



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR COMMUNITY BASED SERVICES
Division of Protection and Permanency
COA Accredited Agency**

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Secretary

Contract Correspondence Transmittal (CCT)

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Key Words/Phrases: Letter from Commissioner Johnson regarding religious affiliation requirement changes	
Attachments/Forms: Letter from Commissioner Johnson regarding religious affiliation requirement changes	

Please see the attached letter from DCBS Commissioner, Adria Johnson, regarding changes to the religious affiliation requirements that were added to the PCC agreement in 2014. Please note any regulatory requirements with regard to religion that existed prior to 2014 will remain in effect. Similarly, any language with regard to religion that existed prior to religious affiliation requirements being added to the PCC agreement will also exist in the SFY 17 PCC Agreement and will also remain in effect.

If you have any questions regarding this transmittal please contact Christa Bell at Christa.Bell@ky.gov or by telephone at (502) 564-6852.



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June 2, 2016

RE: CHFS - Private Child Care (PCC) Agreement for SFY 2016

Dear Private Child Care Provider:

Please be advised that effective immediately until the current PCC agreements expire on June 30, 2016, the following provisions of the PCC agreements will no longer be enforced by the Cabinet for Health and Family Services:

Section 2, Scope of Work, III, Quality Assurance Reviews:

2. The Agency shall adopt and enforce a written policy requiring the Agency:
 - a. To demonstrate consideration for and sensitivity to the racial, cultural, ethnic, and religious background of a child in its care;
 - b. To use its best efforts to provide children in its care opportunities to attend religious services, activities, or events based upon the children's religious affiliation for children wishing to participate in such activities; and to provide non-religious alternative activities or events for children not wishing to participate in religious services, activities, or events.
 - c. To inform child(ren) that they can request religious symbols, articles, texts or materials;
3. The Agency shall not:
 - a. Discriminate in any manner against any child based on:
 - i. the child's religious faith;
 - ii. the child's lack of religious faith; or
 - iii. the child's failure to conform to any religious tenet or practice;
 - b. Require, coerce or pressure any child in any manner to attend religious services or instruction or to otherwise engage in or be present at any activity or programming that has religious content;
 - c. Impose any form of punishment or benefit based on a child's voluntary decision as to whether to participate in or attend any religious service or instruction or any other activity or programming that has religious content;
 - d. Proselytize any child in any religious beliefs;
 - e. Require any child to pray or to participate in any form of prayer, or to attend any form of prayer that is organized, led, or otherwise sponsored or promoted by the Agency; or

- f. Place any religious symbols or other religious articles in any child's private room or automatically provide religious texts or materials to any child, unless requested by the child, and in the case of a child-placing agency, the Agency shall inform foster care homes that they shall refrain from the placement of religious symbols or other religious articles in any child's private room or automatically providing religious texts or materials to any child, unless requested by the child.
4. The Agency shall provide written training materials addressing issues of religious rights and accommodations developed by the Cabinet to each current employee and to each new employee upon hiring, and shall:
 - a. Require each existing and new employee to sign a one-time form acknowledging that the employee received and read the training materials;
 - b. Maintain a copy of the acknowledgment form in each employee's personnel file; and
 - c. Provide a copy of the acknowledgement form upon request of the Cabinet.
5. The Agency shall, in the event that a child makes a request for religious symbols, articles, texts or materials, subject to considerations regarding the safety, security, finances and administration of the Agency, make reasonable and good faith efforts in a manner that is non-discriminatory with respect to children's religious faith to:
 - a. Contact the parent or legal guardian of the child to request approval of and provision of the requested items or materials for the child's personal use while in placement; and
 - b. Provide the child with access to the requested religious symbols, articles, texts or materials, if the parent or guardian is unavailable or does not provide the requested materials but does not object to the provision of the materials
6. With the exception of religious practices that are destructive or place a child in physical danger, a child-caring facility shall (subject to geographic and other reasonable time, transportation, and personnel limitations):
 - a. Provide each child in its care with opportunities to practice the religious belief and faith of the child's individual or family religious affiliation;
 - b. Provide or facilitate the ability of each child in its care to participate in religious activities of the child's individual or family religious affiliation without coercion;
 - c. Provide the children in its care with the opportunity to attend different houses of worship and/or services of different religious denominations based upon the identified religious affiliation of the children; and
 - d. Provide or facilitate for children not wishing to attend any offered religious service or activity, children's ability to participate (at the same time as the religious service or religious activity) in an appropriate, non-religious alternative activity comparable in terms of general attractiveness to children.
7. A child-caring facility shall, on at least a monthly basis, in the TWIST PCC Tracking module or through other similar documentation:
 - a. List any religious services, religious instruction, or other religious activities or events attended by each child during the month;
 - b. List religious materials, if any, that were provided at such activities or events; and
 - c. List any non-religious alternative activity or event, attended by each child, and describe that activity or event.

Sincerely,



Adria Johnson
DCBS Commissioner