth and development;

   b. Learning environments and nutrition;

   c. Health, safety, and nutrition;

   d. Family and community partnerships;

   e. Child assessment;

   f. Professional development and professionalism; or

   g. Program management and evaluation;

   (c) Submit an updated version of the evacuation plan described in Section 2(4)(a)5 of this administrative regulation;

   (d) Retain a copy of the updated evacuation plan; and

   (e) Provide a copy of the updated evacuation plan to each parent of a child in care.

(3) In addition to the requirements of subsection (2) of this section, a registered provider who gives care in the provider’s home shall also meet the requirements of Section 3 of this administrative regulation.

Section 8. Negative Action for An Applicant or A Registered Child Care Provider. (1) If a registered child care provider or a member of the provider’s household is named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet in accordance with 922 KAR 1:330, the individual shall be removed from direct contact with a child in care:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) For the duration of the family-in-need-of-services assessment or investigation; and

(b) Pending completion of an administrative appeal process for a cabinet substantiation of child abuse or neglect in accordance with 922 KAR 1:320 or 922 KAR 1:480.

(2) The cabinet or its designee shall send written notice of negative action to:

(a) An applicant for registration, if the application is:

1. Withdrawn; or

2. Denied; or

(b) A registered child care provider, if the provider’s registration is:

1. Closed; or

2. Revoked.

(3) The notice of negative action shall include the:

(a) Reason for the negative action; and

(b) Effective date.

(4) An application for registration shall be denied or a registered provider’s registration shall be revoked if:

(a) Written verification from a health professional confirms a diagnosis of tuberculosis;

(b) A background check pursuant to KRS 17.165(5) reveals a:

1. Substantiated incident of child abuse or neglect in accordance with 922 KAR 1:470; or

2. Conviction of, or an Alford or guilty plea to, a:

   a. Violent crime; or

   b. Sex crime;
(c) A history of behavior exists that may impact the safety or security of a child in care including:

1. A conviction, an Alford plea, or a guilty plea related to the abuse or neglect of an adult;

2. A conviction for, or an Alford or guilty plea to, a drug-related felony unless five (5) years have elapsed since the person was fully discharged from imprisonment, probation, or parole;

3. A confirmation through an address check and supporting documentation that a:

   a. Provider is a registered sex offender; or

   b. Member of the provider’s household is a registered sex offender, if the provider provides child care services in the provider’s home; or

4. Other behavior or condition indicating inability to provide reliable care to a child;

   (d) The provider uses or allows the use of any form of corporal physical discipline on a child entrusted to the provider’s care;

   (e) The cabinet has probable cause to believe there is an immediate threat to the health, safety, or welfare of a child;

   (f) The applicant or provider has been discontinued or disqualified from participation in:

1. CCAP, including an intentional program violation in accordance with 922 KAR 2:020; or

2. Another governmental assistance program due to fraud or abuse of that program;

   (g) The applicant or provider knowingly misrepresents or submits false information on a form required by the cabinet; or

   (h) During the hours that child care services are provided, the provider refuses access by:

1. A parent of a child in care, the cabinet, the cabinet’s designee, or another agency with regulatory authority to:

   a. A child in care; or

   b. The location of the child care; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(5) If an applicant has had a previous ownership interest in a child-care provider which had a prior certification, license, registration, or permit to operate denied, suspended, revoked, or voluntarily relinquished as a result of an investigation or a pending adverse action in accordance with 922 KAR 2:090, 2:100, 2:110, 2:120, or this administrative regulation, the cabinet shall grant the applicant registration if:

(a) A seven (7) year period has expired from the:

1. Date of the prior denial, suspension, or revocation;

2. Date the certification, license, registration, or permit was voluntarily relinquished as a result of an investigation or a pending adverse action;

3. Last day of legal remedies being exhausted; or

4. Date of the final order from an administrative hearing; and

(b) The applicant Complies with:

1. Sections 2, 5, and 6 of this administrative regulation; and

2. If care is given in the home of the provider, Section 3 of this administrative regulation;

(c) The applicant completes, and provides verification of, an additional twelve (12) hours of training approved by the cabinet or its designee in early care and education;

(d) The applicant has not had an application, certificate, license, registration, or permit to operate as a child care provider denied, revoked, or voluntarily relinquished for:

1. Conviction of, or an Alford or guilty plea to, a sex crime or violent crime in accordance with KRS 17.165;

2. Abuse or neglect of a child according to a child abuse and neglect check of the central registry in accordance with 922 KAR 1:470;

3. Placement on the Sex Offender Registry;

4. Conviction of, or an Alford or guilty plea to, a drug-related felony, and five (5) years has not elapsed since the person was fully discharged from imprisonment, probation, or parole; or

5. Discontinuance or disqualification from participation in:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
a. CCAP, including an intentional program violation in accordance with 922 KAR 2:020; or

b. Another governmental assistance program due to fraud or abuse of that program.

(6) An application may be withdrawn:

   (a) If all required documentation for the application process is not received within thirty (30) calendar days in accordance with Section 2(4) of this administrative regulation; or

   (b) At the request of the applicant.

(7) A registered child care provider’s status may be closed:

   (a) At the request of the provider; or

   (b) If the provider fails to comply with requirements in Section 3, 5, 6, or 7(2).

(8) The voluntary withdrawal, closure, or relinquishment of a provider’s registration shall not preclude the cabinet’s pursuit of adverse action.

Section 9. Appeal of Negative Action. If the cabinet or its designee denies or withdraws an application for registration, revokes a provider’s registration, or closes a provider, the applicant or provider may request an appeal in accordance with 922 KAR 1:320.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

   (a) “DCC-94A Registered Child Care Provider Information Form” edition 7/12;

   (b) “DCC-95, Application for Registered Child Care Provider in Provider’s Home” edition 7/12;

   (c) “DCC-96, Application for Registered Child Care Provider in Child’s Home” edition 7/12; and

   (d) “IRS W-9, Request for Taxpayer Identification Number and Certification” edition 10/07.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

922 Ky. Admin. Regs. 2:190
Section 1. Definitions. (1) “Cabinet” is defined by KRS 199.894(1).

(2) “Child-care center” is defined by KRS 199.894(3).

(3) “Licensee” means the owner and operator of a child-care center to include:

   (a) Sole proprietor;

   (b) Corporation;

   (c) Limited liability company;

   (d) Partnership;

   (e) Association; or

   (f) Organization, such as:

   1. Board of education;

   2. Private school;

   3. Faith-based organization;

   4. Government agency; or

   5. Institution.

(4) “Office of Inspector General” or “OIG” means the organizational unit of the cabinet established in accordance with KRS 194A.030(1)(c) or its designee.

(5) “Statement of deficiency” means a finding of a regulatory noncompliance issued in accordance with 922 KAR 2:090, Section 9.

Section 2. Types of Violations. The cabinet shall issue a licensee a:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(1) Type A violation if:

(a) A child-care center violates a standard or a requirement specified in KRS 199.896, KRS 199.990(4), 922 KAR 2:090, 922 KAR 2:110, or 922 KAR 2:120; and

(b) The violation creates harm, an imminent threat, or an imminent danger to the health, safety, or welfare of a child in the center’s care, such as the center:

1. Failing to:

a. Provide for the health, safety, or welfare of a child in care that results in injury to the child, the child’s hospitalization, or death of the child;

b. Complete a criminal records check and a child abuse and neglect check required in accordance with:

   (i) 922 KAR 2:090, Section 6; or

   (ii) 922 KAR 2:110, Section 5;

c. Remove a person with a substantiation of child abuse or neglect from contact with a child in care in accordance with:

   (i) 922 KAR 2:090, Section 6; or

   (ii) 922 KAR 2:110, Section 5;

d. Comply with a suspension of services; or

e. Administer discipline in accordance with 922 KAR 2:120, Section 2(8) or 2(10);

2. Falsifying records;

3. Operating contrary to approved licensed services; or

4. Changing location without prior approval of the cabinet.

(2) Type B violation if:

(a) A child-care center violates a standard or requirement specified in KRS 199.896, KRS 199.990(4), 922 KAR 2:090, 922 KAR 2:110, or 922 KAR 2:120; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) The violation presents a concern or risk to the health, safety, or welfare of a child in care, but does not create harm, an imminent threat, or an imminent danger to the child, such as the center:

1. Failing to:

   a. Complete one (1) of a person’s background checks required in accordance with:

      (i) 922 KAR 2:090, Section 6; or

      (ii) 922 KAR 2:110, Section 5;

   b. Respond to a child’s first aid and medical needs in accordance with 922 KAR 2:120, Section 7;

   c. Have staff currently certified in cardiopulmonary resuscitation and first aid in accordance with 922 KAR 2:110, Sections 5(3) through 5(5);

   d. Provide adequate supervision in accordance with 922 KAR 2:120, Section 2(3);

   e. Make toxic supplies inaccessible to a child in accordance with 922 KAR 2:120, Section 3(7); or

   f. Maintain sufficient records on a child in accordance with 922 KAR 2:110, Section 3;

2. Releasing a child to a person who is not designated by the child’s parent to pick up the child;

3. Leaving a child alone with an underage caregiver; or

4. Exceeding the staff-to-child ratios in 922 KAR 2:120, Section 2 by fifty (50) percent or more.

Section 3. Assessment of a Civil Penalty. (1) The cabinet shall assess a civil penalty in accordance with KRS 199.896(8) and KRS 199.990(4).

(2) A statement of deficiency shall be issued prior to, or concurrent with, the notice described in Section 4 of this administrative regulation.

(3) A statement of deficiency with a Type A violation shall be:

   (a) Corrected within five (5) working days in accordance with 922 KAR 2:090, Section 9(3) and 9(8); and
(b) Subject to a civil penalty of no more than $1000 for each occurrence of a Type A violation.

(4) A statement of deficiency with a Type B violation shall:

(a) Have a written corrective action plan within ten (10) days in accordance with 922 KAR 2:090, Section 9(2) and 9(3); and

(b) Be subject to a civil penalty of $250 for each occurrence of a Type B violation.

(5) In accordance with KRS 199.896(8)(b)-(d), a licensee shall receive a monetary credit applied towards a civil penalty in the amount of:

(a) Fifty (50) dollars if a review of the licensee’s history finds no Type A or Type B violation cited during the three (3) years prior to the date of the statement of deficiency;

(b) Fifty (50) dollars if the written corrective action plan is:

1. Received by the cabinet within the timeframe specified for the violation type pursuant to subsection (3)(a) or (4)(a) of this section; and

2. Accepted by the cabinet; or

(c) Twenty-five (25) percent of the civil penalty if the licensee waives appeal rights described in Section 5 of this administrative regulation.

(6) Treble penalties shall be assessed pursuant to KRS 199.990(4).

Section 4. Civil Penalty Requirements. Notice that a civil penalty has been levied shall:

(1) Be hand delivered by cabinet staff or delivered by certified mail, return receipt requested, to the:

(a) Licensee; or

(b) Director of the child-care center or the director’s designee in accordance with 922 KAR 2:110; and

(2) Specify:

(a) The violation for which a civil penalty has been levied;

(b) The amount of the civil penalty;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(c) That, in accordance with KRS 199.990(4), the civil penalty shall:

1. Not exceed $1,000 for each occurrence;

2. Be made payable to the Kentucky State Treasurer; and

3. Be mailed to the Office of Inspector General;

(d) That an appeal of a civil penalty shall not act to stay correction of a violation, pursuant to KRS 199.896(7);

(e) That payment of a civil penalty shall be stayed if an appeal is requested; and

(f) That the cabinet may:

1. Deny, suspend, or revoke a license for the same offense for which a civil penalty is imposed; and

2. Take other action in accordance with KRS 199.896(9).

Section 5. Appeal Rights. (1) A licensee shall have appeal rights in accordance with KRS 199.990(4) and 922 KAR 2:090, Section 13.

(2) An appeal shall not limit the authority of the cabinet to:

(a) Issue an emergency order pursuant to KRS 13B.125(2); or

(b) Take action pursuant to KRS 199.896(9).

Section 6. Payment of Civil Penalty. (1) The cabinet shall deny an application for child-care center licensure or revoke a child-care center’s license if:

(a) Sixty (60) days have lapsed since the latter of either:

1. The notice in accordance with Section 4 of this administrative regulation; or

2. Completion of the administrative appeal process upholding the civil penalty; and

(b) A licensee fails to:
1. Pay the civil penalty levied against the child-care center;

2. Enter into an arrangement to pay a civil penalty that is approved by the cabinet; or

3. Comply with the payment arrangement for the civil penalty.

(2) The cabinet may approve an amendment to a payment arrangement if:

(a) A request for an amendment is received from the licensee; and

(b) The cabinet makes a determination that the payment arrangement creates a hardship for the licensee or the child-care center’s operation with consideration given to:

1. The individual circumstances of the licensee or child-care center; and

2. Factors specified in KRS 199.896(8).

(3) The cabinet may terminate collection of a civil penalty if the:

(a) Licensee dies;

(b) Cabinet is unable to locate the licensee; or

(c) Cabinet’s continued pursuit of the civil penalty would exceed the:

1. Amount of civil penalty; or

2. Public benefit.

922 Ky. Admin. Regs. 2:210

922 KAR 2:210. STARS for KIDS NOW Program for Type II licensed and certified family child-care homes

Irrelevant Section

Section 1. Definitions. (1) “Anniversary date” means the approval date on a STARS for KIDS NOW quality rating certificate.

(2) “Assistant” means a person:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Who meets the requirements listed in 922 KAR 2:100, Sections 2(4) and 9(7), (8), (9); and

(b) Who works either paid or unpaid.

(3) “Commonwealth Child Care Credential” means a certificate of completion of sixty (60) clock hours of instruction from a state agency-approved organization in accordance with 922 KAR 2:250.

(4) “Environment assessment” means one (1) of four (4) rating scales designed to assess the process quality in an early childhood or school age care group, and consists of the following items to evaluate:

(a) Physical environment;

(b) Basic care;

(c) Curriculum;

(d) Interaction;

(e) Schedule and program structure; and

(f) Parent and staff education.

(5) “Family child-care home” means a certified family child-care home as defined by KRS 199.8982 and KRS 199.894(5).

(6) “Parental or family participation” means a Type II center or family child-care home’s provision of information or inclusion of a parent or custodian in the Type II center or family child-care home’s activities, such as:

(a) Distribution of a newsletter;

(b) Distribution of a program calendar;

(c) A conference between the Type II center or family child-care home and a parent or custodian; or

(d) Other activity designed to engage a parent or custodian in the program’s activities.

(7) “STARS for KIDS NOW Program” or “STARS” means the voluntary quality-based graduated childcare rating system established by KRS 199.8943(1).

(8) “Type II child-care center” means the primary residence of the licensee in which child care is regularly provided

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 2. Application. (1) A Type II center or a family child-care home may:

(a) Apply to participate in the STARS program after six (6) months from the date of initial licensure or certification; and

(b) Achieve a quality rating certificate of Level 1 through Level 4.

(2) If an applicant seeks participation in STARS as a Level 1 quality rating certificate:

(a) The applicant shall complete a:

1. “DCC-400, Level 1 Rating Certificate Application” and

2. “DCC-401, STARS for KIDS NOW-Level 1 Standards Check List” and

(b) The cabinet or its designee shall verify on the DCC-401 the applicant’s documented compliance with the Level 1 requirements described in Section 3 of this administrative regulation.

(3) If an applicant seeks a Level 2, 3, or 4 quality rating certificate, the:

(a) Applicant shall complete a DCC-401, and DCC-405, STARS for KIDS NOW Rating Visit Request Form” and

(b) Cabinet or its designee:

1. Shall contact the applicant within fifteen (15) working days to schedule a STARS rating visit, upon receipt of a completed DCC-401 and DCC-405;

2. And the applicant shall agree to a two (2) week time period for the STARS rating visit to occur; and

3. Shall issue to an approved applicant, within sixty (60) calendar days from the date of the STARS rating visit, a quality rating certificate that shall:

   a. Be valid for a period specified in Section 11(3) of this administrative regulation; and

   b. Specify the rating level approved for the Type II center or family child-care home.

(4) For the purpose of redetermining the Type II center’s or family child-care home’s rating, a participant in the Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
STARS Program may request, at least six (6) months after issuance of a quality rating certificate, another rating visit.

(5) A Type II center or family child-care home applying or participating in the STARS program shall:

(a) Not have an immediate closure, denial of relicensure or recertification, suspension, or revocation action against the Type II center’s license or home’s certificate; and

(b) Pay any civil penalty levied against the Type II center or family child-care home if the:

1. Right to appeal a civil penalty has been waived; or

2. Civil penalty has been upheld on appeal.

Section 3. Level 1 Quality Rating Certificate Requirements. (1) A Type II center or family child-care home:

(a) Shall not be allowed to hold a Level 1 quality rating certificate for more than two (2) years; and

(b) May reapply for participation six (6) months after expiration of the Level 1 quality rating certificate.

(2) A Type II center or family child-care home participating in STARS and holding a Level 1 quality rating certificate shall:

(a) Post prominently in the home, and maintain compliance with the:

1. Capacity requirements established in 922 KAR 2:100, Section 10, if the STARS participant is a family child-care home; or

2. Following staff-to-child ratios if the participant is a Type II center:

<table>
<thead>
<tr>
<th>Type II center</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age of Children</td>
<td></td>
</tr>
<tr>
<td>Birth to 1 year</td>
<td>1:5</td>
</tr>
<tr>
<td>1 to 2 years</td>
<td>1:6</td>
</tr>
<tr>
<td>2 to 3 years</td>
<td>1:10</td>
</tr>
<tr>
<td>3 and older</td>
<td>1:12</td>
</tr>
</tbody>
</table>

(b)1. In the case of a family child-care home, comply with the requirements set forth in 922 KAR 2:100; or

2. In the case of a licensed Type II center, comply with the requirements established in:

a. 922 KAR 2:090, Child care center licensure;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness Title 922. Cabinet for Health and Family Services
Department for Community Based Services Protection and Permanency Chapter 2. Day Care

b. 922 KAR 2:110, Child care facility provider requirements; and

c. 922 KAR 2:120, Child care facility health and safety standards;

(c) Attend an overview of STARS prior to program participation;

(d) Agree to an environment assessment under the following conditions:

1. The Type II center or family child-care home shall conduct the environmental assessment within the first twelve (12) months of participation in the program, and may request assistance from the cabinet or its designee;

2. The Type II center or family child-care home shall not be required to achieve a specific score on the environment assessment; and

3. Upon completion of the environment assessment during the second year of certification at a Level 1 quality rating, the Type II center or family child-care home shall develop a written plan for improved performance in each area identified by the environment assessment as needing improvement, and may request assistance from the cabinet or its designee;

(e) Post in a prominent area, the Type II center or family child-care home’s:

1. Planned program of activities; and

2. Daily schedule;

(f) Coordinate at least one (1) annual activity involving parental or family participation;

(g) Maintain a written child care agreement with each child’s parent or custodian, including the name of each person designated by the parent to pick up the child;

(h) Maintain a written description of services that includes:

1. Current rates for child care;

2. Hours of operation;

3. A plan for daily communication with each child’s parent or custodian; and

4. Policy regarding:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
a. Late fees;

b. Holidays;

c. Vacation;

d. Illness; and

e. How an arrangement shall be made for an individual, other than one (1) previously designated by the parent, to pick up a child;

   (i) Comply with 922 KAR 2:160, Child Care Assistance Program (CCAP); and

   (j) In the case of a:

1. Family child-care home, develop and implement a written plan for obtaining annual training required by KRS 199.8982(2); or

2. Type II center, develop and implement a written annual plan for obtaining training for each employee, including the licensee.

Section 4. Level 2 Quality Rating Certificate Requirements. A Type II center or family child-care home participating in STARS and holding a Level 2 quality rating certificate shall:

(1) Meet the requirements of Sections 2(3) and 3(2)(a) through (c), (e), and (g) through (j) of this administrative regulation;

(2) Coordinate at least two (2) annual activities that involve parental or family participation;

(3) Provide documentation of a written plan for parental or family involvement;

(4) Achieve an average score of at least three (3) on the environment assessment portion of the STARS rating visit, except as required by subsections (6) and (7) of this section;

(5) If the Type II center or family child-care home achieves an average score of three (3) on the environment rating scale portion of the STARS rating visit, develop a written plan for improved performance on subsequent environment assessment, and obtain assistance from the cabinet or its designee upon request;

(6) Achieve an average score of at least four (4) on the environment assessment portion of the STARS rating visit by the fourth year of certification at a Level 2 quality rating;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(7) Maintain an overall average score of four (4) on the environment assessment portion of the STARS rating visit for each year beyond the fourth year of certification at a Level 2 quality rating;

(8) Review and sign the “DCC-402, STARS for KIDS NOW-Level 2 Standards Checklist” during the STARS rating visit;

(9) Ensure that at least one (1) person on duty is certified in infant and child:

(a) Cardiopulmonary resuscitation; and

(b) First aid;

(10) Meet the training requirement as follows:

(a) A family child-care home, complete nine (9) clock hours of early care and education training approved by the cabinet or its designee annually; or

(b) A Type II center shall have the licensee and each staff person annually complete fifteen (15) clock hours of early care and education training approved by the cabinet or its designee.

(11) In the case of a Type II center, comply with the provisions of:

(a) 11 KAR 16:040, Early Childhood Development Scholarship Program recordkeeping requirements; and

(b) 11 KAR 16:060, Early Childhood Development Scholarship Program system of monetary incentives; and

(12) Provide proof that a recordkeeping system is maintained, including:

(a) Documentation of child care business expenses; and

(b) Income from the business.

Section 5. Level 3 Quality Rating Certificate Requirements. A Type II center or family child-care home participating in STARS and holding a Level 3 quality rating certificate shall:

(1) In the case of a:

(a) Family child-care home, have an assistant if the home cares for at least six (6) children and more than three (3) are infants or children under the age of twenty-four (24) months; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Type II center, meet the following staff-to-child ratios:

<table>
<thead>
<tr>
<th>Age of Children</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth - 1 year</td>
<td>1:4</td>
</tr>
<tr>
<td>1 to 2 years</td>
<td>1:5</td>
</tr>
<tr>
<td>2 to 3 years</td>
<td>1:8</td>
</tr>
<tr>
<td>3 and older</td>
<td>1:12</td>
</tr>
</tbody>
</table>

(2) Meet the requirements of Sections 2(3) and 3(2)(b), (c), and (e), (g) through (j) of this administrative regulation;

(3) Coordinate at least three (3) annual activities involving parental or family participation;

(4) Achieve an average score of at least 4.5 on the environment assessment portion of the STARS rating visit;

(5) Achieve a score of at least five (5) on the environment assessment portion of the STARS rating visit pertaining to the use of television;

(6) Review and sign the “DCC-403, STARS for KIDS NOW-Level 3 Standards Checklist” during the STARS rating visit;

(7) Meet the requirements of Section 4(3), (9), (11), and (12) of this administrative regulation;

(8) Provide each parent or custodian with:

   (a) Written daily report for a child under two (2) years of age; and

   (b) Handbook containing a description of Type II the center or family child-care home’s policies; and

(9) Meet the training requirement as follows:

   (a) A certified family child-care home operator shall:

1. Complete eighteen (18) clock hours of early care and education training approved by the cabinet or its designee annually; or

2. Complete nine (9) clock hours of early care and education training approved by the cabinet or its designee and have one of the following:

   a. A Commonwealth Child Care Credential;

   b. A Child Development Associates Credential;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
c. A Director’s Credential or an equivalent credential approved by the Early Childhood Development Authority;

d. A Montessori Certificate;

e. An associate degree or higher level of education in:

   (i) Interdisciplinary early childhood education;

   (ii) Early childhood special education;

   (iii) Early childhood education;

   (iv) Early child care and education;

   (vi) Elementary education for teaching kindergarten through fourth grade, if caring for school-age children; or

   (vii) A related degree approved by the Early Childhood Development Authority;

3. By the fourth year of participation in the STARS Program, have obtained a Child Development Associate’s Credential or higher level of education as specified in subparagraph 2b through e of this paragraph; and

4. Ensure that each assistant has:

   a. Attended basic orientation training; and

   b. Obtained six (6) hours of early care and education training approved by the cabinet or its designee annually.

   (b) A Type II center shall:

1. Ensure that each staff person:

   a. Completes eighteen (18) clock hours of early care and education training approved by the cabinet or its designee annually; or

   b.i. Has a higher level of education described in paragraph (a)2a through e of this subsection; and

   ii. Completes fifteen (15) clock hours of early care education training approved by the cabinet or its designee annually;

2. Ensure that the director:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
a. Completes twenty-one (21) clock hours of early care and education training approved by the cabinet or its designee annually; or

b.i. Has a higher level of education as specified in paragraph (a)2a through e of this subsection; and

ii. Completes eighteen (18) clock hours of early care and education training approved by the cabinet or its designee annually; and

3. By the fourth year of participation in STARS, have obtained a Child Development Associate’s Credential or higher level of education as specified in paragraph (a)2b through e of this subsection.

Section 6. Level 4 Quality Rating Certificate Requirements. A Type II center or family child-care home participating in STARS and holding a Level 4 quality rating certificate shall:

(1) Not exceed nine (9) children if a certified family child-care home;

(2) Meet the requirements of Section 3(2)(b) (c), (e), and (g) through (j) of this administrative regulation;

(3) Coordinate at least four (4) annual activities involving parental or family participation;

(4) Meet the requirements of Sections 2(3), 4(3), (9), (11), and (12) of this administrative regulation;

(5) Meet the requirements of Section 5(1), (6), (8), and (9) of this administrative regulation;

(6) Achieve an average score of at least 5.5 on the environment-assessment portion of the STARS rating visit;

(7) Review and sign the “DCC-404, STARS for KIDS NOW-Level 4 Standards Checklist”

(8) Be accredited by:

(a) The National Association for Family Child Care; or

(b) An organization approved by the Early Childhood Development Authority;

(9) Show proof of membership in an early childhood professional organization that has national, multi-state, regional, or statewide affiliation; and

(10) Meet the following relevant training requirement:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) A Type II center director or family child-care home operator shall:

1. Have a higher level of education as specified in Section 5(9)(b)2 or 3 of this administrative regulation; and

2. Complete the Director’s Credential or an equivalent credential approved by the Early Childhood Development Authority; and

(b) Each staff person employed by a Type II center shall:

1. Complete twenty-one (21) clock hours of early care and education training approved by the cabinet or its designee annually; or

2. Have a higher level of education as specified in Section 5(9)(b)2 or 3 of this administrative regulation.

Section 7. STARS Achievement Awards. To the extent that funds are available, the cabinet shall pay achievement awards to qualified STARS participants.

(1) A STARS achievement award shall be awarded to a Type II center or family child-care home:

(a) The first time the Type II center or family child-care home achieves a STARS level, according to the following chart:

<table>
<thead>
<tr>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100</td>
<td>$250</td>
<td>$500</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

; and

(b) The first time and each subsequent time the Type II center or family child-care home achieves a higher STARS level for that center or house, for each STARS level up to and including the approved STARS level.

(2) A Level 3 or 4 Type II center or family child-care home that continues to be a STARS rated provider shall be eligible for an annual achievement award during the month of their anniversary date as follows:

(a) $250 per year for a Level 3; or

(b) $500 per year for a Level 4.

Section 8. Quality Incentive Awards. To the extent funds are available, the cabinet shall pay quality incentive awards to qualified STARS participants.

(1) A Level 1 STARS rated Type II center or family child-care home shall not be eligible to receive a quality incentive award.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(2) A quality incentive award shall be calculated and paid for each child served by the Child Care Assistance Program as described in 922 KAR 2:160.

(3) The following chart shall be used when calculating the amount of a quality incentive award:

<table>
<thead>
<tr>
<th>STARS Level</th>
<th>Amount per month per child under age three (3)</th>
<th>Amount per month per child age three (3) and over</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 2</td>
<td>$10</td>
<td>$9</td>
</tr>
<tr>
<td>Level 3</td>
<td>$14</td>
<td>$13</td>
</tr>
<tr>
<td>Level 4</td>
<td>$17</td>
<td>$16</td>
</tr>
</tbody>
</table>

(4) A quality incentive award shall be paid to a qualified STARS participant annually.

Section 9. Enhancement Award. To the extent funds are available, the cabinet shall pay enhancement awards to qualified STARS participants.

(1) A Level 4 Type II center or family child-care home shall be eligible for an annual enhancement award of $500 during the month of its anniversary date if the Type II center or family child-care home:

(a) Achieves an average score above 5.5 (five and five-tenths) on the environment assessment; and

(b) Completes the DCC-404E, STARS for KIDS NOW-Level 4 Enhanced Standards Checklist.

Section 10. Interim Report. (1) Except during a renewal year, a STARS level 2, 3, or 4 Type II center or family child-care home shall complete and submit to the cabinet or its designee prior to the anniversary date a:

(a) DCC-413, STARS for KIDS NOW Interim Report Standards Documentation; and

(b) DCC-414, STARS for KIDS NOW Interim Report Staff Training Documentation, for each staff person.

(2) The cabinet or its designee shall notify a participating Type II licensed or certified family child-care home of requirements in subsection (1) of this section at least ninety (90) calendar days prior to the anniversary date.

Section 11. Renewal of a Quality Rating Certificate. (1) The cabinet or its designee shall notify a participating Type II center or family child-care home at least ninety (90) calendar days before expiration of the center or home’s quality rating certificate.

(2) A participating Type II center or family child-care home shall submit a DCC-405 written request to the cabinet or its designee for a quality rating visit at least sixty (60) calendar days prior to expiration of the quality rating certificate.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(3) A quality rating certificate shall be renewed by a quality rating visit:

(a) Annually for a Level 1 rated Type II center or family child-care home;

(b) Every two (2) years for a Level 2 rated Type II center or family child-care home;

(c) Every three (3) years for a Level 3 rated Type II center or family child-care home; and

(d) Every four (4) years for a Level 4 rated Type II center or family child-care home.

Section 12. Conditions Requiring Reevaluation. (1) Reevaluation of a participating Type II center or family child-care home’s quality rating certificate and associated level shall be conducted if the:

(a) Location of the Type II center or family child-care home changes;

(b) Type II center or family child-care home requests a reevaluation in accordance with Section 2(4) of this administrative regulation;

(c) Cabinet or its designee determines a need to reassess the Type II center or the family child-care home’s STARS participation or quality rating certificate level due to reports or findings related to a reduction in the Type II center or family child-care home’s quality of care or services; or

(d) Type II center or family child-care home fails to complete requirements in Section 10(1) of this administrative regulation.

(2) A decrease in level rating due to a re-evaluation shall reduce the basis of awards in Sections 7, 8, and 9 of this administrative regulation.

Section 13. Conditions Requiring Revocation. (1) A Type II center or family child-care home’s quality rating certificate shall be revoked for:

(a) Closure pursuant to KRS 13B.125, 199.896(4), or 199.8982(1)(f);

(b) Denial of recertification or relicensure;

(c) A pending suspension or revocation action taken against the Type II center or family child-care home’s certificate or license to operate;

(d) Failure to comply with the requirements of 922 KAR 2:160;

(e) Failure to:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
1. Comply with payment of a civil penalty levied against the Type II center or family child-care home, if:
   a. The Type II center or family child-care home waived the right to appeal the civil penalty; or
   b. The civil penalty has been upheld on appeal; or

2. Make payment arrangements for a civil penalty within sixty (60) days and comply with that arrangement; if:
   a. The Type II center or family child-care home waived the right to appeal the civil penalty; or
   b. The civil penalty has been upheld on appeal;

   (f) Two (2) or more civil penalties levied against the Type II center or family child-care home in the previous twelve (12) months, in accordance with KRS 199.990; or

   (g) A change in ownership.

(2) Upon revocation of a quality rating certificate, payment shall cease for:

   (a) A quality incentive award;

   (b) An enhancement award; and

   (c) An annual achievement award.

Section 14. Quality Rating Certificate. A quality rating certificate shall be returned to the cabinet or its designee if:

(1) The certificate is revoked;

(2) The certificate is not renewed; or

(3) The Type II center or family child-care home voluntarily withdraws from the STARS.

Section 15. Appeals. (1) If the cabinet or its designee determines that a participating Type II center or family child-care home does not meet the rating level standards for which it is certified, the Type II center or family child-care home shall:

   (a) Accept a lower rating level; or

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Request an administrative hearing in accordance with 922 KAR 1:320, Section 2(11).

(2) Payment of an award in Section 7, 8, or 9 shall be held in abeyance pending resolution of appeal of a reduced quality rating certificate level.

(3) If denial, suspension, or revocation of a Type II center or family child-care home’s certificate or license to operate is reversed upon appeal, the:

   (a) Type II center or family child-care home may reapply for participation in the STARS program; or

   (b) Cabinet may reinstate a Type II center or the family child-care home’s STARS quality rating certificate and associated level if the:

1. Type II center or family child-care home submits a request for reinstatement; and

2. Type II center’s or family child-care home’s STARS quality rating certificate and licensure has not expired.

Section 16. Incorporation by Reference. (1) The following material is incorporated by reference:

   (a) “DCC-400, Level 1 Rating Certificate Application” edition 9/06;

   (b) “DCC-401, STARS for KIDS NOW-Level 1 Standards Checklist” edition 1/08;

   (c) “DCC-402, STARS for KIDS NOW-Level 2 Standards Checklist” edition 1/08;

   (d) “DCC-403, STARS for KIDS NOW-Level 3 Standards Checklist” edition 1/08;

   (e) “DCC-404, STARS for KIDS NOW-Level 4 Standards Checklist” edition 1/08;

   (f) “DCC-404E, STARS for KIDS NOW-Level 4 Enhanced Standards Checklist” edition 01/08;

   (g) “DCC-405, STARS for KIDS NOW-Rating Visit Request Form” edition 07/06.

   (h) “DCC-413, STARS for KIDS NOW Interim Report Standards Documentation” edition 01/08; and

   (i) “DCC-414, STARS for KIDS NOW Interim Report Staff Training Documentation” edition 01/08.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 1. Eligibility for Candidates. (1) An individual eligible for a director’s credential shall have completed twelve (12) college credit hours in the major areas of core knowledge as follows:

(a) Local, state, and federal regulations and laws;

(b) Ethics;

(c) Programming for families and children;

(d) Supervision and staff development;

(e) Health and safety;

(f) Financial management and marketing; and

(g) Community collaboration and resource management.

(2) Completion of the twelve (12) college credit hours shall be obtained at an institution of higher education in Kentucky offering a program:

(a) Meeting the curriculum requirements specified in subsection (1) of this section; and

(b) Approved by the Cabinet for Health and Family Services and the Division of Early Childhood Development within the Department of Education.

(3) An individual seeking the director’s credential may:

(a) Earn the twelve (12) college credit hours as part of an early childhood education degree program; or

(b) Enroll specifically for director’s credential course work.

Section 2. Credential. A director’s credential shall be awarded by the cabinet and the Division of Early Childhood Development upon:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(1) Successful completion of program requirements as specified in Section 1(1)(a) through (g) of this administrative regulation; and

(2) Recommendation by the institute of higher education where the course work was completed.

Section 3. Denial of Credential. (1) If the individual fails to comply with Section 1 of this administrative regulation, the director’s credential shall be denied.

(2) If the Commonwealth Child Care Credential is denied, the individual:

(a) Shall be informed of which requirements resulted in the denial; and

(b) May reapply after the requirements resulting in the denial are met.

Section 1. Definitions. (1) “Adult learning theory” means the concepts and principles that explain how adults gain knowledge and skills that result in relatively long-term changes in attitude and behavior.

(2) “Child Development Associate” or “CDA” means the nationally recognized credential approved by the Council for Professional Recognition.

(3) “Clock hour” means a sixty (60) minute period of instruction.

(4) “Full-time, paid experience” means working at least thirty (30) hours per week or the equivalent in an early care and education setting.

(5) “Introduction to Kentucky Resources for Early Care and Education Trainers” means a cabinet-approved training for a potential trainer as specified in Section 2(1)(c) of this administrative regulation.

(6) “Trainer’s seminar” means a cabinet-approved educational seminar which includes training as specified in Section 4 of this administrative regulation.

Section 2. Eligibility Criteria for the Kentucky Early Care and Education Trainer’s Credential. (1) An individual shall:

(a) Be at least twenty-one (21) years of age;
(b) Have a high school diploma, or equivalent;

(c) Complete the two (2) clock hour Introduction to Kentucky Resources for Early Care and Education Trainers that provides an overview of:

1. Early care and education systems in Kentucky; and

2. Resources available to assist early care and education professionals;

(d) Complete the two (2) clock hours of cabinet-approved training on the cabinet-designated data system; and

(e) Have training or experience in the following topics of early care and education:

1. Child growth and development;

2. Health, safety, and nutrition;

3. Professional development;

4. Learning environments and curriculum;

5. Child assessments;

6. Family and community partnerships; and

7. Program management and evaluation.

(2) A credentialed trainer approved prior to the effective date of this administrative regulation shall provide one (1) time verification that the trainer has received the cabinet-approved training on the cabinet-designated data system as a condition of renewal in accordance with Section 13 of this administrative regulation.

Section 3. Application and Approval for a Kentucky Early Care and Education Trainer’s Credential. (1) An individual applying for a Kentucky Early Care and Education Trainer’s Credential shall:

(a) Complete a DCC-200, Kentucky Early Care and Education Trainer’s Credential Application, which includes documentation that the individual meets the education and work experience requirements for a training level as specified in Sections 5 through 10 of this administrative regulation; and

(b) Submit the required documents of paragraph (a) of this subsection to the cabinet or its designee.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(2) Upon approval of the application described in subsection (1) of this section, the cabinet or its designee shall award the individual a:

(a) Letter of approval; and

(b) Kentucky Early Care and Education Trainer’s Credential for a training level specified in Sections 5 through 10 of this administrative regulation.

Section 4. Trainer’s Seminar. An individual applying for a Level 2 through 5 Kentucky Early Care and Education Trainer’s Credential shall complete a seventeen (17) clock hour trainer’s seminar, also known as Fundamentals of Effective Training, consisting of the following areas:

(1) Core content and training levels;

(2) Principles of adult learning;

(3) Supporting transfer of learning;

(4) Ethics and professionalism;

(5) Needs assessment and evaluation;

(6) Training design and methods; and

(7) Conducive learning environments and organizational strategies.

Section 5. Level 1 Kentucky Early Care and Education Trainer’s Credential Requirements. For a Level 1 Kentucky Early Care and Education Trainer’s Credential, an individual:

(1) Shall have three (3) years of full-time, paid experience in the early care and education field; and

(2) May only train as a cotrainer on a single topic of early care and education, as specified in Section 2(1)(e) of this administrative regulation, with a credentialed trainer at a higher level.

Section 6. Level 2 Kentucky Early Care and Education Trainer’s Credential Requirements. (1) For a Level 2 Kentucky Early Care and Education Trainer’s Credential, an individual shall:

(a) Have:
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

1.a. A CDA or director’s credential as specified in 922 KAR 2:230; and

   b. Three (3) years of full-time, paid experience, or equivalent, as approved by the cabinet in the early care and education field; or

2. Ten (10) years of full-time, paid experience in a field related to early care and education as approved by the cabinet and the equivalent of forty-five (45) clock hours of formal early care and education training;

   (b) Cotrain at least twelve (12) clock hours with a Level 4 or 5 Kentucky Early Care and Education trainer before training solo; and

   (c) Complete the trainer’s seminar requirements as specified in Section 4 of this administrative regulation, or equivalent, approved by the cabinet or its designee.

(2) An individual who is awarded a Level 2 Kentucky Early Care and Education Trainer’s Credential may provide training to an individual to meet the:

   (a) Training requirements as specified in KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, or 2:250;

   (b) Final sixty (60) hours required for the CDA if cotraining with a Level 4 or Level 5 credentialed trainer; or

   (c) Level 1 or Level 2 Kentucky Early Care and Education Trainer’s Credential.

Section 7. Level 3 Kentucky Early Care and Education Trainer’s Credential Requirements. (1) For a Level 3 Kentucky Early Care and Education Trainer’s Credential, an individual shall:

   (a) Have:

1. Three (3) years of full-time, paid experience in the early care and education field and:

   a. An associate degree in early care and education; or

   b. The equivalent of thirty (30) credit hours in early care and education coursework;

2. One (1) year of full-time, paid experience in the early care and education field and a bachelor’s degree in a field related to early care and education; or

3. Ten (10) years of full-time, paid experience in the early care and education field and a bachelor’s degree in a field not related to early care and education; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Complete the trainer’s seminar requirements as specified in Section 4 of this administrative regulation, or equivalent, as approved by the cabinet or its designee.

(2) An individual who is awarded a Level 3 Kentucky Early Care and Education Trainer’s Credential may provide training to an individual to meet the:

(a) Training requirements as specified by KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, or 2:250;

(b) Requirements of the CDA; or

(c) Requirements of a level one (1) through three (3) Kentucky Early Care and Education Trainer’s Credential.

Section 8. Level 4 Kentucky Early Care and Education Trainer’s Credential Requirements. (1) For a Level 4 Kentucky Early Care and Education Trainer’s Credential, an individual shall:

(a) Have:

1. One (1) year of full-time, paid experience in the early care and education field and a bachelor’s degree in early care and education;

2. One (1) year of full-time, paid experience in the early care and education field and:
   a. A bachelor’s degree in a field related to early care and education; and
   b. The equivalent of three (3) credit hours in child development; or

3. At least ten (10) years of full-time, paid experience in the early care and education field and:
   a. A bachelor’s degree in a field not related to early care and education; and
   b. The equivalent of three (3) credit hours in child development; and

   (b) Complete the trainer’s seminar requirements as specified in Section 4 of this administrative regulation, or equivalent, as approved by the cabinet or its designee.

(2) An individual who is awarded a Level 4 Kentucky Early Care and Education Trainer’s Credential may provide training to an individual to meet the:

(a) Training requirements as specified in KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, or 2:250;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Requirements of the CDA; or

c) Requirements for a Level 1 through Level 4 Kentucky Early Care and Education Trainer’s Credential.

Section 9. Level 5 Kentucky Early Care and Education Trainer’s Credential Requirements. (1) For a Level 5 Kentucky Early Care and Education Trainer’s Credential, an individual shall:

(a) Have one (1) year of full-time, paid experience in the early care and education field and a:

1. Master’s degree or higher in early care and education; or

2. Master’s degree in a field related to early care and education with three (3) credit hours in child development or the equivalent; and

(b) Complete the trainer’s seminar requirements as specified in Section 4 of this administrative regulation, or equivalent, as approved by the cabinet or its designee.

(2) An individual who is awarded a Level 5 Kentucky Early Care and Education Trainer’s Credential may provide training to an individual to meet the:

(a) Training requirements as specified in KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, and 2:250;

(b) Requirements of the CDA; or

(c) Requirements for a Level 1 through Level 5 Kentucky Early Care and Education Trainer’s Credential.

Section 10. Specialty Level Kentucky Early Care and Education Trainer’s Requirements. (1) To receive a Specialty Level Kentucky Early Care and Education Trainer’s Credential, an individual shall have in the individual’s area of expertise:

(a) A license, certification, or equivalent; and

(b) Three (3) years of related experience.

(2) A Specialty Level Kentucky Early Care and Education Trainer may provide training in the individual’s approved area of expertise to an individual who is training to meet the:

(a) Training requirements as specified in KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, and 2:250;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(b) Requirements of the CDA; or

(c) Requirements for a Level 1 through Level 5 Kentucky Early Care and Education Trainer’s Credential.

Section 11. General Training Requirements. (1) Except for an employee of a child care center program authorized by 42 U.S.C. 9831-9852, no owner or employee holding a Kentucky Early Care and Education Trainer’s Credential shall train an employee of the same child care center or family care home to meet the training requirements:

(a) In KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, or 2:250;

(b) The CDA; or

(c) Of A Level 1 through Level 5 Kentucky Early Care and Education Trainer’s Credential.

(2) The cabinet may monitor training events for compliance with this administrative regulation.

(3) A trainer shall have a current Kentucky Early Care and Education Trainer’s Credential to be eligible to train individuals to meet the:

(a) Training requirements as specified in KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210 or 2:250;

(b) Requirements of the CDA; or

(c) Requirements of a Level 1 through Level 5 Kentucky Early Care and Education Trainer’s Credential.

(4) Post-secondary early care and education coursework sponsored by an accredited institution of higher learning shall meet the training requirements as specified in:

(a) KRS 199.896(15) and (16), 199.8982(1)(a)6 and (2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, or 2:250;

(b) The CDA; or

(c) A Level 1 through Level 5 Kentucky Early Care and Education Trainer’s Credential.

(5) A training shall consist of a minimum of one (1) clock hour and may increase in fifteen (15) minute intervals.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(6) A training that is not conducted face-to-face between a trainer and trainee shall:

(a) Consist of a combination of alternative modes of delivery; and

(b) Not consist solely of:

1. Reading an article;

2. Reading an article and answering questions;

3. Watching a video; or

4. Watching a video and answering questions.

(7) A training shall be consistent with the principles of the trainer’s seminar as specified in Section 4 of this administrative regulation.

Section 12. Maintenance of Records for Kentucky Early Care and Education Credentialed Trainers. (1) Credentialed trainers shall:

(a) Enter records of training attendance and trainees into the cabinet-designated data system within ten (10) days of the training;

(b) Maintain records of training and trainees for three (3) years; and

(c) Submit records of training provided and trainees to the cabinet upon request.

(2) All certificates issued by a credentialed trainer or an approved sponsor shall include the:

(a) Name of the training;

(b) Name of the sponsoring organization;

(c) Name of the trainee;

(d) Number of training clock hours completed;

(e) Training start and end date;

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 13. Renewal of a Kentucky Early Care and Education Trainer’s Credential. (1) A Level 1 Kentucky Early Care and Education Trainer’s Credential shall:

(a) Be valid for three (3) years; and

(b) Not be renewable.

(2) A Level 2 through Level 5 Kentucky Early Care and Education Trainer’s Credential shall be renewed every three (3) years.

(3) A trainer renewing a Level 2 through Level 4 Kentucky Early Care and Education Trainer’s Credential shall submit to the cabinet or its designee:

(a) A completed DCC-200;

(b) Documentation of thirty (30) clock hours of continuing education since the previous issue date of the credential to include:

1. A minimum of seven (7) clock hours of training on how to train other adults to include:

   a. Adult learning theory;

   b. Affecting change in behavior; or

   c. Organization of training;

2. A minimum of eight (8) clock hours in early care and education; and

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
3. Any remaining clock hours in training:

   a. As required for other related professional licensure, certification, or credential; or

   b. In accordance with subparagraph 1 or 2 of this paragraph; and

      (c) Verification of cabinet-approved training on the cabinet-designated data system, as specified in Section 2 of this administrative regulation, if verification has not been previously provided.

(4) A trainer renewing a Level 5 Kentucky Early Care and Education Trainer’s Credential shall submit to the cabinet or its designee:

   (a) A completed DCC-200; and

   (b) Verification of cabinet-approved training on the cabinet-designated data system, as specified in Section 2 of this administrative regulation, if verification of the training has not been previously provided.

(5) A trainer renewing a Specialty Level Kentucky Early Care and Education Trainer’s Credential shall:

   (a) Be renewed every three (3) years; and

   (b) Submit to the cabinet or its designee:

      1. A completed DCC-200;

      2. Proof of current license, certification, or credential in the trainer’s area of expertise; and

      3. Verification of cabinet-approved training on the cabinet-designated data system, as specified in Section 2 of this administrative regulation, if verification has not been previously provided.

(6) Upon receipt and approval of the required documentation of subsections (3) through (5) of this section, the cabinet or its designee shall award the individual a:

   (a) Letter of approval; and

   (b) Renewed Kentucky Early Care and Education Trainer’s Credential for the appropriate level.

Section 14. Denial of Application or Renewal. (1) The cabinet shall deny a Kentucky Early Care and Education Trainer’s Credential, if the individual fails to comply with:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
(a) Sections 2 through 4 of this administrative regulation; and

(b) Section 5, 6, 7, 8, 9, or 10 of this administrative regulation.

(2) The cabinet shall not renew a Kentucky Early Care and Education Trainer’s Credential for an individual who fails to comply with Section 13 of this administrative regulation.

(3)(a) Individuals denied a Kentucky Early Care and Education Trainer’s Credential have the right to request a review of the denial by the Commissioner of the Department for Community Based Services or designee.

   (b) A request for review shall be submitted to the commissioner or designee within ten (10) days of the denial.

   (c) Upon completion of the review, the commissioner or designee shall issue a written order regarding the complaint within thirty (30) days unless:

   1. Extenuating circumstances prolong the review of the complaint; and

   2. The commissioner or designee notifies the complainant of the need for an extension to the timeframe specified in this paragraph.

   (d) The individual shall abide by the order.

Section 15. Revocation of Credential. (1) The cabinet shall revoke a Kentucky Early Care and Education Trainer’s Credential from a trainer who:

   (a) Falsifies a record;

   (b) Fails to comply with the requirements as specified in Section 11 or 12 of this administrative regulation; or

   (c) Does not preserve the confidentiality of training and trainee records.

(2) An individual whose credential has been revoked may:

   (a) Request a hearing as specified in 922 KAR 1:320; or

   (b) Reapply after a two (2) year period for a Kentucky Early Care and Education Trainer’s Credential.

Section 16. Preapproval of Conferences, Seminars, Institutes, Workshops, and Online Early Care and Education Training. (1) A conference, seminar, institute, workshop, or online early care and education training using a presenter not holding a current Kentucky Early Care and Education Trainer’s Credential shall apply to the cabinet for preapproval to offer training to meet requirements as specified in:

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Kentucky Administrative Regulations Currentness _Title 922. Cabinet for Health and Family Services _Department for Community Based Services Protection and Permanency _Chapter 2. Day Care

(a) KRS 199.896(15) and (16), 199.8982(2), 922 KAR 2:100, 2:110, 2:170, 2:180, 2:210, and 2:250;

(b) The CDA; or

(c) A Level 1 through Level 5 Kentucky Early Care and Education Trainer’s Credential.

(2) Each training event using a presenter not holding a current Kentucky Early Care and Education Trainer’s Credential shall apply thirty (30) days prior to the date of the training event. The cabinet shall make a determination within ten (10) working days of receipt of a complete application.

(3) An individual applying for preapproval of a conference, seminar, institute, workshop, or online training shall submit a completed:

(a) DCC-201, Application for Registration of Conference, Seminar, Institute, or Workshop; or

(b) DCC-201a, Application for Registration of Online Training.

(4)(a) A presenter not holding a Kentucky Early Care and Education Trainer’s Credential shall be identified.

(b) A resume or vita for the presenter shall be attached to the application described in subsection (3)(a) of this section.

(5) Approval for each presenter not holding a Kentucky Early Care and Education Trainer’s Credential shall apply only to the training event approved by the cabinet.

(6) An individual not holding a Kentucky Early Care and Education Trainer’s Credential may apply for a maximum of five (5) cabinet-approved training events per calendar year.

(7) Approval for each online training shall expire two (2) years from date of approval.

(8) A sponsor of an in-state approved conference, seminar, institute, workshop, or online early care and education training shall comply with Section 17 of this administrative regulation.

(9) If preapproval is denied, the decision may be reviewed, upon request, by the Commissioner of the Department for Community Based Services or designee, in accordance with Sections 14(3)(a) through (c) of this administrative regulation.

(10) If a sponsor of an in-state approved conference, seminar, institute, workshop, or online early care and education training fails to comply with Section 17 of this administrative regulation, the cabinet shall deny preapproval of future training for two (2) years.

Section 17. Maintenance of Records for Approved Conferences, Seminars, Institutes, Workshops, and Online Early Care and Education Training. (1) A sponsor of an approved conference, seminar, institute, workshop, or online training

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
training shall:

(a) 1. Maintain records of each training provided and trainees to include:
   a. A copy of the DCC-201 or the DCC-201a; and
   b. The employer at the time of training for each trainee; and

2. Provide records on the training provided and trainees to the cabinet upon request; or

   (b) Submit information from records required in paragraph (a) of this subsection into the cabinet-designated data system.

(2) Certificates issued for a conference, seminar, institute, workshop, or online early care and education training shall be in accordance with Section 12(2) of this administrative regulation.

(3) To the extent funds are available, the cabinet shall:

   (a) Maintain a list of pre-approved conferences, seminars, institutes, workshops, and online trainings or other early care and education trainings from a nationally recognized organization; and

   (b) Make the list available to the public.

Section 18. Incorporation by Reference. (1) The following material is incorporated by reference:

   (a) “DCC-200, Kentucky Early Care and Education Trainer’s Credential Application” edition 2012;

   (b) “DCC-201, Application for Registration of Conference, Seminar, Institute, or Workshop” edition 2012; and

   (c) “DCC-201a, Application for Registration of Online Training” edition 2012.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

Section 1. Definitions. (1) “Candidate” means a child care provider making application for the Commonwealth Child Care Credential.
(2) “Credentialed child care provider” means a child care provider awarded the Commonwealth Child Care Credential.

(3) “Planned program of instruction” means a program consisting of training for a child care provider provided by an organization approved by the cabinet.

(4) “Professional development counselor” means an individual approved by the cabinet who provides guidance to a potential candidate applying for a Commonwealth Child Care Credential.

Section 2. Eligibility for Candidates. A candidate for a Commonwealth Child Care Credential shall:

(1) Be at least eighteen (18) years of age;

(2) Be employed as an early child care provider in a licensed or certified facility in Kentucky; and

(3) Have completed within two (2) years of applying for credential authorization sixty (60) hours of a planned program of instruction, as follows:

(a) Fourteen (14) hours in child growth and development;

(b) Fifteen (15) hours in learning environments and nutrition;

(c) Nine (9) hours in health, safety, and nutrition;

(d) Seven (7) hours in family and community partnerships;

(e) Four (4) hours in child assessment;

(f) Six (6) hours in professional development and professionalism; and

(g) Five (5) hours in program management and evaluation.

Section 3. Credential. (1) A candidate shall submit to a professional development counselor verification of completing the sixty (60) hours of planned program instruction as specified in Section 2(3) of this administrative regulation.

(2) The cabinet shall award a Commonwealth Child Care Credential to a candidate who completes the requirements as specified in Section 2(3) of this administrative regulation.

Current with amendments included in the Administrative Register of Kentucky, Volume 40, Number 11, dated May 1, 2014.
Section 4. Renewal of Credential. (1) The cabinet shall issue a ninety (90) day notice for renewal of the Commonwealth Child Care Credential to a credentialed child care provider and a professional development counselor.

(2) The cabinet shall renew a Commonwealth Child Care Credential annually from date of credential authorization to a credentialed child care provider who:

   (a) Completes an additional fifteen (15) hours of training to include:

      1. Twelve (12) clock hours of child development training meeting the training requirement specified in 922 KAR 2:110, Section 3(13); and

      2.a. Three (3) additional clock hours of child development training approved by the cabinet, pursuant to KRS 199.896(17); or

         b. One (1) college credit;

   (b) Submits verification of training specified in paragraph (a)1 and 2 of this subsection:

      1. To a professional development counselor; and

      2. By thirty (30) days prior to the expiration date of the credential verification of training.

(3) Upon receipt of verification of training from a professional development counselor, the cabinet shall award the credential.

Section 5. Denial of Credential. (1) If the candidate fails to comply with Sections 2 and 3 of this administrative regulation, the Commonwealth Child Care Credential shall be denied

(2) If the credentialed child care provider fails to comply with Section 4 of this administrative regulation, renewal of the Commonwealth Child Care Credential shall be denied.

(3) If the Commonwealth Child Care Credential is denied, the individual:

   (a) Shall be informed of which requirements resulted in the denial; and

   (b) May reapply after the requirements resulting in the denial are met.