

CHAPTER 190**(SB 60)**

AN ACT relating to preschool education.

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

➔Section 1. KRS 157.3175 is amended to read as follows:

- (1) Each local school district shall ~~ensure~~^{assure} that a developmentally appropriate half-day preschool education program is provided for each child who is at risk of educational failure and who is four (4) years of age:

- (a) By October 1, for any year prior to 2017; or
 (b) By August 1, for 2017 or any year thereafter.

All other four (4) year old children shall be served to the extent placements are available. The Kentucky Board of Education, upon the recommendation of the chief state school officer, shall adopt administrative regulations establishing the guidelines for the program. Administrative regulations shall establish eligibility criteria, program guidelines, and standards for personnel.

- (2) "Developmentally appropriate preschool program" means a program which focuses on the physical, intellectual, social, and emotional development of young children. The preschool program shall help children with their interpersonal and socialization skills.
- (3) Funds appropriated by the General Assembly for the preschool education programs shall be granted to local school districts according to a grant allotment system approved by the Kentucky Board of Education. Children who are at risk shall be identified based on the Federal School Lunch Program eligibility criteria for free lunch. Appropriations shall be separate from all other funds appropriated to the Department of Education and shall be administered in accordance with applicable federal and state statutes and administrative regulations. Eligible local school districts shall receive funds based on the average number of preschool children being served on December 1 and March 1 of the prior academic year who are appropriately identified as:

- (a) Three (3) and four (4) years of age with disabilities; and
 (b) Four (4) years of age identified as at risk of educational failure.

Local school districts may develop cooperative arrangements with other school districts or organizations in accordance with KRS 157.280.

- (4) A child shall be eligible for a free and appropriate preschool education and related services if:
- (a) 1. The child has been identified as a child with a disability in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et seq.; or
 2. The child has been identified in accordance with the definitions and procedures for exceptional children and youth in accordance with KRS 157.200(1)(a) to (m); and
- (b) The child is three (3) or four (4) years of age:
1. By October 1, for any year before 2017; or
 2. By August 1, for 2017 or any year thereafter.
- (5) The chief state school officer shall receive and review proposals from local school districts for grants to operate or oversee the operation of developmentally appropriate preschool education programs. Districts may submit proposals for implementing new services, enhancing existing preschool education services, or contracting for services. In designing a local early childhood education program, each district shall work with existing preschool programs to avoid duplication of programs and services, to avoid supplanting federal funds, and to maximize Head Start funds in order to serve as many four (4) year old children as possible.
- (6) Each program proposal shall include, at a minimum:
- (a) A description of the process conducted by the district to ~~ensure~~^{assure} that the parents or guardians of all eligible participants have been made aware of the program and of their right to participate;
- (b) A description of the planned educational programming and related services;

- (c) The estimated number of children participating in the program;
 - (d) Strategies for involving children with disabilities;
 - (e) Estimated ratio of staff to children with the maximum being one (1) adult for each ten (10) children;
 - (f) The estimated percentage of children participating in the program who are at risk of educational failure;
 - (g) Information on the training and qualifications of program staff and documentation that the staff meet required standards;
 - (h) A budget and per-child expenditure estimate;
 - (i) A plan to facilitate active parental involvement in the preschool program, including provisions for complementary parent education when appropriate;
 - (j) Facilities and equipment which are appropriate for young children;
 - (k) The days of the week and hours of a day during which the program shall operate;
 - (l) A plan for coordinating the program with existing medical and social services, including a child development and health screening component;
 - (m) Assurances that participants shall receive breakfast or lunch;
 - (n) Program sites which meet state and local licensure requirements;
 - (o) A plan for coordinating program philosophy and activities with the local district's primary school program;
 - (p) An evaluation component; and
 - (q) Certification from the *local* Head Start director that the Head Start program is fully utilized pursuant to subsection (4) of this section.
- (7) *If the superintendent and local Head Start director are unable to reach an agreement on whether a Head Start program is fully utilized, the superintendent or local Head Start director shall notify the chief state school officer. The local Head Start director shall provide the chief state school officer all information relevant to the utilization of the Head Start program. Within thirty (30) days of notification from the superintendent or local Head Start director, the chief state school officer shall make a determination of whether a Head Start program is fully utilized and may execute the certification required by subsection (6)(q) of this section on behalf of the local Head Start director.*
- (8) Programs shall reflect an equitable geographic distribution representative of all areas of the Commonwealth.

Returned to Secretary of State April 11, 2022, and became law without Governor's signature April 12, 2022.