

1 AN ACT relating 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) "Administrative regulations of the Kentucky Board of Education" means those
6 regulations which the Kentucky Board of Education may adopt upon the
7 recommendation and with the advice of the commissioner of education. The
8 commissioner of education shall recommend administrative regulations necessary
9 for carrying out the purposes of KRS 157.310 to 157.440;

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

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

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

23 (3) "Base funding level" means a guaranteed amount of revenue per pupil to be
24 provided for each school district, to be used for regular operating and capital
25 expenditures;

26 (4) "Board" means the board of education of any county or independent school district;

27 (5) "District" means any school district as defined by law;

1 (6) "Elementary school" means a school consisting of the primary school program
2 through grade eight (8) as defined in KRS 158.030, or any appropriate combination
3 of grades within this range, as determined by the plan of organization for schools
4 authorized by the district board;

5 (7) **"Eligible child"** means for preschool education programs, a child who is:
6 (a) **Four (4) years of age by August 1; or**
7 (b) **Three (3) or four (4) years of age with a disability in accordance with the**
8 **Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et seq.**

9 (8) "Experience" means employment as a teacher, other than as a substitute or nursery
10 school teacher, for a minimum of one hundred forty (140) days during a school year
11 in a public or nonpublic elementary or secondary school or college or university
12 that is approved by the public accrediting authority in the state in which the
13 teaching duties were performed. A teacher who is employed by a board for at least
14 one hundred forty (140) days of a school year and who performs teaching duties for
15 the equivalent of at least seventy (70) full school days during that school year,
16 regardless of the schedule on which those duties were performed, shall be credited
17 with one (1) year of experience. A teacher who is employed by a board for at least
18 one hundred forty (140) days during each of two (2) school years and who performs
19 teaching duties for the equivalent of at least seventy (70) full school days during
20 those years shall be credited with one (1) year of experience. No more than one (1)
21 year of experience shall be credited for the performance of teaching duties during a
22 single school year;

23 ~~(9)~~{(8)} "Kindergarten full-time equivalent pupil in average daily attendance" means
24 each kindergarten pupil counted no more than one-half (1/2) day in the aggregate
25 days attended by kindergarten pupils in a public school divided by the actual
26 number of days school is in session after the five (5) days with the lowest
27 attendance have been deducted. Kindergarten is the entry level of the primary

1 program and shall be provided no less than the equivalent of one-half (1/2) day, five
2 (5) days a week for a full school year for each kindergarten pupil;

3 (10)~~(9)~~ "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 (11)~~(10)~~ "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;

9 (12)~~(11)~~ "Percentage of attendance" means the aggregate days attended by pupils in a
10 public school for the school year divided by the aggregate days' membership of
11 pupils in a public school for the school year;

12 (13)~~(12)~~ "Public school fund" means the fund created by KRS 157.330 for use in
13 financing education in public elementary and secondary schools;

14 (14)~~(13)~~ "Secondary school" means a school consisting of grades seven (7) through
15 twelve (12), or any appropriate combination of grades within this range as
16 determined by the plan of organization for schools authorized by the district board.
17 When grades seven (7) through nine (9) or ten (10) are organized separately as a
18 junior high school, or grades ten (10) through twelve (12) are organized separately
19 as a senior high school and are conducted in separate school plant facilities, each
20 shall be considered a separate secondary school for the purposes of KRS 157.310 to
21 157.440;

22 (15)~~(14)~~ "Single salary schedule" means a schedule adopted by a local board from
23 which all teachers are paid for one hundred eighty-five (185) days and is based on
24 training, experience, and such other factors as the Kentucky Board of Education
25 may approve and which does not discriminate between salaries paid elementary and
26 secondary teachers. If the budget bill contains a minimum statewide salary
27 schedule, no teacher shall be paid less than the amount specified in the biennial

1 budget salary schedule for the individual teacher's educational qualifications and
2 experience;

3 **(16)** "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 **(17)** "Teacher" means any regular or special teacher, principal, supervisor,
7 superintendent, assistant superintendent, librarian, director of pupil personnel, or
8 other member of the teaching or professional staff engaged in the service of the
9 public elementary and secondary school for whom certification is required as a
10 condition of employment;

11 **(18)** "Teaming partner" means a nongovernmental entity that contracts with a
12 school district to provide preschool education programs to eligible children in a
13 nonresidential setting;

14 **(19)** "Virtual program" means a program offered by a public school district in which all
15 courses in the program are virtual, do not include regular in-person instruction, and
16 are designed as an alternative to traditional in-person school programs; and

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

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

25 (1) **(a)** Until the end of the 2033-2034 school year, each local school district shall
26 ensure that a developmentally appropriate half-day preschool education
27 program is provided for each child who: ~~is at risk of educational failure and~~

~~who~~]

1. Is four (4) years of age

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

(b) —] by August 1; and

2. Resides in a household with an income at or below one hundred sixty percent (160%) of the federal poverty level[, for 2017 or any year thereafter].

All other four (4) year old children shall be served to the extent placements are available.

(b) No later than July 1, 2034, each local school district shall ensure that a developmentally appropriate half-day preschool education program is provided for each eligible child as defined in Section 1 of this Act. Prior to the 2034-2035 school year, each local school district may elect to ensure that a developmentally appropriate half-day preschool education program is provided for each eligible child as defined in Section 1 of this Act.

16 (2) The Kentucky Board of Education, upon the recommendation of the chief state
17 school officer, shall adopt administrative regulations establishing the guidelines for
18 the program. *The program guidelines established shall be applicable to all*
19 *providers of preschool education programs and services pursuant to this section,*
20 *including teaming partners. The guidelines shall include:*

(a) Enrollment eligibility criteria;

(b) Minimum class sizes and staff-to-child ratio;

(c) *Standards for personnel;*

(d) *The minimum number of hours and days programs shall operate;*

(e) Standards for curriculum that are aligned with Kentucky's Early Childhood

Standards:

(f) *Standards for ensuring enrolled children are kindergarten ready:*

1 (g) Requirements for facilities, safety, health, and transportation;
2 (h) Processes for the collection and reporting of data necessary to implement
3 subsection (3) of this section;
4 (i) Guidance for local school districts providing preschool education programs
5 or services in collaboration with teaming partners; and
6 (j) Any other guidelines necessary to provide developmentally appropriate
7 preschool education programs or services or to implement the provisions of
8 this section.

9 (3) (a) The Kentucky Department of Education shall establish and maintain a
10 statewide unified data system for all preschool education program
11 providers.

12 (b) Providers shall collect and submit to the department on an annual basis
13 enrollment, quality, workforce, and student success data.

14 (c) By November 1 of each year, the department shall publish the data to a
15 public website designated for that purpose~~[Administrative regulations shall~~
16 ~~establish eligibility criteria, program guidelines, and standards for personnel]~~.

17 (4){(2)} "Developmentally appropriate preschool program" means a program which
18 focuses on the physical, intellectual, social, and emotional development of young
19 children. The preschool program shall help children with their interpersonal and
20 socialization skills.

21 (5){(3)} Funds appropriated by the General Assembly for the preschool education
22 programs shall be granted to local school districts according to a grant allotment
23 system approved by the Kentucky Board of Education. ~~[Children who are at risk~~
24 ~~shall be identified based on the Federal School Lunch Program eligibility criteria~~
25 ~~for free lunch. }~~ Appropriations shall be separate from all other funds appropriated
26 to the Department of Education and shall be administered in accordance with
27 applicable federal and state statutes and administrative regulations. Eligible local

1 school districts shall receive funds based on the average number of preschool
2 children being served on December 1 and March 1 of the prior academic year who
3 are appropriately identified as:

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

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

8 ~~(6)~~⁽⁴⁾ A child shall be eligible for a free and appropriate preschool education and
9 related services if:

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

13 2. The child has been identified in accordance with the definitions and
14 procedures for exceptional children and youth in accordance with KRS
15 157.200(1)(a) to (m); and

16 (b) The child is three (3) or four (4) years of age~~for~~:

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

18 2. ~~by August 1, for 2017 or any year thereafter~~.

19 ~~(7)~~⁽⁵⁾ The chief state school officer shall receive and review proposals from local
20 school districts for grants to operate or oversee the operation of developmentally
21 appropriate preschool education programs. Districts may submit proposals for
22 implementing new services, enhancing existing preschool education services, or
23 contracting for services. In designing a local early childhood education program,
24 each district shall work with existing preschool programs to avoid duplication of
25 programs and services, to avoid supplanting federal funds, and to maximize Head
26 Start funds in order to serve as many four (4) year old children as possible.

27 ~~(8)~~⁽⁶⁾ Each program proposal shall include, at a minimum:

- (a) A description of the process conducted by the district to ensure 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 (7)(4) of this section.

1 ~~(9)(7)~~ If the superintendent and local Head Start director are unable to reach an
2 agreement on whether a Head Start program is fully utilized, the superintendent or
3 local Head Start director shall notify the chief state school officer. The local Head
4 Start director shall provide the chief state school officer all information relevant to
5 the utilization of the Head Start program. Within thirty (30) days of notification
6 from the superintendent or local Head Start director, the chief state school officer
7 shall make a determination of whether a Head Start program is fully utilized and
8 may execute the certification required by subsection ~~(8)(g)(6)(g)~~ of this section on
9 behalf of the local Head Start director.

10 ~~(10)(8)~~ Programs shall reflect an equitable geographic distribution representative of
11 all areas of the Commonwealth.

12 ➔ SECTION 3. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) To increase preschool enrollment eligibility, each local school district shall work
15 with Head Start and other existing preschool programs to avoid duplication of
16 services and programs, to avoid supplanting federal funds, and to maximize Head
17 Start funds in order to serve as many four (4) year old children as possible, and
18 shall maintain certification from the Head Start director that the Head Start
19 program is fully utilized. If a local school district fails to comply with the
20 requirements of this subsection, the commissioner of education shall withhold
21 preschool funding for an amount equal to the number of Head Start-eligible
22 children served in the district who would have been eligible to be served by Head
23 Start under the full utilization certification required under this subsection. The
24 commissioner of education shall resolve any disputes and make a determination
25 of the district's compliance with the full utilization requirement.

26 (2) By March 1, 2028, a local school district shall prepare and submit a preschool
27 expansion plan to the Kentucky Department of Education for review and

1 approval. Preschool expansion plans may include:

2 (a) The estimated school year when expansion will begin;

3 (b) The existing number of preschool students as of the date of plan
4 submission;

5 (c) The anticipated number of seats needed to enroll all four (4) year old
6 children in the district;

7 (d) The identification of any anticipated implementation and compliance
8 issues;

9 (e) A statement of intent regarding use of teaming partners for implementation;

10 (f) Any infrastructure and facility needs;

11 (g) Any transportation concerns;

12 (h) Any space or capacity concerns;

13 (i) Any anticipated facility, transportation, personnel, or other waivers needed
14 for expansion implementation, if any; and

15 (j) Any additional information as required by the department.

16 (3) (a) By December 1, 2027, the department shall promulgate administrative
17 regulations in accordance with KRS Chapter 13A to establish:

18 1. Procedures for school districts to submit preschool expansion
19 implementation plans to the department for review and approval;

20 2. Procedures and requirements for school districts to contract with
21 treaming partners to provide preschool education programs or services
22 for eligible children;

23 3. Requirements for school districts to proceed with preschool expansion
24 without the use of teaming partners, including documentation
25 certifying that teaming partners do not exist in the school district,
26 cannot meet the requirements of the program guidelines established in
27 administrative regulation, or choose not to participate;

1 4. Procedures for school districts to submit preschool expansion program
2 waivers to the department for review and approval;
3 5. Procedures for a school district to apply for preschool expansion
4 funds following submission and approval of its preschool expansion
5 plan, including the creation of a uniform application form and
6 application review guidelines;
7 6. Procedures for review and approval of a school district's application
8 for preschool expansion funds;
9 7. Procedures and criteria to be used by the department to distribute
10 preschool expansion funds to approved school districts through a
11 grant allotment system; and
12 8. Any additional administrative regulations necessary to effectuate this
13 section.

14 (b) When promulgating administrative regulations under this section, the
15 department shall consider standards and procedures that have been found
16 to be best practices relative to the regulation of preschool education
17 programs or services for children.

18 (4) By December 1, 2028, and each year thereafter, the department shall submit a
19 report to the Legislative Research Commission regarding preschool expansion for
20 referral to the appropriate Interim Joint Committee on Education. The purpose
21 of the annual report is to guide the General Assembly in expanding preschool
22 access in a phased and responsible manner. The report submitted by the
23 department shall include:

24 (a) A summary of the information provided by local school districts in their
25 respective preschool expansion plans;

26 (b) An assessment of:

27 1. The current state of preschool education programs or services in the

Commonwealth of Kentucky; and

2. The ability of four (4) year old children in all areas of the state to access preschool education programs or services;

(c) Any recommendations for the continued expansion of preschool access in the Commonwealth of Kentucky;

(d) Any recommended additions or revisions to this chapter; and

(e) Any other data or information requested by the Legislative Research Commission relating to the preschool education programs or services and this chapter.

10 (5) The General Assembly of the Commonwealth of Kentucky recognizes the
11 importance of preschool education programs for children. It is the intent of the
12 General Assembly to expand access to preschool education and services to all
13 four (4) year old children in the Commonwealth of Kentucky, and such
14 expansion shall occur in a phased and responsible manner based on program
15 enrollment growth and available funding.