

Requirements for Childcare Programs¹

In addition to the Healthy at Work [Minimum Requirements](#), **childcare programs** must meet the requirements below in order to reopen and remain open:

Timeline For Reopening Childcare Programs

JUNE 8, 2020

- In-home childcare programs (Type 2, Certified, and Registered Providers) may reopen subject to the requirements below; Limited Duration Childcare programs will remain open.

JUNE 15, 2020

- Center-based licensed childcare programs and day camps may reopen to all patrons subject to the requirements below.

Regulatory Requirements for Childcare Programs

- Since childcare programs were only required to pause their services, the Division of Regulated Childcare will operate as if all programs are reopening on the dates listed above. If a program chooses to postpone opening or permanently close, the program will need to immediately contact the Division of Regulated Childcare to update their status.
- When childcare programs reopen, they will not need to redo background checks for all previously employed staff members due to the rapback feature on KARES. They will need to update the KARES background check database for any employees that have left the programs' employment during the closure.
- The childcare programs will also need to contact the ECE-TRIS database and remove employees from the database that have left the programs' employment during the closure.
- If there is a new childcare program director when the program reopens, director change paperwork will need to be filed with the Division of Regulated Childcare immediately.

¹ Childcare programs includes summer day camps for children.

Social Distancing Requirements for Childcare Programs

- All childcare programs will need to utilize a maximum group size of ten children per group. Registered and certified providers will still need to implement their lower maximum group sizes listed in regulations.
- The square footage requirement of space per child is still required, so a center cannot place ten children in a classroom if the Division of Regulated Childcare has approved the room for a smaller number of children.
- Ratios for children under the age of twenty-four months will still be in place, so those classrooms will need to have two adults present if caring for the maximum classroom size of ten children.
- Children will remain in the same group of ten children all day without being combined with another classroom.
- Those approved to be in a childcare program are limited to:
 - Facility staff
 - Persons with legal authority to enter (first responders, Department for Community Based Services, Division of Regulated Childcare, etc.).
 - Necessary utility workers
 - Professionals providing medical/therapeutic services for children with special needs
 - Children enrolled in the facility
 - Parents or legal guardians of children enrolled in the program
 - In family childcare homes, the family members who live in the home of the approved childcare provider may also be in the childcare program.
- Childcare programs may not provide access to visitors or students conducting classroom observations.
- The same staff members should work with the same children each day in order to reduce additional exposure, including the staff members that give breaks to primary staff members.
- With families' permissions (if children are in the videos), childcare programs may use video/virtual observations for practicum students and virtual tours for perspective families.
- Childcare programs shall stagger playground time between classroom groups.
- Childcare programs will not hold center-wide family events.
- Childcare programs will not hold field trips.

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- ❑ Childcare programs will use a centralized drop-off and pick-up location to eliminate unnecessary traffic to classrooms and exposure of children. Childcare programs must, to the greatest extent practicable, conduct pick-up and drop-off each day in a manner that ensures social distancing. Childcare staff members should operate child pick-up and drop-off by class.
- ❑ Childcare programs should, if practicable, demarcate spots on the ground spread at six (6) foot intervals immediately outside the facility where parents and custodial adults may safely wait to pick-up children. Childcare programs should encourage parents and custodial adults to wear cloth face coverings during pick-up and drop-off.
- ❑ Childcare programs should, to the greatest extent practicable, encourage staff members to conduct group activities that can be performed while observing social distancing (e.g. coloring/painting) and limiting sharing of toys/items.
- ❑ Childcare programs must establish a pick-up and drop-off procedure and schedule to ensure that children are entering and leaving one at a time.
- ❑ Childcare programs are encouraged to provide outdoor instructions for children of appropriate age. Childcare programs holding outdoor fitness classes must follow the Healthy at Work Guidelines for [Groups of 10 People or Fewer](#) for those classes.
- ❑ Childcare programs must eliminate “lost and found” bins.
- ❑ Childcare programs should discontinue use of water fountains to the greatest extent practicable. Childcare programs should encourage customers to bring their own water bottles.
- ❑ Childcare programs must eliminate use of high-contact sports/team sports areas (e.g. basketball courts, football fields, and soccer fields) until such time as requirements/guidance are issued for those activities.
- ❑ Childcare programs contained within any other business that has reopened must follow the Minimum Requirements and specific requirements for that business. These are available at [Healthy at Work](#).
- ❑ Childcare programs should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- ❑ Childcare programs should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and children.

- ❑ Childcare programs should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- ❑ Childcare programs should communicate with parents and custodial adults and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those programs that cannot use contactless payments, the program should demark safe waiting distances of six (6) feet minimums in cashier queuing areas.
- ❑ Childcare programs must discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.
- ❑ Childcare programs must ensure that controls are established to ensure social distancing in locker rooms, including disabling lockers to enforce six (6) feet of social distancing. Childcare programs should discourage use of locker rooms.
- ❑ Childcare programs must ensure limited use of restroom programs at any one time based on the facility size and current social distancing guidelines.

Cleaning and Disinfecting Requirements for Childcare Programs

- ❑ Each childcare program will create and post a cleaning and sanitizing plan specific to the individual childcare program and describe how additional cleaning and sanitizing will be implemented in the childcare program. Toys that cannot be cleaned and sanitized should not be used.
- ❑ Toys that children have placed in their mouths or that are otherwise contaminated by bodily secretions should be set aside until they are cleaned by hand by a person wearing gloves.
- ❑ Machine washable cloth toys should not be used at this time.
- ❑ Group of infants or toddlers cannot use shared toys unless they are washed and sanitized before being moved from one group to the other.
- ❑ Childcare programs must set aside toys that need to be cleaned by putting them separate container marked for soiled toys until they can be cleaned.
- ❑ Children's books, like other paper-based materials, are not considered a high risk for transmission and do not need additional cleaning or disinfection procedures. Plastic infant and toddler books may be cleaned and sanitized as the material allows.
- ❑ Use bedding (sheets, pillows, blankets, sleeping bags) that can be washed. Keep each child's bedding separate, and consider storing in individually labeled bins, cubbies, or

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bags. Bedding that touches a child's skin should be cleaned weekly or before any use by another child.

- Classrooms will not utilize family style dining. Staff will prepare plates and pass them out to the individual children.
- No transportation will be offered at childcare programs while the public school system is closed. When the public school system resumes classes, childcare programs will model the transportation policies of the Kentucky Department of Education.
- Childcare programs must ensure that their programs, including locker rooms, common areas, breakrooms and restrooms are properly cleaned and ventilated.
- Childcare programs must ensure that staff members/employees and children practice hand hygiene frequently. For example, staff members and children should wash or sanitize their hands in the following circumstances: upon arrival for the day, after breaks, upon returning from outside, after toileting or assisting a child with toileting, after each diaper change or pull-up change, after contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids, after cleaning or sanitizing or using any chemical products, after handling pets, pet cages or other pet objects that have come in contact with the pet, before eating, serving or preparing food or bottles or feeding a child, before and after completing a medical procedure or administering medication, when visibly soiled (must use soap and water), and prior to departure. This may require facility staff to assist children with hand hygiene.
- Childcare programs must encourage staff members/employees and children to limit touching their mouth, nose, and face.
- Childcare programs must provide hand sanitizer (as appropriate), handwashing programs, tissues and waste baskets in convenient locations to the greatest extent practicable.
- Childcare programs making restrooms or locker rooms available must ensure frequently touched surfaces are regularly disinfected (e.g., door knobs and handles).
- Childcare programs must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants, in accordance with appropriate Kentucky childcare standards.
- Childcare programs must establish a cleaning and disinfecting process that follows CDC guidelines to address when any individual is identified, suspected, or confirmed as a COVID-19 case.
- Childcare programs must ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Screening and Illness Requirements

- ❑ Children and adults will be screened for fever and contagious symptoms upon entry into the childcare program consistent with the Minimum Requirements.
- ❑ Childcare program staff members who demonstrate symptoms of COVID-19 must be tested for the illness.
- ❑ Children or adults that test positive for COVID-19 must follow the recommendations of their local health department on when to return to the childcare program.
- ❑ When a child shows a fever or other contagious symptoms, the child must be removed from the classroom immediately and placed in a safe, secluded area. The parent or guardian must remove the child from the childcare program within one hour.
- ❑ Childcare programs must notify enrolled families and staff of a diagnosed case of COVID19 in the program, while still protecting the privacy of the diagnosed individual.

Personal Protective Equipment (PPE) Requirements

- Ensure, pursuant to Executive Order 2020-586 and 902 KAR 2010E, which are attached to this document, that all customers, vendors, contractors, and any other member of the public who enters the premises wear a face covering so long as they are not subject to any of the exemptions listed in the Executive Order.
- Inform any person attempting to enter the facility without a face covering of the requirement to wear a face covering. If the individual refuses and is not subject to any of the exemptions listed in the Executive Order, the individual must not be permitted entry onto the premises.
- Instruct any person who was previously wearing a face covering and removed it while on the premises and not subject to any of the exemptions listed in the Executive Order (e.g., individuals are permitted to remove face coverings when seated and actively consuming food or beverages) to put the face covering back on. If the individual refuses to do so, the facility must not provide them service and must ask them to leave.
- Restaurants and bars who fail to follow these requirements of the Executive Order will be subject to a fine and may also be subject to an order from a local health department or the Labor Cabinet requiring immediate closure.
- Require employees to use face coverings whenever they are near other employees or customers so long as such use does not jeopardize the employees' health or safety. Employers should provide appropriate face coverings at no cost to employees and provide instruction on proper use of them.
- Ensure employees wear face coverings for any interactions with customers, co-workers, or while in common travel areas of the business (e.g., aisles, hallways, loading docks, breakrooms, bathrooms, entries and exits). Employees are not required to wear face coverings while alone in personal offices, while more than six (6) feet from any other individual, or if doing so would pose a serious threat to their health or safety.

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- ❑ Childcare providers should wear gloves while serving food and preparing bottles. Gloves should be changed between bottle feedings.
- ❑ Childcare programs should make face coverings available for parents and custodial adults where in-facility interaction is necessary. Parents and custodial adults may bring and use their own face covering. If parents or custodial adults, suppliers, or vendors refuse to wear face coverings, the facility may refuse those individuals entrance to the facility.
- ❑ Childcare programs should establish a policy as to whether to allow parents or custodial adults enter the facility if the parent or custodial adult refuses to adhere to the facility's policy to adhere to CDC guidelines.
- ❑ Childcare programs must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, toys, playspaces, workspaces, and high-touch areas of the facility.

- ❑ Childcare programs must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- ❑ Childcare programs must ensure employees wear gloves while handling products during drop-off and pick-up as well as during any shipping and receiving.

Training and Safety Requirements

- ❑ Childcare programs must have required cleaning supplies and PPE (face coverings, latex/non-latex gloves) on site before they can reopen their facility. Childcare Aware staff will screen programs to make sure that supplies are on site prior to opening.
- ❑ All staff members will need to take a refresher training on cleaning and sanitizing procedures, as well as mandatory reporting of child abuse before the date that their program reopens. Limited Duration Childcare staff members will need to complete their training before their program transitions back to a licensed or certified program.
- ❑ Centers will not be penalized if staff members did not complete required training hours during the childcare closure. Childcare programs will begin annual training hours again on July 1, 2020, and they will have until June 30, 2021 for providers to complete their annual required training hours.
- ❑ Additional monitoring will be conducted to verify compliance with the additional preventative measures required due to the pandemic. The Division of Regulated Childcare will conduct monitoring for enhanced health and safety requirements along with required annual inspections. Childcare Aware coaches will assist with preventative monitoring by assisting centers prior to their reopening date to make sure they are prepared to open for children. Childcare Aware coaches and Childcare Health Consultants will assist centers with implementing new preventative requirements once the centers are open.
- ❑ Annual visits from the Division of Regulated Childcare will begin soon after childcare programs reopen.
- ❑ All childcare providers with a completed and approved KARES background check are ready to return to the classroom and safely be left alone with children.
- ❑ Since the statewide fingerprint background check system has not yet reopened, new childcare providers will have to file name-based background checks prior to starting in the center. They will not be left alone with children until the named-based background checks are sent back to the childcare facility with an approved status. Once the fingerprint background system reopens, the employees will go and complete the fingerprint system once time and staffing at the DCBS regional offices will allow for them to receive an appointment.

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- ❑ Childcare programs must train staff/employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- ❑ Childcare programs must establish log-in procedures and maintain that information for potential contact notification
- ❑ Childcare programs should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-996
December 3, 2020

STATE OF EMERGENCY

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease causing mild to very severe illness, including death, and many cases of COVID-19 have been confirmed in the Commonwealth; and

WHEREAS, I declared on July 9, 2020, through Executive Order 2020-586 that Kentuckians were required to wear face coverings in many public places to fight the continued spread of COVID-19 for the reasons set forth in that Order; and

WHEREAS, I renewed that Order: on August 8, 2020, through Executive Order 2020-651; on September 4, 2020, through Executive Order 2020-750; on October 6, 2020, through Executive Order 2020-856, and; on November 4, 2020, through Executive Order 2020-931; and

WHEREAS, data from the University of Oxford show an inverse correlation between the number of COVID-19 mitigation measures taken by a state, such as a face covering mandate, and the seriousness of the virus's third spike within that state;

WHEREAS, the Centers for Disease Control and Prevention conducted a study of Kansas's face covering mandate, wherein the 24 counties who complied with the mandate experienced a 6% decrease in new COVID-19 infections but the 81 counties who opted out of the mandate experienced a 100% increase in new COVID-19 cases;

WHEREAS, the Kentucky Constitution and Kentucky Revised Statutes, including, but not limited to, KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth and the State of Emergency continues:



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-996
December 3, 2020

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct the following:

1. For the purposes of this order, a “face covering” is a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers. Face coverings may be factory-made, homemade, or improvised from household items such as scarfs, bandanas, and t-shirts. Guidance on how to make a face covering at home is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.
2. The provisions of this Order shall apply to members of the public in Kentucky. Existing sector specific requirements mandating face coverings for employees of entities in the Commonwealth remain in effect and are available online at: <https://healthyatwork.ky.gov>.
3. People in Kentucky must cover their nose and mouth with a face covering when they are in the following situations that represent a high risk of COVID-19 transmission:
 - a. While inside, or waiting in line to enter, any: retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated and consuming food or beverage); health care setting, or; any other indoor public space in which it is difficult to maintain a physical distance of at least six feet from all individuals who are not members of that person’s household;
 - b. While waiting for or riding on public transportation or paratransit, or while riding in a taxi, private car service, or ride-sharing vehicle, or driving any of the above while customers are present; or
 - c. While in outdoor public spaces in which the person cannot maintain a physical distance of six feet from all individuals who are not members of



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the person's household and is not otherwise covered by previously issued guidance.

4. The following are exempt from wearing face coverings:
- a. Children who are age 5 or younger;
 - b. Any person with disability, or a physical or mental impairment, that prevents them from safely wearing a face covering;
 - c. Any person who is deaf or hard of hearing and is actively communicating, or any person who is actively communicating with someone who is deaf or hard of hearing, and is able to maintain a safe distance of six feet from all individuals who are not members of that person's household;
 - d. Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;
 - e. Any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service;
 - f. Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;
 - g. Any person who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes;
 - h. Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household;
 - i. Any person who is in a swimming pool, lake, or other body of water;
 - j. Any person who is exempt from wearing a face covering under guidance provided by the



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Kentucky High School Athletics Association or under guidance for athletic activities at institutions of higher education;

- k. Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.
5. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A and must result in a loss of access to a business's services. Failure to follow the requirements could also subject a person or entity to penalties as authorized by law.
6. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the requirements provided in this Order.
7. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches, or other constitutional officers to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches, and other constitutional officers, are encouraged to adopt or incorporate the requirements provided in this Order.
8. This Order is effective at 5:00 p.m. on December 3, 2020, for a period of 30 days, and is subject to renewal.



ANDY BESHEAR, Governor
Commonwealth of Kentucky



MICHAEL G. ADAMS
Secretary of State

RECEIVED AND FILED

DATE

12/4/2020

MICHAEL G. ADAMS
SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY

Sarah M. Dungen