EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amended After Comments)

704 KAR 3:410. Preschool education program for four (4) year old children.

RELATES TO: KRS 65.250, 156.160, 157.3175, 158.032(3), 158.120, 214.034, 34 C.F.R. Part 99

STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.3175

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 authorizes the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service and operational performance. KRS 157.3175 authorizes preschool education programs for four (4) year old children who are at risk of educational failure and authorizes that administrative regulations be promulgated to establish eligibility criteria, program guidelines, and standards for personnel. This administrative regulation establishes the criteria for the preschool education program for four (4) year old children who are at risk of educational failure, including procedures for a grant allocation system, eligibility criteria for children to be served, guidelines for program operation, and standards for personnel.

Section 1. Definitions.

(1) "Child care" means the same as in 922 KAR 2:090.

(2) "Developmentally appropriate preschool program" means a program as defined by KRS 157.3175(2).

(3) "Double session" means a variation of the program that operates with one (1) teacher who works with a group of children in a morning session and a different group of children in the afternoon session.

(4) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21).

(5) "Paraprofessional" has the same meaning as in 704 KAR 3:550.

(6) "Screening" means a systematic process for determining which children from the general population may need enhancement, support, or further evaluation in a particular area and is not an initial evaluation to determine if the child is a child with a disability.

Section 2. Eligibility.

(1) Except as provided in subsection (2) of this section, a child shall be eligible for enrollment in the preschool program if the child is:

(a) A resident of the district or an approved non-resident pursuant to KRS 158.120;

(b) Four (4) years old by August 1 of the school year; and

(c) Approved for free lunch based on federal free lunch criteria in effect as of the child's initial day of attendance in preschool; or

(d) Eligible to the extent required by the Elementary and Secondary Education Act of 1965 or its successor.

(2) Preschool eligibility may be determined up to six (6) months prior to the start of school. Once free lunch eligibility has been approved, the child shall remain eligible for enrollment in the preschool program for the remainder of the school year.

(3) A resident child or approved non-resident child who is four (4) years old by August 1 but who is not otherwise eligible may be served if space is available.

Section 3. Grant Allocation System.

(1) A local school district shall submit a proposal to the Kentucky Department of Education to operate or oversee the operation of a developmentally appropriate preschool

education program for eligible children. Each proposal shall include the requirements set forth in KRS 157.3175(5) and (6).

(2) Funding for districts shall be based on the preschool grant allocation system established in 702 KAR 3:250.

Section 4. Interagency Agreements.

(1) A preschool facility or service provided by a local school district, either directly or by contract or cooperative agreement with another provider, shall meet the requirements of this administrative regulation and all other applicable school laws and administrative regulations.

(2) A contract or cooperative agreement for operating the preschool program may be negotiated with another school district, another public agency, private school or preschool program. A nonpublic school program providing preschool services shall be approved for that purpose by the Kentucky Board of Education.

(3) A contract or cooperative agreement shall be in writing and shall include at a minimum the contents set forth in KRS 65.250.

(4) State preschool funds may be used in a private program if a signed contract or cooperative agreement is on file in the district which documents that:

(a) All proceeds and debts are the property of that corporation;

(b) The program pays reasonable rent; and

(c) No portion of state funds are appropriated to, or used by, any church, sectarian, or denominational school in compliance with Section 189 of the Kentucky Constitution.

Section 5. Enrollment.

(1) Enrollment of a child in the preschool program shall be at the discretion of the parent or legal guardian. Each local school district shall establish and maintain a continuous recruitment process which systematically assures enrollment of eligible children. Eligible children shall not be placed on a wait list. This process shall be outlined in a written plan which includes procedures for:

(a) Notification of the right to participate, presented in the parent's primary language or natural mode of communication;

(b) Identification of all eligible children regardless of race, sex, creed, color, national origin or disability;

(c) Written documentation to demonstrate that emphasis has been given to recruiting those eligible children not currently served by a preschool program; and

(d) Contact to agencies and programs serving local preschool children or their families to encourage participation in the recruitment process, taking into account the demographic makeup of the community and the needs of the children and their families.

(2) Upon enrollment, each child shall have on file:

(a) A certified copy of the student's birth certificate; or

(b) Other reliable proof of the student's identity and age, and an affidavit of the inability to produce a copy of the birth certificate as required by KRS 158.032(3);

(c) A current immunization certificate as required by KRS 214.034, or exception as permitted by KRS 214.036;

(d) Preventative student health care examinations meeting requirements of 702 KAR 1:160 conducted within one (1) year prior to entry into the school program; and

(e) Information as to eligibility.

(3) An educational record shall be kept confidential according to the requirements of the Family Education Rights and Privacy Act regulations, 34 C.F.R. Part 99.

(4) Daily attendance records shall be maintained and submitted through the statewide student information system. A parent or legal guardian shall be contacted with respect to

an enrolled child whose participation in the program is irregular or who has been absent for four (4) consecutive program days.

(5) Students who are eligible only as at risk of educational failure who miss sixteen (16) consecutive school days without a documented excuse may be unenrolled and remain eligible in accordance with Section 2(1) of this administrative regulation when:

(a) The parent or guardian gives written consent; or

(b) At least four (4) documented attempts to reengage the parent or guardian are unsuccessful.

Section 6. Program Operation.

(1) The local school district shall select one (1) of the following program options:

(a) Standard half-day, five (5) day a week program (single session);

(b) Half-day, four (4) day a week program in single or double session, with the fifth day for services to children and their families, such as family visits, special experiences for children, parent training, special education and case manager tasks, or coordination of medical or social services;

(c) Full day, four (4) days a week program with the fifth day for services to children and their families, such as family visits, special experiences for children, parent training, special education and case manager tasks, or coordination of medical or social services; or

(d) A locally-designed program approved by the Commissioner of Education before initial implementation and before the locally-designed program is amended.

(2) If a double session program is utilized, adequate time shall be allotted between sessions to allow staff to prepare for the session as well as give individual attention to children entering and leaving the program;

(3) In all programs:

(a) Classified staff shall be provided lunch and rest times pursuant to KRS Chapter 337;

(b) Certified staff shall be provided a duty free lunch period each day pursuant to KRS 158.060;

(c) Staff assignments shall provide time for parent involvement activities and coordination of services described in subsections (7) through (10) of this section; and

(d) Maximum number of children assigned to one (1) lead teacher shall be limited to the ratio established in Section 8 of this administrative regulation.

(4) The hours of operation may vary but shall provide a minimum of two and one-half (2 1/2) hours of instructional time per day, which shall not include the time required to provide breakfast or lunch. The program shall provide direct services for children or parents for the minimum number of teaching days set by the local school district for the school year.

(5) Maximum group size for eligible children shall be twenty (20) children. The staff ratio in the classroom shall consist of one (1) adult for a maximum of ten (10) children pursuant to staff qualifications established in Section 8 of this administrative regulation. At no time shall one (1) adult be left alone with more than ten (10) preschool children.

(6) The local school district shall have a written policy describing:

(a) How consideration is given to increasing the number of staff or decreasing the group size depending upon the needs of the children, including the needs of children with disabilities; and

(b) How assistance from another adult is available if one (1) adult is responsible for a group of children.

(7) The program shall allow for active family involvement. Consideration of the different types of family structures, such as the single parent, foster parent and extended family,

shall be made when planning activities. At least the following opportunities shall be made available to parents or guardians:

(a) Participation in classroom and other preschool activities as volunteers or observers;

(b) Parent training, education or other activities which the parent has helped to develop;

(c) Working with the child in cooperation with preschool staff;

(d) Meeting with preschool and other appropriate staff regarding the child's individual needs and progress or other two (2) way communication systems developed with the parent or guardian; and

(e) Periodic family visits by preschool staff, with a minimum of two (2) visits per child per year and with the first visit conducted within sixty (60) school days after enrollment. Family visits shall be conducted in the home or at a secondary location and shall be in person unless the parent or guardian requests a virtual family visit.

(8) To meet the comprehensive needs of children, the program shall collaborate with medical, health, mental health and social service agencies. Information about community services, resources and facilities shall be made available to parents. Program staff shall assist with coordinating interagency services for children and families.

(9) A local school district shall administer a valid and reliable child development screener within thirty (30) days of enrollment. The child development screener shall:

(a) Include screening of gross and fine motor skills, cognitive functioning, communication skills, self-help skills and social-emotional skills.

(b) Be administered by personnel trained to administer the screener;

(c) Be tracked and documented for all four (4) year old children enrolled in the program; and

(d) Child development screening results and recommended follow-up shall be shared with the parent or guardian.

(10) A local school shall assist the parent or legal guardian as needed through cooperation with existing medical and social services to obtain the physical examination required of all children prior to school enrollment.

Section 7. Learning environment.

(1) The program shall provide a supportive social and emotional climate which:

(a) Enhances children's understanding of themselves as individuals, and in relation to others, by providing for individual, small group, and large group activities;

(b) Gives children many opportunities for success through developmentally appropriate program activities;

(c) Provides an environment of acceptance which helps each child develop a positive self-concept, enhance his or her individual strengths, celebrate his or her individuality, and facilitate social relationships; and

(d) Integrates an evidence-based social and emotional supplemental curriculum that promotes social and emotional development and addresses challenging behaviors.

(2) The program shall promote the development of cognitive skills by:

(a) Encouraging children to solve problems, initiate activities, explore, experiment, question, and gain mastery through learning by doing (concrete experiential learning);

(b) Promoting language understanding and use in an atmosphere that encourages communication among children and between children and adults;

(c) Utilizing an evidence-based curriculum aligned with the domains of Kentucky's Early Childhood Standards, revised in 2021;

(d) Encouraging children to organize their experiences and understand concepts;

(e) Providing developmentally appropriate instruction to support growth in the foundational skills of literacy and numeracy;

(f) Utilizing a language experience approach to introduce printed materials according to the individual developmental level of the child;

(g) Presenting daily opportunities for interactive literacy and numeracy routines;

(h) Providing a daily balance of activities to include:

1. Indoor and outdoor time;
2. Quiet and active time;
3. Individual and group time;
4. Large and small groups;
5. Child and staff initiated interactions;
6. Structured and play-based activities;
7. Free choice center work; and
8. Routines to establish child familiarity with the daily schedule.

(3) The program shall promote physical growth by:

(a) Providing adequate indoor and outdoor space pursuant to Section 9 of this administrative regulation;

(b) Providing developmentally appropriate materials and equipment, in sufficient quantity to allow choice, and providing supervised time for children to use large and small muscles to increase their physical skills;

(c) Providing appropriate guidance while children use equipment and materials which promote children's physical growth;

(d) Providing breakfast or lunch to each eligible child, pursuant to the requirements of the National School Breakfast Program or National School Lunch Program;

(e) Providing developmentally appropriate information regarding nutrition, involving children as feasible in the planning and preparation of snacks and meals, and providing appropriate supervision during meals to develop language, understanding and problem-solving skills; and

(f) Providing developmentally appropriate information about health as an integral part of program activities.

(4) The program shall promote social skills and social interactions by:

(a) Providing positive guidance with consistent, clear rules presented in developmentally appropriate ways; and

(b) Providing positive adult and peer role models, focusing on the level of the child.

(5) The program shall utilize developmentally appropriate materials and equipment as follows:

(a) Furniture, equipment and materials shall be of sufficient quantity, quality and variety to meet the needs of the children and shall be arranged in a way as to facilitate learning, assure a balanced program of play-based and structured activities, and encourage self-reliance in the children. Test sheets, worksheets, coloring sheets, and workbooks shall not be used as they are not developmentally appropriate for preschool children.

(b) The equipment and materials shall be:

1. Consistent with the specific educational objectives of the local program;
2. Representative of the children in the program;
3. Geared to the age, ability, and developmental needs of the children;
4. Safe, durable, and kept in good condition;
5. Stored in a safe and orderly fashion when not in use;
6. Accessible, attractive, and inviting to the children; and
7. Designed to provide a variety of learning experiences and to encourage experimentation and exploration.

(6) Space shall be arranged so that children may work individually, together in small groups, and in a large group. Space shall be arranged to provide clear pathways for children to move from one area to another.

(7) Centers or areas in the classroom shall include space for activities including art, blocks, dramatic play, library, manipulative materials, mathematics, technology, music, science and writing.

(8) Technology centers and screen time shall:

(a) Provide developmentally appropriate content designed as an educational supplement to help children explore, create, problem solve, interact, and learn with and from one another; and

(b) Not substitute for active play, engagement, and interaction with other children and adults.

(9) Assessment of children within the preschool program shall be for the purpose of planning activities and evaluating progress, and shall not be used to restrict entry into or exit from the preschool program. The program shall include developmentally appropriate valid and reliable assessment of preschool children which:

(a) Provides for ongoing observation, recording and evaluation of each child's growth and development for the purpose of planning activities to suit individual needs;

(b) Is used to inform parents on a regular basis regarding the child's progress in motor, cognitive, communication, social and emotional, and adaptive skills and development; and and

(c) considers the background of the child.

(10) Children shall not be retained in the preschool program.

(11) The preschool program shall provide developmentally appropriate instruction to children regarding safety procedures, such as riding the bus and emergency procedures.

(12) The preschool program shall utilize the local school district's current safety policies regarding accident records, medical emergency plans, fire and disaster plans, first aid, dispensing of medications, and reporting of child abuse and neglect, with modification as needed to accommodate young children.

Section 8. Personnel.

(1) Instructional staff in the preschool shall include the following types of personnel:A lead teacher who meets the following qualifications:

(a) Beginning with the 2002-2003 school year, a person who holds a certificate in accordance with KAR Chapter 16 or has been exempted by the Kentucky Education Professional Standards Board from additional certification in order to continue teaching in an early childhood position; or

(b) A school district may request approval from the Department of Education to use as the instructional lead a person who meets the preschool associate teacher qualifications and who has been continuously employed in the same district prior to school year 2004-2005 to perform paraprofessional instructional duties pursuant to 704 KAR 3:420.

(2) Lead teachers employed pursuant to subsection (1)(a)2 of this section shall not serve as a lead teacher in any district after initial employment is terminated.

(3) A preschool classroom shall have at least one (1) lead teacher. A paraprofessional or other professional personnel shall be used in addition to the lead teacher to provide an appropriate adult-child ratio in each classroom, pursuant to Section 6(5) of this administrative regulation. A lead teacher shall provide instructional services to a maximum of twenty (20) children, within the parameters of subsection (5) of this section.

(4) A lead teacher shall be responsible for organizing the classroom, implementing a developmentally appropriate curriculum and assessments, and supervising and assigning the activities of paraprofessionals, student helpers, and other noncertified staff in the preschool program. A lead teacher shall be responsible for at least the following parental activities, described in Section 6(7) of this administrative regulation:

(a) Parent participation in the classroom;

(b) Parent-teacher conferences; and

(c) A minimum of two (2) family visits per child per year.

(5) A local school district shall assign professional staff, including but not limited to the lead teacher, to coordinate program operations pursuant to Section 6 (7) through (10) of this administrative regulation. A lead teacher who has been assigned preschool coordination responsibilities pursuant to Section 6 (7) through (10) of this administrative regulation and who operates double sessions shall be considered to be going beyond responsibilities set out in subsection 4 of this section and shall provide services to a maximum of thirty-four (34) children total, within the adult-child ratio per classroom established in Section 6(5) of this administrative regulation.

(6) A lead teacher shall participate in the required number of professional development days applicable to certified personnel in the local school district. A paraprofessional shall participate annually in a minimum of eighteen (18) hours of professional development. Professional development activities shall be related to the nature and needs of young children and their families, including those with special needs. Records shall be kept for all personnel documenting participation in professional development training.

(7) At all times, a program shall have a staff person on the premises who is trained in emergency first aid and cardiopulmonary resuscitation (CPR).

Section 9. Facilities, Safety, Health, and Transportation.

(1) A preschool program shall operate in compliance with administrative regulations promulgated by the Kentucky Board of Education in areas including facilities, safety, health, and transportation.

(2) If a program is extended to provide child care before or after the standard operating hours of the preschool program, that portion of the program]shall meet the standards for child care facilities promulgated by the Cabinet for Families and Children and established in 922 KAR Chapter 2.

(3) A local school district may provide transportation to preschool children. If a local school district transports preschool children, services shall be operated in conformance with administrative regulations pertaining to the transportation of school children, as established in 702 KAR Chapter 5.

(4) Regardless of whether transportation is provided, a local school district shall make provisions for safe arrival and departure of all children, with a written policy for ensuring that preschool children are:

(a) Supervised by a school employee during arrival and departure; and

(b) Released to the parent, guardian, or a person authorized by the parent or guardian. Release shall be hand-to-hand when a local district transports preschool children.

Section 10. Program Evaluation.

(1) At least annually, parents, staff and other professionals shall be involved in evaluating the local preschool program's effectiveness in meeting the needs of participating children.

(2) The program evaluation shall address:

(a) Rate of participation by eligible children;

(b) Parental satisfaction with services provided;

(c) Growth of participating children as they complete the preschool program and enter the primary school program; and

(d) Adherence to state administrative regulations on the subject area.

(3) A local school district preschool program shall be subject to evaluation by the Department of Education to determine the effectiveness of the statewide preschool program and local school district adherence to this administrative regulation.

Section 11. Incorporation by Reference.

(1) Kentucky's Early Childhood Standards, Revised 2021, is hereby incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Department of Education, Office of Special Education and Early Learning, 300 Sower Blvd. 4th floor, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. eastern time. This material may also be accessed on the Kentucky Department of Education website at: https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner of Education
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: February 4, 2026
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