

1 AN ACT related to preschool education programs.

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

3 ➔Section 1. KRS 157.320 is amended to read as follows:

4 As used in KRS 157.310 to 157.440, unless the context otherwise requires:

5 (1) **"At-risk" means a child who resides in a household with an income at or below**
6 **two hundred percent (200%) of the federal poverty level;**

7 **(2)** "Average daily attendance" means the aggregate days attended by pupils in a public
8 school, adjusted for weather-related low attendance days if applicable, divided by
9 the actual number of days the school is in session, after the five (5) days with the
10 lowest attendance have been deducted.

11 (a) Aggregate days shall include, in addition to the aggregate number of days
12 attended by a pupil who was suspended during a school year, the number of
13 days the pupil was suspended, not to exceed ten (10) days in total for the
14 school year; and

15 (b) Aggregate days shall include, in addition to the aggregate number of days
16 attended by a pupil who was expelled for behavioral problems, the number of
17 days the pupil was expelled up to a total of one hundred seventy-five (175)
18 days. This total may extend into the next school year and shall be counted in
19 the average daily attendance for the next year;

20 ~~(3)~~~~(2)~~ "Base funding level" means a guaranteed amount of revenue per pupil to be
21 provided for each school district, to be used for regular operating and capital
22 expenditures;

23 ~~(4)~~~~(3)~~ "Board" means the board of education of any county or independent school
24 district;

25 ~~(5)~~~~(4)~~ "District" means any school district as defined by law;

26 ~~(6)~~~~(5)~~ "Elementary school" means a school consisting of the primary school program
27 through grade eight (8) as defined in KRS 158.030, or any appropriate combination

1 of grades within this range, as determined by the plan of organization for schools
2 authorized by the district board;

3 ~~(7)~~~~(6)~~ "Support Education Excellence in Kentucky" means the level of educational
4 services and facilities which is to be provided in each district from the public school
5 fund;

6 ~~(8)~~~~(7)~~ "Kindergarten full-time equivalent pupil in average daily attendance" means
7 each kindergarten pupil counted no more than one-half (1/2) day in the aggregate
8 days attended by kindergarten pupils in a public school divided by the actual
9 number of days school is in session after the five (5) days with the lowest
10 attendance have been deducted. Kindergarten is the entry level of the primary
11 program and shall be provided no less than the equivalent of one-half (1/2) day, five
12 (5) days a week for a full school year for each kindergarten pupil;

13 ~~(9)~~~~(8)~~ "Public school fund" means the fund created by KRS 157.330 for use in
14 financing education in public elementary and secondary schools;

15 ~~(10)~~~~(9)~~ "Administrative regulations of the Kentucky Board of Education" means those
16 regulations which the Kentucky Board of Education may adopt upon the
17 recommendation and with the advice of the commissioner of education. The
18 commissioner of education shall recommend administrative regulations necessary
19 for carrying out the purposes of KRS 157.310 to 157.440;

20 ~~(11)~~~~(10)~~ "Experience" means employment as a teacher, other than as a substitute or
21 nursery school teacher, for a minimum of one hundred forty (140) days during a
22 school year in a public or nonpublic elementary or secondary school or college or
23 university that is approved by the public accrediting authority in the state in which
24 the teaching duties were performed. A teacher who is employed by a board for at
25 least one hundred forty (140) days of a school year and who performs teaching
26 duties for the equivalent of at least seventy (70) full school days during that school
27 year, regardless of the schedule on which those duties were performed, shall be

1 credited with one (1) year of experience. A teacher who is employed by a board for
2 at least one hundred forty (140) days during each of two (2) school years and who
3 performs teaching duties for the equivalent of at least seventy (70) full school days
4 during those years shall be credited with one (1) year of experience. No more than
5 one (1) year of experience shall be credited for the performance of teaching duties
6 during a single school year;

7 (12)~~(11)~~ "Secondary school" means a school consisting of grades seven (7) through
8 twelve (12), or any appropriate combination of grades within this range as
9 determined by the plan of organization for schools authorized by the district board.
10 When grades seven (7) through nine (9) or ten (10) are organized separately as a
11 junior high school, or grades ten (10) through twelve (12) are organized separately
12 as a senior high school and are conducted in separate school plant facilities, each
13 shall be considered a separate secondary school for the purposes of KRS 157.310 to
14 157.440;

15 (13)~~(12)~~ "Single salary schedule" means a schedule adopted by a local board from
16 which all teachers are paid for one hundred eighty-five (185) days and is based on
17 training, experience, and such other factors as the Kentucky Board of Education
18 may approve and which does not discriminate between salaries paid elementary and
19 secondary teachers. If the budget bill contains a minimum statewide salary schedule,
20 no teacher shall be paid less than the amount specified in the biennial budget salary
21 schedule for the individual teacher's educational qualifications and experience;

22 (14)~~(13)~~ "Teacher" means any regular or special teacher, principal, supervisor,
23 superintendent, assistant superintendent, librarian, director of pupil personnel, or
24 other member of the teaching or professional staff engaged in the service of the
25 public elementary and secondary school for whom certification is required as a
26 condition of employment;

27 (15)~~(14)~~ "Percentage of attendance" means the aggregate days attended by pupils in a

1 public school for the school year divided by the aggregate days' membership of
2 pupils in a public school for the school year;

3 ~~(16)~~~~(15)~~ "Middle school" means a school consisting of grades five (5) through eight (8)
4 or any appropriate combination of grades as determined by the plan of organization
5 for schools authorized by the district board;

6 ~~(17)~~~~(16)~~ "National board certification salary supplement" means an annual supplement
7 added for the life of the certificate to the base salary of a teacher who attains
8 national board certification; and

9 ~~(18)~~~~(17)~~ "Weather-related low attendance day" means a school day on which the
10 district's attendance falls below the average daily attendance for the prior year due
11 to inclement weather. The district shall submit a request to substitute the prior year's
12 average daily attendance for its attendance on up to ten (10) designated days, along
13 with documentation that the low attendance was due to inclement weather, for
14 approval by the commissioner of education in accordance with Kentucky Board of
15 Education administrative regulations.

16 ➔Section 2. KRS 157.3175 is amended to read as follows:

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

20 ~~(a) By October 1, for any year prior to 2017; or~~

21 ~~(b) by August 1, for 2017 or any year thereafter.~~

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

27 (2) "Developmentally appropriate preschool program" means a program which focuses

1 on the physical, intellectual, social, and emotional development of young children.
2 The preschool program shall help children with their interpersonal and socialization
3 skills.

4 (3) Funds appropriated by the General Assembly for the preschool education programs
5 shall be granted to local school districts according to a grant allotment system
6 approved by the Kentucky Board of Education. ~~Children who are at risk shall be~~
7 ~~identified based on the Federal School Lunch Program eligibility criteria for free~~
8 ~~lunch.~~ Appropriations shall be separate from all other funds appropriated to the
9 Department of Education and shall be administered in accordance with applicable
10 federal and state statutes and administrative regulations. Eligible local school
11 districts shall receive funds based on the average number of preschool children
12 being served on December 1 and March 1 of the prior academic year who are
13 appropriately identified as:

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

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

18 (4) A child shall be eligible for a free and appropriate preschool education and related
19 services if:

20 (a) 1. The child has been identified as a child with a disability in accordance
21 with the Individuals with Disabilities Education Act, 20 U.S.C. secs.
22 1400 et seq.; or

23 2. The child has been identified in accordance with the definitions and
24 procedures for exceptional children and youth in accordance with KRS
25 157.200(1)(a) to (m); and

26 (b) The child is three (3) or four (4) years of age ~~±~~

27 ~~1. By October 1, for any year before 2017; or~~

1 2.—]by August 1[, for 2017 or any year thereafter].

- 2 (5) The chief state school officer shall receive and review proposals from local school
3 districts for grants to operate or oversee the operation of developmentally
4 appropriate preschool education programs. Districts may submit proposals for
5 implementing new services, enhancing existing preschool education services, or
6 contracting for services. In designing a local early childhood education program,
7 each district shall work with existing preschool programs to avoid duplication of
8 programs and services, to avoid supplanting federal funds, and to maximize Head
9 Start funds in order to serve as many four (4) year old children as possible.
- 10 (6) Each program proposal shall include, at a minimum:
- 11 (a) A description of the process conducted by the district to assure that the parents
12 or guardians of all eligible participants have been made aware of the program
13 and of their right to participate;
- 14 (b) A description of the planned educational programming and related services;
- 15 (c) The estimated number of children participating in the program;
- 16 (d) Strategies for involving children with disabilities;
- 17 (e) Estimated ratio of staff to children with the maximum being one (1) adult for
18 each ten (10) children;
- 19 (f) The estimated percentage of children participating in the program who are at ~~■~~
20 risk~~[of educational failure]~~;
- 21 (g) Information on the training and qualifications of program staff and
22 documentation that the staff meet required standards;
- 23 (h) A budget and per-child expenditure estimate;
- 24 (i) A plan to facilitate active parental involvement in the preschool program,
25 including provisions for complementary parent education when appropriate;
- 26 (j) Facilities and equipment which are appropriate for young children;
- 27 (k) The days of the week and hours of a day during which the program shall

- 1 operate;
- 2 (l) A plan for coordinating the program with existing medical and social services,
- 3 including a child development and health screening component;
- 4 (m) Assurances that participants shall receive breakfast or lunch;
- 5 (n) Program sites which meet state and local licensure requirements;
- 6 (o) A plan for coordinating program philosophy and activities with the local
- 7 district's primary school program;
- 8 (p) An evaluation component; and
- 9 (q) Certification from the Head Start director that the Head Start program is fully
- 10 utilized pursuant to subsection (4) of this section.
- 11 (7) Programs shall reflect an equitable geographic distribution representative of all
- 12 areas of the Commonwealth.