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), 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 "at risk" four (4) year old children 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 "at risk" four (4) year old children, 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) "Day care" means a program which is designed to supplement but not substitute for the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night.

(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) "Screening" means a systematic process for determining which children from the general population may need further evaluation in a particular area.

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;

(b) Four (4) years old by October 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. Preschool eligibility may be determined up to four (4) 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.

(2) A resident child who is four (4) years old by October 1 but who is not eligible for the free lunch program 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).

(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) The program is separately incorporated from a religious institution;

(b) The program maintains a nonsectarian board of directors;

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

(d) The program pays reasonable rent; and

(e) The program's curriculum is not religious in nature.

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 an active recruitment process which systematically assures enrollment of eligible children. 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 handicapping condition;

(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) Prior to attendance, each child shall have on file:

(a) A copy of a legal birth certificate as required by KRS 158.032(3);

(b) A Kentucky Certificate of Immunization as required by KRS 214.034;

(c) A medical examination meeting requirements of 704 KAR 4:020 conducted within six (6) months prior to entry into the school program; and

(d) Information as to eligibility for the National School Lunch Program.

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

(4) Daily attendance records shall be maintained and submitted through the district's standard attendance reports or an approved, verifiable alternative method. 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.

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 home visits, special experiences for children, parent training, or coordination of medical or social services; or

(c) A locally-designed program approved by the chief state school officer.

(2) If a double session program is utilized, the following provisions shall be made:

(a) Time shall be allotted prior to each session to allow staff to prepare for the session as well as give individual attention to children entering and leaving the program;

(b) Adequate break time shall be provided for staff during the course of the day;

(c) Staff assignments shall provide time for parent involvement activities and coordination of services described in subsections (5) through (8) of this section; and

(d) Maximum number of children assigned to one (1) lead teacher shall be limited to the ratio established in Section 7(4) of this administrative regulation.

(3) The hours of operation of the half-day program may vary but shall provide a minimum of two and one-half (2 1/2) hours of classroom 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.

(4) 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 7 of this administrative regulation. Consideration shall be 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. An adult shall not be left alone with more than ten (10) preschool children. The local school district shall have a written policy for assistance from another adult if one (1) adult is responsible for a group of children.

(5) The program shall allow for active parental 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:

(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; and

(e) Periodic home 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.

(6) 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 parents in coordinating interagency services for children and families.

(7) A local school district shall assure through coordination with existing medical and social services that all children participating in the program receive child development and health screening.

(a) Health screening shall include growth assessment, vision and hearing screening, assessment of current immunization status, and general health status.

(b) Child development screening shall include screening of gross and fine motor skills, cognitive functioning, communication skills, self-help skills and social-emotional skills.

(c) Child development screening may be accomplished through various means, including systematic observation in the classroom or other natural setting. Screening results shall not be used for determining placement or planning the curriculum.

(d) Child development and health screening shall be completed within thirty (30) school days of enrollment by personnel trained in the procedures utilized.

(e) Contact shall be made with the parent or legal guardian if screening results indicate a need for further assessment by a specialist, follow-up, or referral for special education and related services or other appropriate resources.

(8) 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.

(9) The preschool program shall include developmentally appropriate experiences in cognitive, communication, social, physical, and emotional development as well as creative expression. The preschool program shall assist young children with their intrapersonal and interpersonal skills and in maximizing self-management and independence. The program shall include appropriate learning activities and teaching techniques in accordance with each child's level of comprehension and maturation.

(10) 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; and

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

(11) The program shall promote the development of intellectual 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 each communication among children and between children and adults;

(c) Utilizing a curriculum in which a variety of skills are integrated into activities targeted toward the interests of children;

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

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

(f) Providing a daily balance of activities in the following dimensions:

1. Indoor and outdoor;
2. Quiet and active;
3. Individual and group;
4. Large and small groups;
5. Child and staff initiated; and
6. Structured and spontaneous.

(12) The program shall promote physical growth by:

(a) Providing adequate indoor and outdoor space pursuant to Section 8 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.

(13) 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.

(14) The program shall be individualized to meet the special needs of children by:

(a) Having a curriculum which is relevant and reflective of the needs of the population served (such as, bilingual or bicultural, multicultural, rural, urban, or migrant);

(b) Having staff and program resources reflective of the racial and ethnic population of the children in the program; and

(c) Providing adaptations for children with special needs.

(15) 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 spontaneous and structured activities, and encourage self-reliance in the children. Test sheets, workbooks and ditto sheets 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. Consistent with the cultural and ethnic background of the children;
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.

(16) 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.

(17) Centers or areas in the classroom shall include space for activities including art, blockbuilding, cooking, gross motor, housekeeping or dramatic play, language arts or library, manipulative materials, math or problem solving, multimedia, music, science or social studies, and wood working.

(18) 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 assessment of 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 accomplished by observation or activity with the child in familiar structured and informal situations;

(c) Includes information from parents;

(d) Is used to inform parents on a regular basis regarding the child's progress in physical, intellectual, communication, social, emotional, intrapersonal, and interpersonal skills and development; and

(e) considers the cultural background of the child.

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

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

(21) 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 7. Personnel.

(1) Instructional staff in the preschool shall include the following types of personnel:

(a) A lead teacher who meets the following qualifications:

1. Beginning with the 2002-2003 school year, a person who holds a certificate or statement of eligibility for a certificate in interdisciplinary early childhood education, or has been exempted by the Kentucky Education Professional Standards Board from additional certification in order to continue teaching in an early childhood position. 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 employed prior to school year 2004-2005 to perform paraprofessional instructional duties pursuant to 704 KAR 3:420; or

2. Prior to the 2002-2003 school year, if a person meeting qualifications listed in subparagraph 1 of this paragraph is not available, interim approval shall be issued in accordance with the following criteria:

a. Personnel with a baccalaureate or higher degree in child development, early childhood education, or early childhood special education;

b. Personnel with kindergarten certification;

c. Personnel with special education certification valid for primary grades;

d. Personnel with a master's degree, bachelor's degree or licensure in communication disorders, speech and language, or speech pathology;

3. If a person who meets the qualifications established in subparagraph 1 or 2 of this paragraph is not available, a local board may develop a training plan in early childhood education and request approval for an individual with a minimum of one (1) year of early childhood training or experience and a degree in family studies, social work, psychology, nursing, or other related area, including education if not specified under subparagraph 1 or 2 of this paragraph.

4. A local board may request approval for a person who meets the preschool associate teacher qualifications to perform paraprofessional instructional duties pursuant to 704 KAR 3:420; and

(b) A teaching assistant who is an instructional aide.

(2) A preschool classroom shall have at least one (1) lead teacher. A teaching assistant 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(4) of this administrative regulation. A lead teacher shall provide instructional services to a maximum of twenty (20) children, within the parameters of subsection (4) of this section.

(3) A lead teacher shall be responsible for organizing the classroom, providing a developmentally appropriate curriculum, and supervising and assigning the activities of teaching assistants, student helpers, and other noncertified staff in the preschool class. A lead teacher shall be responsible for at least the following parental activities, described in Section 6(5) of this administrative regulation:

(a) Parent participation in the classroom;

(b) Parent-teacher conferences; and

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

(4) A local school district shall assign professional staff, including the lead teacher, to conduct parental involvement activities and coordination with health and social services, pursuant to Section 6(5) through (8) of this administrative regulation. A lead teacher who has been assigned coordination responsibilities related to parent involvement activities and health and social services and who operates double sessions shall be considered to be going beyond responsibilities set out in subsection (3) 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(4) of this administrative regulation.

(5) A lead teacher shall participate in the required number of professional development days applicable to certified personnel in the local school district. A teaching assistant 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.

(6) 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 8. Facilities 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 be considered day care and shall meet the standards for day care facilities promulgated by the Cabinet for Families and Children and established in 905 KAR Chapter 2 and 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 procedure for ensuring that preschool children are released to the parent or a person authorized by the parent.

Section 9. 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) Success of participating children as they complete the preschool program and progress through 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.

(704 KAR 003:410. 17 Ky.R. 701; 1487; eff. 12-9-1990; 18 Ky.R. 160; 687; eff. 9-6-1991; 25 Ky.R. 2200; 2893; eff. 6-7-1999; Crt eff. 11-16-2018; Crt eff. 10-13-2025.)