

CHAPTER 308**(HB 706)**

AN ACT relating to early childhood development.

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

PART 1

EARLY CHILDHOOD DEVELOPMENT AUTHORITY

SECTION 1. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO READ AS FOLLOWS:

- (1) *The Early Childhood Development Authority is established as a public agency and political subdivision of the Commonwealth with all powers, duties, and responsibilities conferred upon it by statute and essential to perform its functions including, but not limited to, employing other persons, consultants, attorneys, and agents. The authority shall be attached to the Office of the Governor, Office of Early Childhood Development, for administrative purposes and shall establish necessary advisory councils. The authority shall have the ability to make expenditures from the early childhood development fund and shall ensure that expenditures made from the early childhood development fund are in conformance with its duties as established by the General Assembly.*
- (2) *The authority shall consist of the following seventeen (17) members:*
 - (a) *The executive director of the Governor's Office of Early Childhood Development, who shall serve as chair;*
 - (b) *The secretary of the Education, Arts, and Humanities Cabinet;*
 - (c) *The secretary of the Cabinet for Health Services;*
 - (d) *The secretary of the Cabinet for Families and Children;*
 - (e) *One (1) nonvoting ex officio member from the House of Representatives who shall be appointed by and serve at the pleasure of the Speaker of the House;*
 - (f) *One (1) nonvoting ex officio member from the Senate who shall be appointed by and serve at the pleasure of the President of the Senate;*
 - (g) *Seven (7) private sector members knowledgeable about the health, education, and development of preschool children who shall be appointed by the Governor. At least one (1) private sector member shall be appointed from each congressional district;*
 - (h) *Three (3) citizens at large of the Commonwealth who shall be appointed by the Governor; and*
 - (i) *One (1) early childhood development advocate.*
- (3) *No later than thirty (30) days after the effective date of this Act, the governing bodies of each of the following organizations shall recommend three (3) persons, at least one (1) of whom shall be male and at least one (1) of whom shall be female, as candidates for initial appointment by the Governor as private sector members to the authority:*
 - (a) *The Kentucky AFL-CIO;*
 - (b) *The Kentucky Chamber of Commerce;*
 - (c) *The Kentucky League of Cities;*

- (d) The Kentucky Medical Association;*
 - (e) The Louisville Urban League and Lexington Urban League;*
 - (f) The Kentucky County Judge/Executives Association; and*
 - (g) The Kentucky Council on Postsecondary Education.*
- (4) The Governor shall select the private sector members of the authority by selecting one (1) nominee from each list of the three (3) nominees submitted to the Governor by each organization listed under subsection (3) of this section. The Governor shall fill a vacancy occurring before the expiration of the appointed term from the appropriate list of nominees. If there are no nominees remaining on the appropriate list, the Governor shall request a list of additional nominees from the appropriate organization.*
- (5) (a) The initial terms of the private sector and citizen at-large members of the authority shall be for:*
- 1. One (1) year for two (2) of the initial terms;*
 - 2. Two (2) years for three (3) of the initial terms;*
 - 3. Three (3) years for two (2) of the initial terms; and*
 - 4. Four (4) years for four (4) of the initial appointments.*
- (b) All succeeding appointments shall be for four (4) years from the expiration date of the preceding appointment.*
- (c) Members shall serve until a successor has been appointed.*
- (6) Private sector and citizen at-large members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses.*
- (7) In making appointments to the authority, the Governor shall assure broad geographical, ethnic, and gender diversity representation from the major sectors of Kentucky's early childhood development community. In filling vacancies, the Governor shall attempt to assure the continuing representation on the authority of broad constituencies of Kentucky's early childhood development community.*
- (8) Upon the expiration of the term of any member, the governing body of the organization that made the original recommendation shall recommend three (3) persons, at least one (1) of whom shall be male and at least one (1) of whom shall be female, between sixty (60) and thirty (30) days before the expiration of the term of any authority member who is appointed as a result of a previous recommendation. The Governor shall, during March of the year that any organization is to recommend three (3) persons, request the organization to recommend three (3) persons for possible appointment to the authority. If there is no response, the Governor shall make the appointment from the population of the Commonwealth.*
- (9) The authority shall meet at least quarterly and at other times upon call of the chair or a majority of the authority.*
- (10) Members of the authority shall serve on a voluntary basis, receive a fixed per diem set by the authority, and be reimbursed for their expenses in accordance with state travel expense and reimbursement administrative regulations.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO READ AS FOLLOWS:

- (1) *The authority shall establish priorities for programs and the expenditure of funds that include, but are not limited to, the following:*
 - (a) *Implementation of public health initiatives identified by the General Assembly;*
 - (b) *Provision of preconceptional and prenatal vitamins, with priority for folic acid for the prevention of neural tube defects;*
 - (c) *Voluntary immunization for children not covered by public or private health insurance;*
 - (d) *Availability of high-quality, affordable early child-care and education options; and*
 - (e) *Increased public awareness of the importance of the early childhood years for the well-being of all Kentucky's citizens.*
- (2) *The authority shall develop a state plan on a biennial basis that identifies early childhood development funding priorities. Every two (2) years the authority shall review its priorities and make necessary adjustments to its state plan. The state plan shall incorporate priorities included in "KIDS NOW: Kentucky Invests in Developing Success, a Report from the Governor's Early Childhood Task Force, November 1999," and recommendations identified by the community early childhood councils. The authority shall file a report on the state plan with the Governor and the Legislative Research Commission by July 15 of odd-numbered years.*
- (3) *Programs funded by the authority shall be implemented by the appropriate agencies within the Cabinet for Health Services, the Cabinet for Families and Children, the Education, Arts, and Humanities Cabinet, the Finance and Administration Cabinet, or other appropriate administrative agency.*
- (4) *The authority shall assure that a public hearing is held on the expenditure of funds. Advertisement of the public hearing shall be published at least once but may be published two (2) more times, if one (1) publication occurs not less than seven (7) days nor more than twenty-one (21) days before the scheduled date of the public hearing.*
- (5) *The authority shall promulgate administrative regulations in accordance with KRS Chapter 13A to:*
 - (a) *Coordinate and improve early childhood development services, outcomes, and policies;*
 - (b) *Establish procedures that relate to its governance;*
 - (c) *Designate service areas of the Commonwealth where the community early childhood councils may be established to identify and address the early childhood development needs of young children and their families for the communities that they serve;*
 - (d) *Establish procedures that relate to the monitoring of grants, services, and activities of the community early childhood councils and their governance;*
 - (e) *Establish procedures for accountability and measurement of the success of programs that receive funds from the authority; and*

- (f) *Establish standards for the payment of funds to a designated service provider and grantee of a community early childhood council. These standards shall include requirements relating to:*
1. *The financial management of funds paid to grantees;*
 2. *The maintenance of records; and*
 3. *An independent audit of the use of grant funds.*
- (6) *The authority may disband or suspend a council, and may remove one (1) or more members for nonperformance or malfeasance. The authority may also recover funds that have been determined by the authority to have been misappropriated or misspent in relation to a grant award.*
- (7) *An appeal to the authority may be made by a council as to a decision made by the authority on the disbanding or suspension of a council, service provider, or grantee on a determination that funds have been misappropriated or misspent and are subject to recovery. The appeal shall be conducted in accordance with KRS Chapter 13B.*
- (8) *The authority, councils established by the authority, and initiatives funded by the authority with expenditures from the early childhood development fund shall expire when:*
- (a) *Funds are no longer designated to the Commonwealth from the master settlement agreement signed on November 22, 1998, between the participating tobacco manufacturers and the forty (40) settling states or related federal legislation; or*
 - (b) *Funds are no longer designated to the early childhood development fund from gifts, grants, or federal funds to fund the authority, the councils established by the authority or any programs that had been funded by the authority with expenditures from the early childhood development fund.*
- (9) (a) *The authority shall establish a Healthy Babies Work Group, consisting of representatives from the Cabinet for Families and Children, the Cabinet for Health Services, public schools, local libraries, the Kentucky March of Dimes, family resource centers, agencies that provide benefits under the Special Supplementation Food Program for Women, Infants, and Children, the Folic Acid Awareness Campaign, physicians, secondary health education and consumer sciences teachers, the Spina Bifida Association of Kentucky, and other persons as appropriate. Representatives shall reflect the geographic, racial, and gender diversity of the Commonwealth.*
- (b) *The Healthy Babies Work Group shall collaborate on development and implementation of a public awareness campaign to inform the citizens of the Commonwealth about the benefits of good nutrition, folic acid, smoking cessation, and healthy lifestyle choices that lead to healthy babies, the effects of alcohol and substance abuse on fetal and early childhood development, and the need for a vision examination of children at age three (3). The work group shall work with local health departments for the vision examination outreach program.*
- (10) *The authority shall work with local entities, including but not limited to health departments and service providers, to establish to the extent of available funding a vision examination program for children who are not eligible for the Kentucky Children's*

Health Insurance Program or Medicaid, and who do not have insurance coverage for a vision examination.

- (11) *The authority shall develop a request for proposal process by which local early childhood councils may request any funding appropriated to the authority for use by the councils.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO READ AS FOLLOWS:

The Office of Early Childhood Development in the Office of the Governor shall provide staffing and administrative support to:

- (1) *The Early Childhood Development Authority;*
- (2) *The Early Childhood Business Council;*
- (3) *The Early Childhood Professional Development Council; and*
- (4) *The Kentucky Early Intervention System Interagency Coordinating Council.*

PART 2

ADVISORY COUNCILS

2A. COMMUNITY EARLY CHILDHOOD COUNCILS

SECTION 4. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO READ AS FOLLOWS:

- (1) *The family resource center and the child-care resource and referral agency in the service area shall form a community early childhood council and appoint members to the council for each service area designated under Section 2 of this Act. A council shall be composed of no fewer than seven (7) and no more than twenty-seven (27) members. Members may be appointed who represent local agencies and organizations, including but not limited to the organizations or agencies listed below, with no more than one (1) member from each:*
- (a) *Early childhood advocate;*
 - (b) *Faith community;*
 - (c) *School district;*
 - (d) *Family resource center;*
 - (e) *Military establishment;*
 - (f) *Head Start or Early Head Start;*
 - (g) *Child-care (profit, nonprofit, or family child-care);*
 - (h) *Child-care resource and referral agency or child-care subsidy agent;*
 - (i) *Child-care consumer or parent;*
 - (j) *County cooperative extension service;*
 - (k) *Department for public health;*
 - (l) *University, college, or technical school;*
 - (m) *United Way;*
 - (n) *Kentucky Early Intervention System;*

- (o) Agency administering services to children with disabilities;*
 - (p) Home visitation agency;*
 - (q) Family literacy agency;*
 - (r) Civic organization;*
 - (s) Public library;*
 - (t) Regional training center;*
 - (u) Community action agency;*
 - (v) Government;*
 - (w) Business community;*
 - (x) Home schooling association;*
 - (y) Health care professional;*
 - (z) Foster care parent; or*
 - (aa) Adoptive parent.*
- (2) Members shall serve on a community early childhood council on a voluntary basis and receive no compensation or expense reimbursement for their service.*
- (3) (a) Members shall serve for a term of two (2) years and until their successors are appointed, except that for those members initially appointed, the terms shall be as follows:*
- 1. One-third (1/3) of the members shall be appointed for three (3) years;*
 - 2. One-third (1/3) shall be appointed for two (2) years; and*
 - 3. One-third (1/3) shall be appointed for one (1) year.*
- (b) Vacancies shall be appointed for unexpired terms in the same manner as original appointments.*
- (4) A community early childhood council shall collaborate with the District Early Intervention Committee, the Preschool Interagency Planning Council, and other existing interagency groups in the service area.*
- (5) A community early childhood council may apply for a competitive grant from the authority, consistent with a state plan for grant participation as established by the authority. Grant proposals shall:*
- (a) Include a needs assessment and budget proposal for the respective service area served by a council;*
 - (b) Not include administrative costs that exceed five percent (5%); and*
 - (c) Contain a signed statement from each member of the council certifying that no program, agency, or individual that may receive part of an award would constitute a conflict of interest under KRS Chapter 11A for the council member. Issues concerning conflicts of interest shall be submitted to the Executive Branch Ethics Commission for resolution.*

- (6) *A community early childhood council shall submit a quarterly report to the authority that details the activities and services of the council, including the progress that the council has made toward addressing the early childhood development goals for its designated service area and recommendations that may be included in the state plan.*
- (7) *Any records that are in the custody of a community early childhood council, a designated service provider, or a grantee that contain personal and identifying information relating to a family or children receiving services through the council shall be confidential and not subject to public disclosure, except as otherwise authorized by law.*

2B. THE EARLY CHILDHOOD BUSINESS COUNCIL

SECTION 5. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO READ AS FOLLOWS:

- (1) *The Early Childhood Business Council is created and attached to the Office of Early Childhood Development, Office of the Governor, for administrative purposes. The function of the council shall be to:*
 - (a) *Involve the corporate community, county judge/executives, and mayors in supporting issues of importance to working families with young children in the Commonwealth; and*
 - (b) *Collect and disseminate information about the various ways business and local government can become involved in supporting early childhood.*
- (2) (a) *The Early Childhood Business Council shall consist of fifteen (15) members appointed by the Governor, who shall also appoint the chair. Members shall serve for a term of two (2) years and until their successors are appointed and qualify, except that for those members initially appointed, the terms are as follows:*
 - 1. *Five (5) members shall be appointed for three (3) years;*
 - 2. *Five (5) members shall be appointed for two (2) years; and*
 - 3. *Five (5) members shall be appointed for one (1) year.*
 - (b) *Vacancies shall be appointed for unexpired terms in the same manner as original appointments. Members may not serve more than a total of three (3) terms.*
 - (c) *Members who are eligible to be appointed shall have demonstrated an investment or interest in early childhood development.*
- (3) *Members of the Early Childhood Business Council shall serve on a voluntary basis, receive a fixed per diem set by the authority, and be reimbursed for their expenses in accordance with state travel expense and reimbursement administrative regulations.*
- (4) *The Early Childhood Business Council shall meet at least once every three (3) months and shall make reports in accordance with requirements established by the authority that include recommendations for the state plan.*

2C. EARLY CHILDHOOD

PROFESSIONAL DEVELOPMENT COUNCIL

SECTION 6. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO READ AS FOLLOWS:

- (1) *The Early Childhood Professional Development Council is created and attached to the Office of Early Childhood Development, Office of the Governor, for administrative purposes. The Early Childhood Professional Development Council shall be composed of fifteen (15) members appointed by the Governor, who shall also appoint the chair. Members shall be appointed for a term of four (4) years and the council shall cease to exist four (4) years after the effective date of this Act, unless reauthorized by the General Assembly. Members of the council shall have experience in early child care and education.*
- (2) *The Early Childhood Professional Development Council, in collaboration with the Council on Postsecondary Education, shall:*
 - (a) *Work with existing entities to develop an early child care and education credential system to facilitate the attraction and retention of persons who provide early child-care and education services;*
 - (b) *Work to develop a seamless system of professional development beginning with entry level employment in early child care and education and proceeding through a master's degree-level program.*
- (3) *The Early Childhood Professional Development Council shall make reports in accordance with requirements established by the authority that include recommendations for the state plan.*
- (4) *Members of the Early Childhood Professional Development Council shall serve on a voluntary basis, receive a fixed per diem set by the authority, and be reimbursed for their expenses in accordance with state travel expense and reimbursement administrative regulations.*

2D. KENTUCKY EARLY INTERVENTION SYSTEM
INTERAGENCY COORDINATING COUNCIL

Section 7. KRS 200.658 is amended to read as follows:

- (1) There is hereby created the Kentucky Early Intervention System Interagency Coordinating Council to be comprised of twenty-five (25) members to be appointed by the Governor to serve a term of three (3) years. The members of the council shall be geographically and culturally representative of the population of the Commonwealth and conform to the requirements of federal law and regulations. For administrative purposes, the council shall be attached to the *Early Childhood Development Authority*~~[Cabinet for Health Services]~~. Pursuant to federal law and regulations, the membership shall be as follows:
 - (a) At least five (5) members shall be the parents, including minority parents, of a child with a disability who is twelve (12) years of age or less, with at least one (1) being the parent of a child six (6) years of age or less. Each parent shall have knowledge of or experience with programs for infants and toddlers with disabilities;
 - (b) At least five (5) members shall be public or private providers of early intervention services to infants and toddlers with disabilities;
 - (c) At least one (1) member shall be a member of the Kentucky General Assembly;
 - (d) At least one (1) member shall be representative of an entity responsible for personnel preparation and may include personnel from an institution of higher education or preservice training organization;

- (e) At least one (1) member shall be the commissioner or individual serving in a position of equivalent authority, or the designee, from the Department for Public Health;
 - (f) At least one (1) member shall be the commissioner or individual serving in a position of equivalent authority, or the designee, from the Department for Medicaid Services;
 - (g) At least one (1) member shall be the commissioner or individual serving in a position of equivalent authority, or the designee, from the Department for Mental Health and Mental Retardation Services;
 - (h) At least one (1) member shall be the commissioner or individual serving in a position of equivalent authority, or the designee, from the Department for Social Services;
 - (i) At least one (1) member shall be the commissioner or designee of the Department of Education;
 - (j) At least one (1) member shall be the commissioner or designee of the Department of Insurance; and
 - (k) At least one (1) member shall be a representative of the Commission for ~~Handicapped~~ Children *with Special Health Care Needs*.
- (2) In matters concerning the Kentucky Early Intervention System, the council shall advise and assist the cabinet in areas including, but not limited to, the following:
- (a) Development and implementation of the statewide system and the administrative regulations promulgated pursuant to KRS 200.650 to 200.676;
 - (b) Achieving the full participation, coordination, and cooperation of all appropriate entities in the state, including, but not limited to, individuals, departments, and agencies, through the promotion of interagency agreements;
 - (c) Establishing a process to seek information from service providers, service coordinators, parents, and others concerning the identification of service delivery problems and the resolution of those problems;
 - (d) Resolution of disputes, to the extent deemed appropriate by the cabinet;
 - (e) Provision of appropriate services for children from birth to *three (3)* ~~five (5)~~ years of age;
 - (f) Identify sources of fiscal and other support services for early intervention programs;
 - (g) Preparing applications to Part ~~C(H)~~ of the Federal Individuals with Disabilities Education Act (IDEA) and any amendments to the applications; and
 - (h) Transitioning of infants and toddlers with disabilities and their families from the early intervention system to appropriate services provided under Part B of the Federal Individuals with Disabilities Education Act (IDEA) operated by the state Department of Education.
- (3) The council shall prepare no later than December 30 of each year an annual report on the progress toward and any barriers to full implementation of the Kentucky Early Intervention System for infants and toddlers with disabilities and their families. The report shall include recommendations concerning the Kentucky Early Intervention System and shall be submitted to the Governor, Legislative Research Commission, and the Secretary of the United States Department of Education.

- (4) No member of the council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of the existence of a conflict of interest.

PART 3

EARLY CHILDHOOD HEALTH INITIATIVE

Section 8. KRS 156.160 is amended to read as follows:

- (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:
 - (a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and KRS 158.6453 and distributed to local school districts and schools. They shall include the following: The courses of study for students shall include American sign language which shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;
 - (b) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;
 - (c) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. Student scores from any assessment administered under KRS 158.6453 that are determined by the National Technical Advisory Panel to be valid and reliable at the individual level shall be included on the student transcript. The National Technical Advisory Panel shall submit its determination to the commissioner of education and the Legislative Research Commission;
 - (d) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;
 - (e) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;
 - (f) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than

six (6) months prior to his initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;

(g) ***A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that the child is enrolled in public school, public preschool, or Head Start program;***

(h) The transportation of children to and from school;

(i)~~(h)~~ The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(j)~~(i)~~ The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;

(k)~~(j)~~ A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; and

(l)~~(k)~~ The disposal of real and personal property owned by local boards of education.

(2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include, but are not limited to, the following:

1. An alternative approach will achieve the same result required by the administrative regulation;
2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
3. There is a finding of good cause for the waiver.

(b) The following shall not be subject to waiver:

1. Administrative regulations relating to health and safety;
2. Administrative regulations relating to civil rights;
3. Administrative regulations required by federal law; and
4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.

(c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.

(3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.

Section 9. KRS 211.645 is amended to read as follows:

As used in KRS 211.647 and *Section 11 of this Act*~~[213.046]~~, unless the context requires otherwise:

(1) "Cabinet" means the Cabinet for Health Services;

~~(2) "Certificate" means the certificate of birth required by KRS 213.046;~~

~~(3)~~ "Commission" means the Commission for Children with Special Health Care Needs;

~~(3)~~~~(4)~~ "Hard of hearing infant" means a child at birth with a significant hearing loss which prevents the acquisition of speech and language through normal channels;

~~(4)~~~~(5)~~ "***Auditory screening report***" means a written evaluation of an auditory screening as required under *Section 11 of this Act*~~"Hearing risk certificate" means the certificate that includes questions which identify newborn babies with a higher risk than normal for hearing loss~~;

~~(5)~~~~(6)~~ "***Infant at high risk of hearing loss***"~~[High-risk infant]~~ means a child at birth who is at a higher risk than normal of being hard of hearing due to one (1) or more of the following factors present at birth:

(a) Family history of a congenital hearing loss;

(b) Rubella or virus during pregnancy;

(c) Congenital ear, nose, or throat anomalies;

(d) Below-normal birth weight;

(e) Abnormal level of jaundice;

(f) Anoxia or apnea;~~and~~

(g) A low APGAR score derived from the evaluation of the infant's color, muscle tone, reflexes, pulse rate, and respiration; *or*

(h) An auditory screening indicating a hearing loss.

Section 10. KRS 211.647 is amended to read as follows:

(1) The commission, on receipt of ***an auditory screening report of an infant from a hospital or alternative birthing center in accordance with Section 11 of this Act shall review each auditory screening report that indicates a potential hearing loss. The commission shall contact the parents to schedule follow-up evaluations or make a referral for evaluations within three (3) business days***~~[the hearing risk certificates from the cabinet, shall conduct activities necessary to identify high risk infants. It shall establish a program to provide medical and educational information to the families, assist the families in securing screening, diagnostic, and medical services at a minimal cost at a center or at a location as~~

close to the child's residence as possible and refer the parents to agencies or organizations which provide educational programs for the child and the family}.

- (2) ~~{The commission's process for identifying high risk infants shall include a timely review of all hearing risk certificates to identify the presence of factors determined to occur frequently with hearing loss in newborn infants. }~~The commission shall secure information missing from *birth certificates or hospital referral reports* which is relevant to identifying~~{ high risk }~~ infants *with a hearing loss*.
- (3) *If the hearing evaluation performed by the commission contains evidence of a hearing loss, within forty-eight (48) hours the commission shall:*
 - (a) *Contact the attending physician and parents; and*
 - (b) *Make a referral to the Kentucky Early Intervention System point of entry in the service area of the child's residence for services under KRS 200.664.*
- (4) *The commission shall forward a report of a hearing evaluation that indicates a hearing loss, with no information that personally identifies the child, to:*
 - (a) *The Kentucky Commission on the Deaf and Hard of Hearing for census purposes; and*
 - (b) *The Kentucky Birth Surveillance Registry for information purposes.*
- (5) ~~{The commission shall involve agencies and organizations which provide services to deaf and hard of hearing children, including, but not limited to, the Department of Education, the Cabinet for Health Services, and the Commission on the Deaf and Hard of Hearing, in planning for and implementation of this section. }~~Cumulative demographic data of identified~~{ high risk }~~ infants *with a hearing loss* shall be made available to agencies and organizations *including, but not limited to, the Cabinet for Health Services and the Early Childhood Development Authority*, requesting the information for planning purposes.

SECTION 11. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

- (1) *As a condition of licensure or relicensure, all hospitals offering obstetric services and alternative birthing centers with at least forty (40) births per year shall provide an auditory screening for all infants using one (1) of the methods approved by the Early Childhood Development Authority by administrative regulation promulgated in accordance with KRS Chapter 13A.*
- (2) *An auditory screening report that indicates a finding of potential hearing loss shall be forwarded by the hospital or alternative birthing center within twenty-four (24) hours of receipt to the:*
 - (a) *Attending physician;*
 - (b) *Parents; and*
 - (c) *Commission for Children with Special Health Care Needs for evaluation or referral for further evaluation in accordance with Section 10 of this Act.*
- (3) *An auditory screening report that does not indicate a potential hearing loss shall be forwarded within one (1) week to the Commission for Children with Special Health Care Needs with no information that personally identifies the child.*

EARLY CHILDHOOD PARENTING SUPPORT

SECTION 12. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *There is established within the Cabinet for Health Services the Health Access Nurturing Development Services (HANDS) program as a voluntary statewide home visitation program, for the purpose of providing assistance to at-risk parents during the prenatal period and until the child's third birthday. The HANDS program recognizes that parents are the primary decision-makers for their children. The goals of the HANDS program are to:*
 - (a) *Facilitate safe and healthy delivery of babies;*
 - (b) *Provide information about optimal child growth and human development;*
 - (c) *Facilitate the safety and health of homes; and*
 - (d) *Encourage greater self-sufficiency of families.*
- (2) *The cabinet shall administer the HANDS program in cooperation with the Cabinet for Families and Children and the local public health departments. The voluntary home visitation program may supplement, but shall not duplicate, any existing program that provides assistance to parents of young children.*
- (3) *Participants in the HANDS program shall express informed consent to participate by written agreement on a form promulgated by the Cabinet for Health Services.*

PART 5

ACCESS TO QUALITY CHILD CARE

SECTION 13. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *It is the intent of the General Assembly to create a seamless system to upgrade the professional development of persons who are employed or provide training in a child-care or early childhood setting through scholarships, merit awards, and monetary incentives, to assist these persons in obtaining a child development associate credential, post-secondary certificate, diploma, degree, or specialty credential in an area of study determined by the authority as recommended by the professional development council.*
- (2) *Eligibility for scholarship funds shall be for individuals who do not have access to professional development funds from other education programs that receive state or federal funds, and who are:*
 - (a) *Employed at least twenty (20) hours per week providing services in a child-care or early childhood setting; or*
 - (b) *Involved in providing professional development training for teachers in an early childhood setting.*
- (3) *The Kentucky Higher Education Assistance Authority, after consultation with the Early Childhood Development Authority and the Cabinet for Families and Children, shall promulgate administrative regulations, including a system of monetary incentives for scholarship program participants for completing classes, in accordance with KRS Chapter 13A as necessary to implement this section.*

SECTION 14. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED TO READ AS FOLLOWS:

- (1) *The Early Childhood Development Authority shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish a program of monetary incentives including but not limited to an increased child-care subsidy and a one-time merit achievement award for child-care centers and certified family child-care homes that are tied to a quality rating system for child care as established under Section 15 of this Act.*
- (2) *The monetary incentive program shall be reviewed annually by the authority for the purpose of determining future opportunities to provide incentives.*
- (3) *Participation in the program of monetary incentives and in the quality rating system by child-care centers and certified family child-care homes is voluntary.*
- (4) *The Cabinet for Families and Children shall encourage the professional development of persons who are employed or provide training in a child-care or early childhood setting by facilitating their participation in the scholarship program for obtaining a child development associate credential, postsecondary certificate, diploma, degree, or specialty credential as established under Section 13 of this Act.*

SECTION 15. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED TO READ AS FOLLOWS:

- (1) *The Early Childhood Development Authority shall, in consultation with child-care providers, the Cabinet for Families and Children, the Cabinet for Health Services, and others, including but not limited to child-care resource and referral agencies and family resource centers, develop a voluntary quality-based graduated child-care rating system for licensed child-care and certified family child-care homes based on, but not limited to:*
 - (a) *Child to caregiver ratios;*
 - (b) *Child-care staff training;*
 - (c) *Program curriculum; and*
 - (d) *Program regulatory compliance.*
- (2) *The Cabinet for Families and Children shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement:*
 - (a) *The voluntary quality-based graduated child-care rating system for child-care and certified family child-care homes developed under subsection (1) of this section;*
 - (b) *Agency time frames of reviews for rating;*
 - (c) *An appellate process under KRS Chapter 13B; and*
 - (d) *The ability of providers to request reevaluation for rating.*

SECTION 16. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED TO READ AS FOLLOWS:

- (1) *The secretaries of the Cabinet for Families and Children and Cabinet for Health Services, or their designees, shall collaborate on the expansion of the Healthy Start in Child Care Program. The goals of the Healthy Start in Child Care program are:*
 - (a) *To train and educate child-care providers in health and safety;*

- (b) *Provide nutrition consultation to parents;*
 - (c) *Increase awareness of methods for the prevention of communicable diseases in child-care settings; and*
 - (d) *Provide information to parents of children who attend child care.*
- (2) *The Cabinet for Families and Children shall establish technical assistance positions dedicated to child care within the Kentucky child-care resource and referral agencies in order to offer technical assistance to child-care providers to upgrade quality in early child-care and education facilities.*

Section 17. KRS 199.894 is amended to read as follows:

As used in KRS 199.892 to 199.896, unless the context otherwise requires:

- (1) "Cabinet" means the Cabinet for Families and Children;
- (2) "Secretary" means secretary for families and children;
- (3) "~~Child~~~~Day~~-care center" means any child-care *center*~~[facility]~~ which provides full or part-time care, day or night, to at least seven (7) children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator. "~~Child~~~~Day~~-care center" shall not include any child-care facility operated by a religious organization while religious services are being conducted, or a youth development agency. For the purposes of this section, "youth development agency" means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which operates continuously throughout the year as an outside-school-hours center for youth who are six (6) years of age or older, and for which there are no fee or scheduled-care arrangements with the parent or guardian of the youth served;
- (4) *"Department" means the Department for Community Based Services; and*
- (5) *"Family child-care home" means a private home that provides full or part-time care day or night for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.*

Section 18. KRS 199.896 is amended to read as follows:

- (1) No person, association, or organization shall conduct, operate, maintain, or advertise any ~~child~~~~day~~-care center~~[or home]~~ without obtaining a license as provided in KRS 199.892 to 199.896.
- (2) The secretary may promulgate administrative regulations pursuant to KRS Chapter 13A relating to license fees and may establish standards of care and service for *a child*~~[the day]~~-care center, *criteria for the denial of a license if criminal records indicate convictions that may impact the safety and security of children in care*, and procedures for enforcement of penalties~~[-; provided, however, any administrative regulations promulgated pursuant to KRS Chapter 13A shall prohibit the employment of persons convicted of any sexual offense].~~
- ~~(3) If the day care center does not meet the standards prescribed for licensing by the secretary, a provisional license may be issued and remain in effect for a period of six (6) months.~~
- ~~(4) Each initial application for a license shall be made to the cabinet and shall be accompanied by a fee of not more than fifty dollars (\$50) and shall, excepting provisional licenses, be renewable annually upon expiration and reapplication when accompanied by a fee of twenty-five dollars (\$25). Regular licenses and renewals thereof shall expire one (1) year from their effective date.~~

- ~~(4)~~~~(5)~~ No ***child***~~[day]~~-care center shall be refused a license or have its license revoked for failure to meet standards set by the secretary until after the expiration of a period not to exceed six (6) months from the date of the first official notice that the standards have not been met. If, however, the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125. All administrative hearings conducted under authority of KRS 199.892 to 199.896 shall be conducted in accordance with KRS Chapter 13B.
- (5) ***If, upon inspection or investigation, the inspector general finds that a child-care center licensed under this section has violated the administrative regulations, standards, or requirements of the cabinet, the inspector general shall issue a statement of deficiency to the center containing:***
- (a) ***A statement of fact;***
 - (b) ***A statement of how an administrative regulation, standard, or requirement of the cabinet was violated; and***
 - (c) ***The time frame, negotiated with the child-care center, within which a violation is to be corrected, except that a violation that poses an immediate threat to the health, safety, or welfare of children in the center shall be corrected in no event later than five (5) working days from the date of the statement of deficiency.***
- (6) ***The Cabinet for Families and Children, in consultation with the Cabinet for Health Services, Office of the Inspector General, shall establish by administrative regulations promulgated in accordance with KRS Chapter 13A an informal dispute resolution process containing at least two (2) separate levels of review through which a child-care provider may dispute licensure deficiencies that have an adverse effect on the child-care provider's license.***
- (7) ***A child-care center shall have the right to appeal to the Cabinet for Health Services under KRS Chapter 13B any action adverse to its license or the assessment of a civil penalty issued by the inspector general as the result of a violation contained in a statement of deficiency within twenty (20) days of the issuance of the action or assessment of the civil penalty. An appeal shall not act to stay the correction of a violation.***
- (8) ***In assessing the civil penalty to be levied against a child-care center for a violation contained in a statement of deficiency issued under this section, the inspector general or the inspector general's designee shall take into consideration the following factors:***
- (a) ***The gravity of the threat to the health, safety, or welfare of children posed by the violation;***
 - (b) ***The number and type of previous violations of the child-care center;***
 - (c) ***The reasonable diligence exercised by the child-care center and efforts to correct the violation; and***
 - (d) ***The amount of assessment necessary to assure immediate and continued compliance.***
- (9) ***Upon a child-care center's failure to take action to correct a violation of the administrative regulations, standards, or requirements of the cabinet contained in a statement of deficiency, or at any time when the operation of a child-care center poses an immediate threat to the health, safety, or welfare of children in the center, and the child-***

care center continues to operate after the cabinet has taken emergency action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee shall take at least one (1) of the following actions against the center:

- (a) *Institute proceedings to obtain an order compelling compliance with the administrative regulations, standards, and requirements of the cabinet;*
- (b) *Institute injunctive proceedings in Circuit Court to terminate the operation of the center;*
- (c) *Institute action to discontinue payment of child-care subsidies; or*
- (d) *Suspend or revoke the license or impose other penalties provided by law.*

~~(10)(6)~~ Upon request of any person, the cabinet shall provide information regarding the denial, revocation, suspension, or violation of any type of *child[day]-care center* license of the operator. Identifying information regarding children and their families shall remain confidential.

~~(11)(7)~~ The cabinet shall provide, upon request, public information regarding the inspections of and the plans of correction for the *child[day]-care center* within the past year. All information distributed by the cabinet under this subsection shall include a statement indicating that the reports as provided under this subsection from the past five (5) years are available from the *child[day]-care center* upon the parent's, custodian's, guardian's, or other interested person's request.

~~(12)(8)~~ All fees collected under the provisions of KRS 199.892 to 199.896 *for license and certification applications* shall be paid into the State Treasury and credited to a special fund for the purpose of administering KRS 199.892 to 199.896 including the payment of expenses of and to the participants in child-care workshops. The funds collected are hereby appropriated for the use of the cabinet. The balance of the special fund shall lapse to the general fund at the end of each biennium.

~~(13)(9)~~ Any advertisement for child-care services shall include the address of where the service is being provided.

~~(14)(10)~~ All inspections of licensed and unlicensed *child[day]-care centers* by the Cabinet for Families and Children and the Cabinet for Health Services shall be unannounced.

~~(15)(11)~~ All employees and owners of a *child[day]-care center* who provide care to children shall demonstrate within the first three (3) months of employment completion of at least a total of six (6) hours of orientation in the following areas:

- (a) Basic health, safety, and sanitation;
- (b) Recognizing and reporting child abuse; and
- (c) Developmentally appropriate child-care practice.

~~(16)(12)~~ All employees and owners of a *child[day]-care center* who provide care to children shall annually demonstrate to the department completion of at least six (6) hours of training in child development.

~~(17)(13)~~ The Cabinet for Families and Children shall make available either through the development or approval of a model training curriculum and training materials, including video instructional materials, to cover the areas specified in subsection ~~(15)(11)~~ of this

section. The cabinet shall develop or approve the model training curriculum and training materials to cover the areas specified in subsection ~~(15)~~~~(14)~~ of this section.

- ~~(18)~~~~(14)~~ Child~~-day~~-care centers licensed pursuant to this section and family child-care homes certified pursuant to KRS 199.8982 shall not use corporal physical discipline, including the use of spanking, shaking, or paddling, as a means of punishment, discipline, behavior modification, or for any other reason. For the purposes of this section, "corporal physical discipline" means the deliberate infliction of physical pain and does not include spontaneous physical contact which is intended to protect a child from immediate danger.
- ~~(19)~~~~(15)~~ Directors *and employees* of child~~-day~~-care centers *in a position that involves supervisory or disciplinary power over a minor, or direct contact with a minor, shall submit to a criminal record check in accordance with Section 25 of this Act. The application shall be denied if the applicant has been found by the Cabinet for Families and Children or a court to have abused or neglected a child or has been convicted of a violent crime or sex crime as defined in Section 25 of this Act* ~~shall not have been found by the cabinet or a court to have abused or neglected a child~~.
- ~~(20)~~ *A director or employee of a child-care center may be employed on a probationary status pending receipt of the criminal background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.*

Section 19. KRS 199.8982 is amended to read as follows:

~~(1)~~ As used in this section, unless the context requires otherwise:

- ~~(a)~~ "Cabinet" means the Cabinet for Families and Children;
- ~~(b)~~ "Department" means the Department for Social Services; and
- ~~(c)~~ "Family child care home" means a private home which provides full or part time care day or night for six ~~(6)~~ or fewer children who are not the children, *siblings, stepchildren*, grandchildren, nieces, nephews, or children in legal custody of the provider.]

- ~~(1)~~~~(2)~~ (a) The cabinet shall establish a family child-care home certification program which shall be administered by the department. A family child-care provider shall apply for certification of the provider's home if the provider is caring for four (4) to six (6) children unrelated to the provider. A family child-care provider caring for three (3) or fewer children may apply for certification of the provider's home at the discretion of the provider. Applicants for certification shall not have been found by the cabinet or a court to have abused or neglected a child, and shall meet the following minimum requirements:
1. Submit two (2) written character references;
 2. Provide a written statement from a physician that the applicant is in good health;
 3. Submit to a criminal record check *in accordance with Section 25 of this Act. The application shall be denied if the applicant has been convicted of a violent crime or sex crime as defined in Section 25 of this Act*~~as provided by KRS 47.165~~;

4. Provide smoke detectors, a telephone, an adequate water supply, sufficient lighting and space, and a safe environment in the residence in which care is provided;
 5. Provide a copy of the results of a tuberculosis skin test for the applicant administered within thirty (30) days of the date of application for certification; and
 6. Demonstrate completion of a total of at least six (6) hours of training in the following areas within three (3) months of application for certification:
 - a. Basic health, safety, and sanitation;
 - b. Recognizing and reporting child abuse; and
 - c. Developmentally appropriate child-care practice.
- (b) Initial applications for certification shall be made to the department and shall be accompanied by a ten dollar (\$10) certification fee. The department shall issue a certificate of operation upon inspecting the family child-care home and determining the provider's compliance with the provisions of this section. The inspection shall be unannounced. A certificate of operation issued pursuant to this section shall not be transferable and shall be renewed every two (2) years for a fee of ten dollars (\$10).
- (c) A certified family child-care provider shall display the certificate of operation in a prominent place within the residence in which care is provided. The cabinet shall provide the certified family child-care provider with written information explaining the requirements for a family day-care provider and instructions on the method of reporting violations of the requirements which the provider shall distribute to parents.
- (d) Upon request of any person, the cabinet shall provide information regarding the denial, revocation, suspension, or violation of any type of day-care license of the family child-care provider. Identifying information regarding children and their families shall remain confidential.
- (e) The cabinet shall provide, upon request, public information regarding the inspections of and the plans of correction for the family child-care home within the past year. All information distributed by the cabinet under this paragraph shall include a statement indicating that the reports as provided under this paragraph from the past five (5) years are available from the family child-care home upon the parent's, custodian's, guardian's, or other interested person's request.
- (f) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A which establish standards for the issuance, monitoring, release of information under this section and KRS 199.896 and 199.898, renewal, denial, revocation, and suspension of a certificate of operation for a family child-care home ***and establish criteria for the denial of certification if criminal records indicate convictions that may impact the safety and security of children in care***; ~~provided, however, any administrative regulations promulgated in accordance with KRS Chapter 13A shall prohibit the employment of persons convicted of any sexual offense~~. A denial, suspension, or revocation of a certificate may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B. If the cabinet has probable cause to believe that there is an immediate threat to the public health, safety, or welfare, the cabinet may take emergency action to suspend a

certificate pursuant to KRS 13B.125. The cabinet shall promulgate administrative regulations to impose minimum staff-to-child ratios. The cabinet may promulgate administrative regulations relating to other requirements necessary to ensure minimum safety in family child-care homes. The cabinet shall develop and provide an "easy-to-read" guide containing the following information to a family child-care provider seeking certification of his home:

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

~~(2)~~~~(3)~~ Family child-care providers shall annually demonstrate to the department completion of at least six (6) hours of training in child development.

~~(3)~~~~(4)~~ The cabinet shall, either through the development of or approval of, make available a model training curriculum and training materials, including video instructional materials, to cover the areas specified in subsection (2)(a)6. of this section. The cabinet shall develop or approve the model training curriculum and training materials to cover the areas specified in subsection (2)(a)6. of this section.

Section 20. KRS 199.899 is amended to read as follows:

- (1) The Cabinet for Families and Children shall conduct a market-rate survey at least biennially to *set the minimum*~~[determine the]~~ rates paid by the cabinet for child-care services receiving public funds in the Commonwealth. The market-rate survey shall:
 - (a) Survey all child-care programs in the Commonwealth licensed pursuant to KRS 199.896 or certified pursuant to KRS 199.8982;
 - (b) Determine market rates; and
 - (c) Make public its findings.

~~(2)~~~~[By October 1, 1993, the cabinet shall report to the General Assembly on the feasibility of paying a higher rate for child-care programs which attain accreditation from a national organization that the cabinet determines has accreditation standards that contribute to high-quality child care.]~~

~~(3)~~ In counties containing no more than two (2) child-care programs of the same type regulated by the cabinet, the cabinet shall pay the rate charged by the program up to the maximum allowable market rate, set in accordance with federal regulations, paid to a program of the same type in that area development district.

(3) *The Cabinet for Families and Children shall evaluate, at least annually, the adequacy of the child-care subsidy to enable low income families in need of child-care services to obtain child care.*

Section 21. KRS 199.8992 is amended to read as follows:

- (1) To the extent possible with available funds, the Cabinet for Families and Children shall develop through a system of contracts, a statewide network of community-based child-care resource and referral services. The network shall include one (1) resource and referral agency per area development district as designated by the cabinet. To avoid duplication of services, priority for receiving designation by the cabinet shall be given to existing child-

care resource and referral organizations which are public or private, nonprofit, community-based agencies. Each resource and referral agency shall:

- (a) Maintain a uniform database in a format developed by the cabinet of all child-~~day~~-care providers licensed pursuant to KRS 199.896 or certified pursuant to KRS 199.8982 in the service area, including information on the availability of care;
 - (b) Provide consumer education to families seeking child-~~day~~-care services;
 - (c) Provide timely referrals of available child-~~day~~-care providers to families seeking child-~~day~~-care services;
 - (d) Recruit child-~~day~~-care providers in areas where there is an identified need as identified pursuant to paragraph (f) of this subsection;
 - (e) Coordinate, with the cabinet, training for child-~~day~~-care providers and provide technical assistance to employers, current and potential child-~~day~~-care providers, and the community at large;
 - (f) Collect and analyze data on the supply of, and demand for, child-~~day~~-care in the community;
 - (g) Stimulate employer involvement in improving the affordability, availability, safety, and quality of child care for their employees and for the community;
 - (h) Provide written educational materials to parents and child-~~day~~-care providers;~~and~~
 - (i) Not operate a child-~~day~~-care center on behalf of an employer or on their own unless no existing provider is willing or able to provide the service at the current market rate. This paragraph shall not apply to child care provided by a resource and referral agency to an employer prior to July 14, 1992; *and*
 - (j) ***Form community early childhood councils in cooperation with family resource centers and other local organizations or agencies.***
- (2) To the extent possible with available funds, the cabinet shall award contracts in accordance with KRS Chapter 45A to:
 - (a) Coordinate existing resource and referral services;
 - (b) Expand resource and referral services to unserved areas; and
 - (c) Improve services provided by the designated resources and referral agency.
 - (3) When awarding the contracts provided for in subsection (2) of this section, priority shall be given to agencies which demonstrate the ability to provide local matching funds in an amount equal to twenty-five percent (25%) of the total amount of the contract. Contracts shall be awarded for a minimum period of up to one (1) year. Start-up contracts may be awarded in up to four (4) area development districts per year until each area development district has one (1) designated child-care resource and referral agency. The awarding of a contract pursuant to this section shall not create a continuing obligation for the cabinet to fund a resource and referral agency. The cabinet shall require applicants to submit a plan for providing the services required by subsection (1) of this section.

Section 22. KRS 199.8994 is amended to read as follows:

- (1) All child-day-care funds administered by the cabinet, including Title XX of the Social Security Act, shall be administered by the Cabinet for Families and Children to the extent

allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served. To the extent permitted by federal law or regulations, requirements relating to application, eligibility, provider agreements, and payment for child-care services shall be the same regardless of the source of public funding.

- (2) The cabinet shall, to the extent allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served, develop a system which provides a single intake point in each county through which parents seeking public subsidies for child-care services can make application.
- (3) The cabinet shall, subject to the extent funds are available, cooperate with the Cabinet for Health Services to fund *and* establish dedicated child-care licensing surveyor positions within the Division of Licensing and Regulation to conduct all the cabinet's child-care licensing activities. ***The cabinet shall have the authority to request the transfer of funds to establish these positions.*** Where possible, dedicated child-care surveyors shall have expertise or experience in child-care or early childhood education.
- (4) ***The targeted ratio of dedicated child-care licensing surveyor positions shall be one (1) surveyor for each fifty (50) child-care facilities in order to allow for the provision of an expedient, constructive, and thorough licensing visit.***
- (5) ***The cabinet shall, in cooperation with the Division of Licensing and Regulation, Cabinet for Health Services, provide appropriate specialized training for child-care surveyors.***
- (6) (a) ***The cabinet shall evaluate ways to improve the monitoring of unregulated child-care providers that receive a public subsidy for child care, and promulgate administrative regulations in accordance with KRS Chapter 13A that establish minimum health and safety standards, limitations on the maximum number of children in care, training requirements for a child-care provider that receives a child-care subsidy administered by the cabinet, and criteria for the denial of subsidies if criminal records indicate convictions that impact the safety and security of children in care.***
- (b) ***If the cabinet has probable cause to believe that there is an immediate threat to the public health, safety, or welfare, it may take emergency action to deny a public subsidy for child-care services under KRS 13B.125.***

Section 23. KRS 199.8996 is amended to read as follows:

The Cabinet for Families and Children shall prepare the following reports to the General Assembly on child-care programs, and shall make them available to the public:

- (1) A quarterly report detailing the number of children and amounts of child-care subsidies provided in each area development district;
- (2) A quarterly report on administrative expenses incurred in the operation of child-care subsidy programs;
- (3) A quarterly report on disbursements of federal child-care block grant funds for training, resource and referral, and similar activities; and
- (4) Beginning July 15, 1993, an annual report summarizing the average child-care subsidy activities per month in all Kentucky counties.
- (5) ***The cabinet shall file an annual report on its evaluation of the adequacy of the child-care subsidy to enable low income families in need of child-care services to obtain child care***

with the Early Childhood Development Authority and the Legislative Research Commission.

- (6) *The cabinet shall file an annual report on the number of dedicated child-care licensing surveyor positions and the ratio of surveyors to child-care facilities with the Early Childhood Development Authority and the Legislative Research Commission.*

Section 24. KRS 199.990 is amended to read as follows:

- (1) Any person violating any of the provisions of KRS 199.380 to 199.400 shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than twelve (12) months, or be both fined and imprisoned, in the discretion of the court.
- (2) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473, 199.570 and 199.590 except subsection (2), or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.
- (3) Any person who willfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections or in subsection (1) of this section, or in any other applicable statute, shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned for not more than thirty (30) days, or both.
- (4) Any *violation of the regulations, standards, or requirements of the cabinet under* ~~person who violates any of~~ *the provisions of KRS 199.896 that poses an immediate threat to the health, safety, or welfare of any child served by the child-care center shall be subject to a civil penalty of no more than one thousand dollars (\$1,000) for each occurrence. Treble penalties shall be assessed for two (2) or more violations within twelve (12) months. All money collected as a result of civil penalties assessed under the provisions of KRS 199.896 shall be paid into the State Treasury and credited to a special fund for the purpose of the Early Childhood Scholarship Program created in accordance with Section 13 of this Act. The balance of the fund shall not lapse to the general fund at the end of each biennium.*
- (5) *A person who commits a violation of the regulations, standards, or requirements of the cabinet under the provisions of Section 18 of this Act shall be fined not less than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.*
- ~~(6)~~~~(5)~~ Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of a Class D felony.

Section 25. KRS 17.165 is amended to read as follows:

- (1) As used in this section, "sex crime" means a conviction or a plea of guilty for a violation or attempted violation of KRS 510.040 to 510.140, 529.020 to 529.050, 530.020, 530.065, 531.310, 531.320, and 531.340 to 531.370. Conviction for a violation or attempted violation of an offense committed outside the Commonwealth of Kentucky is a sex crime if such

offense would have been a crime in Kentucky under one (1) of the above sections if committed in Kentucky.

- (2) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, or rape in the first degree or sodomy in the first degree of the victim or serious physical injury to a victim.
- (3) As used in this section, "violent crime" shall mean a conviction of or a plea of guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, or rape in the first degree or sodomy in the first degree of the victim or serious physical injury to a victim.
- (4) No child-care center as defined in KRS 199.894 shall employ, in a position which involves supervisory or disciplinary power over a minor, **or direct contact with a minor**, any person who is a violent offender or has been convicted of a sex crime ~~[classified as a felony. Operators of child-care centers may employ persons convicted of sex crimes classified as a misdemeanor at their discretion]~~. Each child-care center shall request all conviction information for any applicant for employment from the Justice Cabinet **or the Administrative Office of the Courts** prior to employing the applicant.
- (5) **No child-care provider that is required to be certified under Section 19 of this Act or that receives a public child-care subsidy administered by the cabinet or an adult who resides on the premises of the child-care provider and has direct contact with a minor shall have been convicted of a violent crime, or a sex crime, or have been found by the Cabinet for Families and Children or a court to have abused or neglected a child.**
- (6) Each application form, provided by the employer to the applicant, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT."
- ~~(7)~~~~(6)~~ Any request for records under subsection (4) of this section shall be on a form approved by the Justice Cabinet **or the Administrative Office of the Courts**, and the cabinet may charge a fee to be paid by the applicant in an amount no greater than the actual cost of processing the request.
- ~~(8)~~~~(7)~~ The provisions of this section shall apply to all applicants for initial employment in a position which involves supervisory or disciplinary power over a minor after July 15, 1988.

Section 26. KRS 17.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 17.320 to 17.340 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- (2) Any public official or employee who knowingly or intentionally makes, or causes to be made, a false return of information to the department shall be punished by confinement in jail for not more than ninety (90) days, by a fine not exceeding five hundred dollars (\$500), or both.
- (3) (a) Any child-care center which violates subsection (4) of KRS 17.165 **or child-care provider that violates subsection (5) of KRS 17.165** may be liable for license **or certification** revocation and the imposition of a civil penalty of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) to be imposed and collected by the Cabinet for Families and Children; and

- (b) In addition to penalties listed in this subsection, any child-care center which violates subsection (4) of KRS 17.165 *or child-care provider that violates subsection (5) of KRS 17.165* shall be fined not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000).

Section 27. KRS 213.046 is amended to read as follows:

- (1) A certificate of birth for each live birth which occurs in the Commonwealth shall be filed with the local registrar within ten (10) days after such birth and shall be registered if it has been completed and filed in accordance with this section. ~~A hearing risk certificate provided by the Commission for Children with Special Health Care Needs, with questions pertaining to hearing loss in newborn infants, shall accompany the certificate of birth for use pursuant to KRS 211.645 and 211.647.~~ All certificates shall be typewritten. No certificate shall be held to be complete and correct that does not supply all items of information called for in this section and in KRS 213.051, or satisfactorily account for their omission except as provided in KRS 199.570(3). If a certificate of birth ~~or the hearing risk certificate~~ is incomplete, the local registrar shall immediately notify the responsible person and require that person to supply the missing items, if that information can be obtained.
- (2) When a birth occurs in an institution or en route thereto, the person in charge of the institution or that person's designated representative, shall obtain the personal data, prepare the certificate, secure the signatures required, and file the certificate as directed in subsection (1) of this section or as otherwise directed by the state registrar within the required ten (10) days. The physician or other person in attendance shall provide the medical information required for the certificate and certify to the fact of birth within ten (10) days after the birth. If the physician or other person in attendance does not certify to the fact of birth within the ten (10) day period, the person in charge of the institution shall complete and sign the certificate.
- (3) When a birth occurs in a hospital or en route thereto to a woman who is unmarried, the person in charge of the hospital or that person's designated representative shall immediately before or after the birth of a child, except when the mother or the alleged father is a minor:
 - (a) Meet with the mother prior to the release from the hospital;
 - (b) Attempt to ascertain whether the father of the child is available in the hospital, and, if so, to meet with him, if possible;
 - (c) Provide written materials and oral, audio, or video materials about paternity;
 - (d) Provide forms necessary to voluntarily establish paternity;
 - (e) Provide a written and an oral, audio, or video description of the rights and responsibilities, the alternatives to, and the legal consequences of acknowledging paternity;
 - (f) Provide written materials and information concerning genetic paternity testing;
 - (g) Provide an opportunity to speak by telephone or in person with staff who are trained to clarify information and answer questions about paternity establishment;
 - (h) If the parents wish to acknowledge paternity, require the voluntary acknowledgment of paternity obtained through the hospital-based program be signed by both parents and be authenticated by a notary public;

- (i) Provide the unmarried mother, and, if possible, the father, with the affidavit of paternity form;
- (j) Upon both the mother's and father's request, help the mother and father in completing the affidavit of paternity form;
- (k) Upon both the mother's and father's request, transmit the affidavit of paternity to the local registrar in the county in which the birth occurred; and
- (l) In the event that the mother or the alleged father is a minor, information set forth in this section shall be provided in accordance with Civil Rule 17.03 of the Kentucky Rules of Civil Procedure.

If the mother or the alleged father is a minor, the paternity determination shall be conducted pursuant to KRS Chapter 406.

- (4) The voluntary acknowledgment-of-paternity forms designated by the Office of Vital Statistics shall be the only documents having the same weight and authority as a judgment of paternity.
- (5) The Cabinet for Health Services shall:
 - (a) Provide to all public and private birthing hospitals in the state written materials and audio or video materials concerning paternity establishment forms necessary to voluntarily acknowledge paternity;
 - (b) Provide copies of a written description and an audio or video description of the rights and responsibilities of acknowledging paternity; and
 - (c) Provide staff training, guidance, and written instructions regarding voluntary acknowledgment of paternity as necessary to operate the hospital-based program.
- (6) When a birth occurs outside an institution, the certificate shall be prepared and filed by one (1) of the following in the indicated order of priority:
 - (a) The physician in attendance at or immediately after the birth; or, in the absence of such a person,
 - (b) Any other person in attendance at or immediately after the birth; or, in the absence of such a person,
 - (c) The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred or of the institution to which the child was admitted following the birth.
- (7) No physician, midwife, or other attendant shall refuse to sign or delay the filing of a birth certificate.
- (8) If a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in the Commonwealth, the birth shall be registered in the Commonwealth, and the place where the child is first removed shall be considered the place of birth. If a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in the Commonwealth, the birth shall be registered in the Commonwealth, but the certificate shall show the actual place of birth insofar as can be determined.

- (9) The following provisions shall apply if the mother was married at the time of either conception or birth or anytime between conception and birth:
- (a) If there is no dispute as to paternity, the name of the husband shall be entered on the certificate as the father of the child. The surname of the child shall be any name chosen by the parents; however, if the parents are separated or divorced at the time of the child's birth, the choice of surname rests with the parent who has legal custody following birth.
 - (b) If the mother claims that the father of the child is not her husband and the husband agrees to such a claim and the putative father agrees to the statement, a three (3) way affidavit of paternity may be signed by the respective parties and duly notarized. The state registrar of vital statistics shall enter the name of a nonhusband on the birth certificate as the father and the surname of the child shall be any name chosen by the mother.
 - (c) If a question of paternity determination arises which is not resolved under paragraph (b) of this subsection, it shall be settled by the District Court.
- (10) The following provisions shall apply if the mother was not married at the time of either conception or birth or between conception and birth or the marital relationship between the mother and her husband has been interrupted for more than ten (10) months prior to the birth of the child:
- (a) The name of the father shall not be entered on the certificate of birth. The state registrar shall upon acknowledgment of paternity by the father and with consent of the mother pursuant to KRS 213.121, enter the father's name on the certificate. The surname of the child shall be any name chosen by the mother and father. If there is no agreement, the child's surname shall be determined by the parent with legal custody of the child.
 - (b) If an affidavit of paternity has been properly completed and the certificate of birth has been filed accordingly, any further modification of the birth certificate regarding the paternity of the child shall require an order from the District Court.
 - (c) In any case in which paternity of a child is determined by a court order, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.
 - (d) In all other cases, the surname of the child shall be any name chosen by the mother.
- (11) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate. In all cases, the maiden name of the gestational mother shall be entered on the certificate.
- (12) Any child whose surname was restricted prior to July 13, 1990, shall be entitled to apply to the state registrar for an amendment of a birth certificate showing as the surname of the child, any surname chosen by the mother or parents as provided under this section.
- (13) The birth certificate of a child born as a result of artificial insemination shall be completed in accordance with the provisions of this section.
- (14) Each birth certificate filed under this section shall include all Social Security numbers that have been issued to the parents of the child.

- (15) Either of the parents of the child, or other informant, shall attest to the accuracy of the personal data entered on the certificate in time to permit the filing of the certificate within ten (10) days prescribed in subsection (1) of this section.
- (16) *When a birth certificate is filed for any birth that occurred outside an institution, the Cabinet for Health Services shall forward information regarding the need for an auditory screening for an infant and a list of options available for obtaining an auditory screening for an infant. The list shall include the Commission for Children with Special Health Care Needs, local health departments as established in KRS Chapter 212, hospitals offering obstetric services, alternative birthing centers required to provide an auditory screening under Section 11 of this Act, and licensed audiologists, and shall specify the hearing methods approved by the Early Child Development Authority in accordance with Section 11 of this Act.*

Section 28. The following KRS sections are repealed:

199.8984 Child-Care Policy Council.

157.317 Development of statewide Early Childhood Education Program -- Kentucky Early Childhood Advisory Council.

Section 29. As used in subsection (1) of Section 1 of this Act, "early childhood development fund" means the fund with that name created in House Bill 583 of this 2000 Regular Session from a distribution of moneys in the tobacco settlement agreement fund established by KRS 248.654, or created in other legislation of this 2000 Regular Session.

Section 30. This Act may be cited as the Early Childhood Development Act.

Approved April 4, 2000