

Child Care Regulations in Kentucky

Overview

A summary of child care regulations in Kentucky.

- Types of care that must be licensed
- Types of care that must be certified
- Types of care that may operate without a license or certification
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers (Type I facilities)
- Group child care homes (Type II facilities)
- Family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Kentucky, the Cabinet for Families and Children, Division of Child Care, licenses child care centers and group child care homes and certifies family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Kentucky. Some child care programs in the state operate at this level and some well above it, such as those that qualify for the Stars for KIDS NOW program, a voluntary quality-based child care star rating system for providers. More information and a list of participating providers can be found at <http://gov.state.ky.us/ecd>. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Kentucky Cabinet for Health Services, Division of Licensed Child Care, is responsible for monitoring compliance with state standards; establishing procedures for revoking, denying, or suspending a license; and providing appeal mechanisms.

In Kentucky, the following forms of child care must be licensed:

- *Child care centers (Type I facilities)*. Full- or part-time care for four or more children in a nonresidential setting or for 13 or more children in a residence. In Kentucky, this includes nursery schools, preschools, prekindergartens, and religiously affiliated centers.

- *Group child care homes (Type II facilities)*. Full- or part-time care in a residence for between seven and 12 children, including the provider's own children.

Types of care that must be certified

Certification is a form of regulation that typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities.

In Kentucky, the following form of child care must be certified:

- *Family child care homes*. Full- or part-time care in a residence for between four and six unrelated children and up to four related children.

More detailed information about child care centers, group child care homes, and family child care homes can be found later in this guide.

Types of care that may operate without a license or certification

Some types of child care providers are not required to be licensed or certified by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In Kentucky, the following forms of child care are exempt from licensing:

- Unsubsidized care in the child's home by someone employed by the parent
- Unsubsidized care provided only to children related to the caregiver
- Unsubsidized family child care for three or fewer children when the provider does not choose to be certified
- Instructional or educational programs for no more than two hours a day or 10 hours a week, and that operate for fewer than 20 hours a week, four hours a day
- Programs run by the armed services
- Programs run by religious institutions while parents attend services
- Summer programs

In addition, some preschool or kindergarten programs are not licensed by the Cabinet for Health Services or certified by the Department of Education.

Age-group definitions

- *Infant*: child between birth and 1 year
- *Toddler*: child between 1 and 2 years
- *Preschooler*: child between 2 years and kindergarten age

- *School-age child*: child in kindergarten or older

Subsidized child care

The Kentucky Cabinet for Families and Children makes funds available to assist families in need of protection or prevention services, or to help them with child care payments. The amount of the payments depends on family size and income. Recipients of these funds must be working or in training for employment to qualify. Families who are eligible may receive assistance whether their child is in a family child care home or a child care center, as long as the type of care meets state regulations.

For further information about program availability and how to qualify, contact the Child Care Info Line at 800-421-1903 or your local Cabinet for Families and Children, Division of Child Care office.

Whom to contact

For more detailed information regarding child care regulations in Kentucky, to obtain a copy of the state standards, or to report licensing violations, contact:

Cabinet for Families and Children

Division of Child Care

275 East Main Street, 5th Floor East

Frankfort, KY 40621

Mailstop 3C for Family Child Care Homes

Mailstop 5EA for Child Care Centers

For center licensing: 502-564-2800

For home licensing: 502-564-2524

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, contact the Child Abuse Hotline at 800-752-6200, the Cabinet for Families and Children, or your local law enforcement agency.

Child care centers (Type I facilities)

Licenses

- Must be licensed and renewed annually.
- License must be posted.
- General liability insurance is required.
- Professional liability insurance is not required.

State inspection

- Prelicensing inspection is required.
- Unannounced inspection required annually and after a complaint.

Staff:child ratios

- Birth to 1 year: one staff for up to five infants (1:5)
- 1 to 2 years: one staff for up to six children (1:6)
- 2 to 3 years: one staff for up to 10 children (1:10)
- 3 to 4 years: one staff for up to 12 children (1:12)
- 4 to 5 years: one staff for up to 14 children (1:14)
- 5 to 7 years: one staff for up to 15 children (1:15)
- 7+ years: one staff for up to 20 children for full-day (1:20) and one staff for up to 25 for part-day (1:25)

Mixed-age groups

- Staff:child ratio is determined by the age of the youngest child. Ratios and group sizes may differ for nationally accredited centers.

Maximum group size

- Birth to 1 year: 10
- 1 to 2 years: 12
- 2 to 3 years: 20
- 3 to 4 years: 24
- 4 to 5 years old: 28
- 5+ years: 30

Staff qualifications

Director

- Must be at least 21 years old
- Must have a high school diploma or general equivalency diploma (GED)
- Must have one of the following:
 - Master's degree in early childhood education and development
 - Bachelor's degree in early childhood education and development

5 • Child Care Regulations in Kentucky

- Master's or bachelor's degree in another field, including a degree in pastoral care and counseling plus 12 hours of child development training
- Associate's degree in early childhood education and development
- Associate's degree in another field plus 12 hours of child development training plus two years of verifiable full-time paid experience working with children in an approved setting
- Child Development Associate (CDA) credential plus one year of experience working with children in an approved setting
- Diploma in child development services from Kentucky Tech as a preschool teacher or director
- Three years of verifiable full-time paid experience working with children in an approved setting

Teacher

- Must be at least 18 years old

Assistant

- May be under 18 years old if directly supervised
- May not be counted in staff:child ratio if under 16 years old

Substitute

- Must have two available substitutes
- Must meet same requirements as regular staff

Staff training

- Must have six hours of orientation and child development training in first three months of employment
- Must have six hours of child development training within the first year
- Must have 12 hours of child development training after the first year, including but not limited to health, recognizing and reporting child abuse, safety, and sanitation

CPR and first aid

- One person trained in infant and child first aid and infant and child CPR must be present at all times.

Staff medical requirements

- Medical exam is not required.
- TB test is required initially and every two years.

- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Fingerprinting, criminal, and child abuse background checks are required for staff. Volunteers may be asked to submit.

Discipline

- Must post discipline policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Operating policies must be written, posted, and available to parents.
- May visit at any time during hours of operation.
- Inspection deficiency reports and facility plan of correction, if any, must be posted.
- Parents' and Children's Bill of Rights must be posted.

Health & safety requirements

- Must hold quarterly fire, earthquake, and tornado drills.
- Must have a first-aid kit.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must put screens on all windows and doors.
- Must fence outdoor play area.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must comply with zoning ordinances.
- No smoking is allowed, except in designated areas away from the presence of children.

Child medical requirements

- Must have age-appropriate immunizations, not including hepatitis B.
- Must have permission from parent to administer medications.

Care for sick children

- Sick children are excluded from regulated care.

Group child care homes (Type II facilities)

Licenses

- Must be licensed and renewed every 2 years.
- License must be posted.
- General liability insurance is required.
- Professional liability insurance is not required.

State inspection

- Prelicensing inspection is required.
- Unannounced inspection required annually and after a complaint.

Staff:child ratios

- Birth to 1 year: one staff for up to five children (1:5)
- 1 to 2 years: one staff for up to six children (1:6)
- 2 to 3 years: one staff for up to 10 children (1:10)
- 4+ years: one staff for up to 12 children (1:12)

Mixed-age groups

- Staff:child ratio is determined by the age of the youngest child

Maximum group size

- May care for up to 12 children.
- If any child is 2 years old or younger, no more than six children.
- If any child is 2 to 3 years old, no more than 10 children.

Staff qualifications

Provider

- Must be at least 21 years old
- Must have a high school diploma or a GED
- Must attend 12 hours of orientation and child development training
- Must reside in home

- Must have one of the following:
 - Certificate in child development services from Kentucky Tech or local school system as a child care assistant
 - One year of experience working with children in an approved setting
 - Six hours of training in day care program administration

Assistant

- May be under 18 years old if supervised

Substitute

- Must have at least one substitute available for emergencies

Staff training

- Must have six hours of early childhood development training in first three months
- Must have six hours of child development training within the first year
- Must have 12 hours of child development training after the first year, including but not limited to health, recognizing and reporting child abuse, safety, and sanitation

CPR and first aid

- One person trained in infant and child first aid and infant and child CPR must be present at all times.

Staff medical requirements

- Medical exam is not required.
- TB test is required initially and every two years for all staff and adult household members.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Fingerprinting, criminal, and child abuse background checks are required for all staff and household members over 18 years old.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Operating policies must be written, posted, and available to parents.
- May visit at any time during hours of operation.
- Inspection deficiency reports and facility plan of correction, if any, must be posted.
- Parents' and Children's Bill of Rights must be posted.

Health and safety requirements

- Must hold quarterly fire, earthquake, and tornado drills.
- Must have a first-aid kit.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must put screens on all windows and doors.
- Must fence outdoor play area.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must comply with zoning ordinances.
- No smoking is allowed, except in designated areas away from presence of children.

Child medical requirements

- Must have age-appropriate immunizations, not including hepatitis B
- Must have permission from parent to administer medications

Care for sick children

- Sick children are excluded from regulated care.

Family child care homes

Certification

- Must be certified and renewed every two years.
- General liability insurance is required.
- Commercial liability insurance is required.

State inspection

- Precertification inspection is required.

- Unannounced inspection is required at renewal and after a complaint.
- Spot checks are done on homes annually.

Staff:child ratios

- Birth to 1 year: one staff may care for up to four infants (1:4)

Maximum group size

- When caring for more than four infants, including the provider's own, provider must have an assistant.
- No more than 10 children, with only six unrelated children, may be in care.
- No more than six children under 6 years old, including the provider's own or related children, may be in care.

Staff qualifications

Provider

- Must be at least 18 years old
- Must reside in home.

Assistant

- May be 16 years old if supervised

Substitute

- Must be at least 18 years old
- Must have a substitute available

Staff training

- Must have six hours of child development training within the first three months and annually after the first year

CPR and first aid

- Infant and child CPR and first-aid certification is required.

Staff medical requirements

- Provider must have health statement from physician.
- TB test is required for all staff and adult household members.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Fingerprinting, criminal and child abuse background checks are required for all staff and adult household members.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Operating policies must be written, posted, and available to parents.
- May visit at any time during hours of operation.
- Must be notified of nonemergency or emergency suspension.
- Must have access to the family child care home certification standards.

Health and safety requirements

- Must have at least one unblocked exit, one smoke detector, and one fire extinguisher on each floor.
- Must hold a monthly fire drill.
- Must have a first-aid kit.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must keep medications and guns in locked cabinets.
- Must put screens on all windows and doors.
- Must cover electrical outlets.
- Must ensure that fans, floor furnaces, heaters, and fireplaces are out of reach of children.
- Must ensure that stairs are must be solid and railed.
- Must supervise children while outdoors.
- Must make pools inaccessible when not in use.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must comply with zoning ordinances.
- Must have pets vaccinated.
- No smoking is allowed in the presence of children in care.

Child medical requirements

- Must have age-appropriate immunizations, not including hepatitis B.
- Must have permission from parent to administer medications.

Care for sick children

- A quiet, separate area that can be easily supervised is required for children too sick to remain with other children.