

2. Summary of Kentucky Child Care Requirements

Child care in the Commonwealth of Kentucky is regulated and licensed by the Department of Community Based Services, Division of Child Care. Child care provider information is available on their website here:

<https://chfs.ky.gov/agencies/dcbs/dcc/Pages/childcareproviderinfo.aspx>

Several types of child care are allowed. A brief description of each is provided below:

Licensed Early Childhood Provider Type I and Type II - A licensed type I child care facility is a facility that regularly provides child care services for four or more children in a non-residential setting or 13 or more children in a residential setting. A licensed type II child care facility is the primary physical location where child care is regularly provided for at least seven, but no more than 12, children including no more than 12 children related to the licensee.

Certified Family Child Care - Care provided in a caregiver's own home for no more than six unrelated and no more than four related children at any time (total of 10 children).

Registered Early Childhood Professional - Typically a family member, friend or neighbor who cares for children in his or her own home or the child's home. A registered early childhood provider may not care for more than three children unrelated to the caregiver or more than six children if they are a sibling group.

Nonregulated Child Care - The Division of Regulated Child Care does not regulate providers who care for three or fewer children not related to them. Providers who care for more than three children not related to them must be certified or licensed unless they fall into the exempt category. All exempt child care settings can be found 922 KAR 2:090 Child-care licensure in Section 3.

A detailed summary of requirements for the child care types described above is included for your review on the next page.

HIGHLIGHTS OF CHILD CARE PROVIDER REQUIREMENTS IN KENTUCKY

	Licensed Child Care Center (Type I)	Licensed Child Care Homes (Type II)	Certified Family Child Care Homes	Registered Provider
Program Definition	A licensed type I child care facility is a facility that regularly provides child care services for four (4) or more children in a non-residential setting; or thirteen (13) or more children in a residential setting.	A licensed type II childcare facility is the primary residence where childcare is regularly provided for at least seven (7), but no more than twelve (12) children, including no more than (12) children related to the licensee.	A certified family child care home is a provider who cares for a child in their own home; and doesn't exceed six (6) unrelated children at any one (1) time; or four (4) related children in addition to six (6) unrelated children for a maximum of ten (10) at any one (1) time.	A registered provider is a family, friend or neighbor who provides care for no more than 3 children on the CCAP program.
Basic Operator Requirements	<ul style="list-style-type: none"> •A director must be at least 21 years of age •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 •High School diploma or GED or qualifying documentation from a comparable educational entity plus one of the following: <ul style="list-style-type: none"> -Master's, bachelor's or associate degree in Early Childhood Education; -Master's or bachelor's in another field plus 12 clock hours of training; -Associate degree in another field plus 12 clock hours of training and 2 years' experience; -Director's Credential plus 1 year experience; -Child Development Associate plus 1-year experience or three years' experience 	<ul style="list-style-type: none"> •A director must meet requirements of Type I Director; OR •At least 21 years of age •Not be employed in a position other than an on-site child-care director, or director of multiple facilities, during the hours of operation •High school diploma, GED, or qualifying documentation from a comparable educational entity; •Meet the educational requirements of a Type I director or two of the following: <ul style="list-style-type: none"> -Have 12 hours of orientation and child development training; -One year experience; -Obtain 6 additional hours of training in child day care program administration 	<ul style="list-style-type: none"> Basic eligibility requirements include: <ul style="list-style-type: none"> •Be at least 18 years of age •An initial applicant for certification must have a: <ul style="list-style-type: none"> - High school diploma, general equivalency diploma (GED), or documentation from a comparable educational entity; or - Commonwealth Child Care Credential in accordance with 92 KAR 2:250 •Physician's statement •2 written references 	<ul style="list-style-type: none"> Basic eligibility requirements include: <ul style="list-style-type: none"> •MUST be at least 18 years of age •At least (1) one working phone in the home where the child(ren) receives care •Must complete application and all required forms and verifications for a registered provider •All persons in household 18 and older submit to criminal records background check and child abuse and neglect check •Must report changes within ten (10 days) to service agent
Health and Safety	<ul style="list-style-type: none"> •Staff member on duty with current CPR & First Aid Certificates • Director, staff, and volunteers checked for substantiated child abuse/neglect, criminal records and sex offender address check •Test results or a statement from a health professional that the individuals are free of active tuberculosis •Emergency Disaster Preparedness plan per KRS 199.895 updated annually 	<ul style="list-style-type: none"> •Staff member on duty with current CPR and First Aid Certificates • Director, staff and adult household members checked for substantiated child abuse/neglect, criminal records and sex offender address check •Test results or a statement from a health professional that the individuals are free of active tuberculosis •Emergency Disaster Preparedness plan per KRS 199.895 updated annually 	<ul style="list-style-type: none"> •Provider with current CPR and First Aid Certificates •Test results or a statement from a health professional that the individuals are free of active tuberculosis •Provider and adults in household checked for substantiated child abuse/neglect criminal records and sex offender address check •Emergency Disaster Preparedness plan per KRS 199.895 updated annually 	<ul style="list-style-type: none"> • Substantiated child abuse/neglect criminal records and sex offender address check •Written verification from a licensed health care professional or a health department (administered within a year) that the child care provider and all adults living in the home are free of tuberculosis •Must certify that residence and behavior practices meet minimum safety requirements •Emergency Disaster Preparedness plan
Training	<ul style="list-style-type: none"> •6 hours orientation training within 3 months of employment for director and staff •15 hours of training annually for director and staff •1.5 hours of pediatric abusive head trauma training 	<ul style="list-style-type: none"> •6 hours orientation training within 3 months of employment for provider and staff •15 hours of training annually for provider and staff •1.5 hours of pediatric abusive head trauma training 	<ul style="list-style-type: none"> •6 hours orientation training for provider within first 3 months of application •9 hours of training annually for provider •1.5 hours of pediatric abusive head trauma training 	<ul style="list-style-type: none"> •3 hours orientation training with in 90 days of application •3 hours annual training in early care and education •1.5 hours of pediatric abusive head trauma training
Inspections	<ul style="list-style-type: none"> Every year, by: <ul style="list-style-type: none"> •State Fire Marshal •Cabinet for Health and Family Services, Division of Regulated Child Care (<i>under a preliminary inspection license for the first 6 months</i>) •Annual health department inspection, if center holds a food service permit. •Written documentation from the local authority showing compliance with local zoning requirements 	<ul style="list-style-type: none"> Every year, by: <ul style="list-style-type: none"> •State Fire Marshal •Cabinet for Health and Family Services, Division of Regulated Child Care •Annual health department inspection, if location holds a food service permit. •Written documentation from the local authority showing compliance with local zoning requirements 	<ul style="list-style-type: none"> Every year, by: <ul style="list-style-type: none"> •Cabinet for Health and Family Services, Division of Regulated Child Care •Written documentation from the local authority showing compliance with local zoning requirements 	<ul style="list-style-type: none"> Restrictions: <ul style="list-style-type: none"> •Cannot live in same residence as the child in care •Cannot hold a current license to operate a child care center or certified home •Cannot use any form of corporal punishment, as required of other provider types

21-LDC-0013
Proposed Findings for the Planning Commission

On a motion by Commissioner _____, seconded by Commissioner _____, the following resolution, based on the staff report, and evidence and testimony heard today, was adopted:

A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING APPROVAL OF TEXT AMENDMENTS TO THE LAND DEVELOPMENT CODE RELATED TO CHANGES IN THE CHILD CARE REGULATIONS TO THE LOUISVILLE METRO COUNCIL AND OTHER JURISDICTIONS WITH ZONING AUTHORITY.

WHEREAS, Planning and Design Services (PDS) conducted a review of zoning regulations within the Land Development Code (LDC) that restrict the location, capacity, and delivery of child care and proposed recommendations to provide greater and more equitable access to child care; and

WHEREAS, the Planning Commission finds that the proposed text amendments advance the goals and objectives of Plan 2040 and provide for the appropriate expansion of child care at dispersed locations throughout Louisville Metro to help meet the needs of families and child care providers; and

WHEREAS, the Commission further finds that the proposed amendments respond to trends in the child care environment that have also been adversely impacted by Covid-19; and

WHEREAS, the Commission further finds that the amendments promote infill development and re-use by allowing child care to occupy non-residential structures and corner lots, which also promotes diverse land uses to create walkable neighborhoods where access to child care can be readily provided close to home and at a greater capacity than was previously allowed; and

WHEREAS, the Commission recognizes that the child care industry has specific needs and targeted changes can be made to increase access and availability of child care; and

WHEREAS, the Commission further finds that the amendments promote small business and entrepreneurship as in-home providers can explore an increased capacity without the burden of application fees and public hearings associated with a conditional use permit; and

WHEREAS, the Commission further finds that the allowing for expanded child care also intersects housing affordability and the workforce as the amendments will allow for child care to be provided in closer proximity to homes and employers; and

WHEREAS, the Commission further finds that the proposed amendments allow neighborhoods to have the resources to maintain health and well-being – accessible child care; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council and legislative bodies of cities with zoning authority that the proposed text amendments be **APPROVED** as follows:

-Insert recommended text amendment-

The vote was as follows:

**YES:
ABSTAINING:
ABSENT:**