

Afterschool in Kentucky: The Critical Need for Regulatory Reform

December 2023

Affordable, quality afterschool programs keep kids safe, inspire them to learn, and support the needs of today's working families. Yet, in Kentucky, for every child in an afterschool program, 4 more are waiting to get in.¹ A confusing patchwork of state rules, regulations, and exemptions has made it difficult for afterschool programs to access public child care funding and serve families utilizing child care assistance to pay for school-age care.



How Afterschool Programs are Regulated in Kentucky

All states must have minimum licensing requirements that apply to programs serving children, including afterschool programs, but these requirements vary greatly from state to state. In many states, some afterschool programs must have a child care license to legally operate, while others can legally operate without a license if they are operated by a religious organization or regulated by another agency.

In Kentucky, afterschool programs do not need a child care license to operate in if they:

1. Have a youth camp permit from a local health department
2. Are a federally funded 21st Century Community Learning Center (21st CCLC)²
3. Are operated by a religious organization, youth development agency,³ public K-12 school, or the armed services
4. Provide instructional or educational programming for no more than 20 hours per week
5. Do not enroll children from families utilizing assistance through Kentucky's Child Care Assistance Program (CCAP)⁴ or Employee Child Care Assistance Partnership (ECCAP) Program⁵ to pay for care



For more information on
afterschool in Kentucky, go to:
kyoutofschoolalliance.org

For a complete list of license-exempt child care programs and settings in Kentucky, see [922 KAR 2:090 – Child Care Center Licensure](#), Section 3.

The Link Between Funding, Regulation, and Access

When afterschool programs in Kentucky can obtain licensure, they are able to serve families who rely on CCAP and ECCAP to pay for care, access public child care funding, and receive additional quality supports. But, in Kentucky, the path to licensure for afterschool programs is challenged by the fact that the state's child care regulations remain framed around the developmental needs of infants, toddlers, and preschoolers, even though nearly half (41%) of all CCAP recipients are school-age youth between the ages of 5 and 13.⁶

For programs regulated by another agency, such as an afterschool program operated by a public school under the purview of the Kentucky Department of Education (KDE), becoming licensed also means having to adhere to two sets of regulations that may be duplicative or conflict with one another.

Under Kentucky's current child care system, there are too few afterschool programs that can serve families utilizing CCAP and ECCAP to pay for school-age care. This means thousands of children are missing out on life-changing learning experiences, some parents are working less, and businesses see the cost in lost productivity. Supporting afterschool programs in becoming licensed in Kentucky by developing age-appropriate licensing regulations for school-age programs is critical to ensuring equitable access across the entire age continuum.

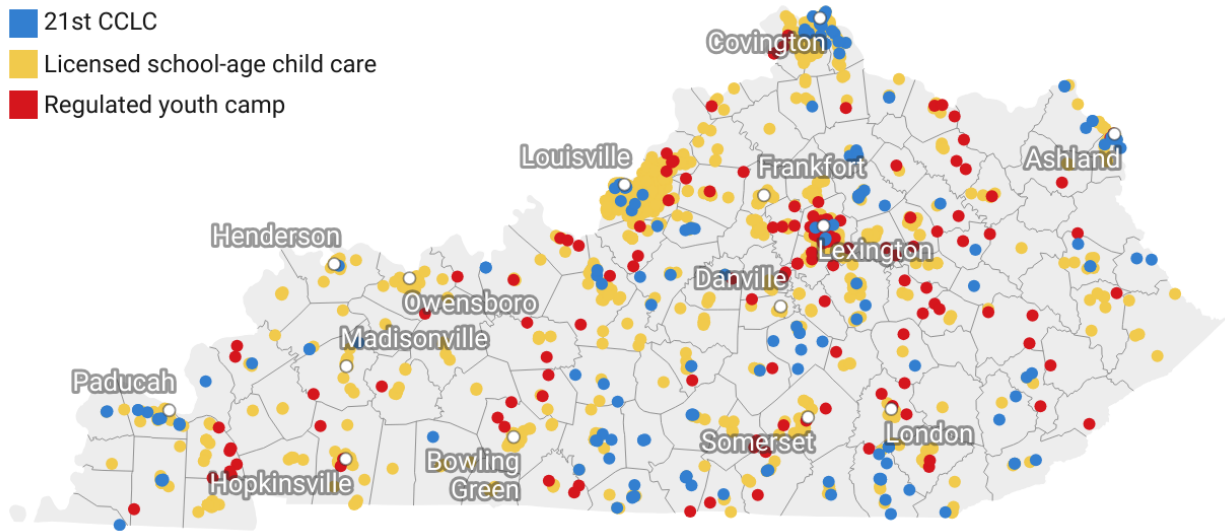
“As an afterschool program in a public school district, we already have a long list of requirements set by the Kentucky Department of Education we must follow. Licensing just adds another layer of complexity that includes more rules and requirements that are often duplicative or not feasible in a school setting.”

— Scott Taylor, Afterschool
Program Manager for Daviess
County Public Schools

Kentucky's Regulated Afterschool Program Supply

Three different state agencies regulate afterschool programs in Kentucky: the Kentucky Division of Regulated Child Care (licensed school-age child care), the Kentucky Department of Education (federally funded 21st CCLCs and other school-based programs), and the Kentucky Department of Public Health (youth camps).

The map below is based on lists provided by these three agencies and shows the geographic distribution of Kentucky's total regulated afterschool program supply. Included on the map are 1,283 licensed school-age child care providers, 177 federally funded 21st Century Community Learning Centers (21st CCLCs), and 151 regulated youth camps. Among the 1,283 licensed school-age child care providers, 86% accept subsidies and just 196 serve only school-age youth.



Created with Datawrapper

Meeting the Moment: Expanding Access through Regulatory Reform

Affordable, quality, afterschool programs are a lifeline to working families by keeping kids safe, engaged, and learning when school is out. But, to sustain current programs and grow new ones, Kentucky's child care rules must be overhauled to ensure they meaningfully address the needs of *all* types of providers and age-groups of children served within the system.

Regulatory reform for afterschool involves:

1. Ensuring school-age child care is represented at decision-making tables
2. Addressing school-age needs in state child care regulations
3. Encouraging quality school-age child care environments
4. Creating a thriving school-age child care workforce
5. Improving state-level data on Kentucky's school-age program landscape



Scan the QR code to learn more about the importance of school-age child care, our current school-age child care policy priorities, and what you can do to help.

¹Afterschool Alliance. (2020). *Kentucky After 3PM*. Retrieved from: <https://kyoutofschoolalliance.org/wp-content/uploads/2021/01/KY-AA3PM-2020-fact-sheet.pdf>.

²The Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) program is a federally funded competitive grant opportunity that supports the creation of community learning centers to provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools.

³Under 922 KAR 2:090, "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.

⁴The Kentucky Child Care Assistance Program (CCAP), which is funded through the Child Care and Development Block Grant (CCDBG), helps low-income families pay for child care for children up to age 13 (or 19 if the child has a disability) through subsidies paid directly to the child care provider.

⁵The purpose of Kentucky's Employee Child Care Assistance Partnership (ECCAP) Program, established through HB 499, is to support families by incentivizing employers to contribute towards employees' child care costs by requiring the state to match the employer's contribution.

⁶National Center on Afterschool and Summer Enrichment (NCASE). (2022). *Federal Supports for Afterschool and Summer Child Care: Kentucky*. Retrieved from: <https://childcareta.acf.hhs.gov/sites/default/files/ncase-ky-saccdatapofile-2022.pdf>.