

126CSR28

**TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION**

SERIES 28

West Virginia's Universal Access to a Quality Early Education System (2525)

§126-28-1. General.

1.1. Scope. - - This procedural rule establishes the criteria for approving and operating programs for four-year-old children and three-year-old children as mandated under federal law and herein after is referred to as WV Pre-k (hereinafter WV Pre-k).

1.2. Authority. - - W. Va. Constitution, Article XII, §2 and W. Va. Code §§16-3-4, 18-2-5, 18-2E-1 et seq., 18-5-17, 18-5-18c, and 18-5-44. All requirements of this policy are mandated components unless otherwise noted.

1.3. Filing Date. - - July 13, 2007

1.4. Effective Date. - - August 13, 2007

1.4.1. Unless specified otherwise within the policy.

1.5. Repeal of former rule. This rule amends W. Va. 126CSR28, West Virginia Board of Education (hereinafter WVBE) Policy 2525, West Virginia's Universal Access to Early Education System (hereinafter Policy 2525), filed July 14, 2005 and effective August 14, 2005.

§126-28-2. Guidelines.

2.1. WV Pre-k classrooms shall:

2.1.1. be voluntary

2.1.2. be readiness programs that are designed to meet the needs of all eligible children.

2.1.3. deliver content through the chosen approved curricular framework and the West Virginia Early Learning Standards Framework W. Va. 126CSR440, WVBE Policy 2520.15, Early Learning Standards Framework Content Standards and Learning Criteria for West Virginia Pre-kindergarten (hereinafter the WVLSF).

2.1.4. provide the building blocks for literacy

2.1.5. view children within the context of their family.

126CSR28

2.1.6. utilize state approved curricular frameworks and assessments to inform and individualize instruction.

2.1.7. employ staff with strong professional education preparation in child development and early childhood education.

2.1.8. build on what children already know in order to consolidate their learning and foster acquisition of new concepts and skills through hands-on active exploration of their learning environment, problem solving, communication, creativity, and use of their imaginations.

2.1.9. incorporate meaningful ways of communicating with and involving parent/guardian/family.

2.1.10. evaluate program success for meeting the needs of the child through the use of the Early Childhood Environmental Rating Scale – Revised which will be administered by a trained, collaborative county team or outside experienced observer team.

2.1.11. establish teacher/child ratios and class size according to recommended guidelines.

2.1.12. maximize existing community, state and federal resources.

2.1.13. be an integral part of the West Virginia birth to kindergarten system of education and care.

2.1.14. take place in safe and healthy environments.

2.1.15. be inclusive of all children.

§126-28-3. Definitions.

3.1. *Active media* means materials that the child can control while participating in an activity such as taking pictures with cameras, making audio or video tapes, playing video games or working on a computer.

3.2. *Adequate supervision* means the observation, oversight, and guidance of the individual child or groups of children by the staff member taking responsibility for the ongoing activity of each child so that the staff member is close enough to intervene, if necessary, to protect the child from harm. Adequate supervision requires the staff member's physical presence, knowledge of the child's program of activities, individual needs, habits, interests and special problems, if any, and the acceptance of accountability for the child's or groups of children's care.

3.3. *Approved funding sources* means any funds used directly to support WV Pre-k classrooms for eligible children including West Virginia State Aid Funding Formula, Head Start

126CSR28

funds, Even Start funds, Temporary Assistance to Needy Families, Child Care Development Funds, funds under the Elementary and Secondary Education Act (No Child Left Behind), funds provided by the School Building Authority of West Virginia, funds under the Public Law 108-446, Individuals with Disabilities Education Improvement Act of 2004, and any other private or public funds.

3.4. *Approved WV Pre-k participating programs* includes public school preschool, including preschool special education, and any community provider that contracts with the Local Education Agency (hereinafter LEA) including, but not limited to, childcare, private preschool, Head Start, and community-based programs that meet or exceed all of the requirements of this policy and are a part of a county's collaborative plan. Children participating in approved WV Pre-k participating programs can be counted in the school aid funding formula and the participating programs are eligible to receive funds through contractual agreements with or direct administration by the county school system.

3.5. *Collaborative setting* means a classroom of WV Pre-k children operated by a community program with resource support from the state through the Local Education Agency (LEA) or a classroom operated jointly by a community program and LEA.

3.6. *Continuous supervision* means the availability and responsibility of a staff member to assist with the children at all times.

3.7. *Contracted community program* shall mean any provider of early childhood services that meets all of the requirements of this policy and has a contractual agreement with the county school system to operate a WV Pre-k classroom.

3.8. *Core knowledge and core competencies for early care and education professionals* shall mean the sets of skills and knowledge that represent common standards of satisfactory practice in the early childhood field as defined in West Virginia State Training And Registry System (hereinafter WV S.T.A.R.S.) Core Knowledge and Core Competencies for Early Care and Education Professionals.

3.9. *County collaborative plan* means the plan each county school board, in cooperation with the county collaborative team, is required to submit. The plan shall include an analysis of facility and personnel needs, an analysis of demographics of the county related to the early childhood program implementation, financial requirements for implementation and potential sources of funding to assist implementation, details of how the county board will cooperate and collaborate with other early childhood programs, specific timelines for implementation, and any other requirements of this policy.

3.10. *Developmentally appropriate* means early childhood programming, curricula, and activities that address the stages of each child's cognitive, physical, social/emotional, and cultural development and utilizes a balanced approach of both child initiated and teacher directed

126CSR28

instruction. Children should be actively engaged in hands-on, interactive activities for learning for a substantial portion of the day.

3.11. *Direct supervision* means that a qualified staff member is physically present in the same room, area, or vehicle with the child or group of children, visually monitoring the interactions of the children.

3.12. *Eligible child* shall mean any child, regardless of ability, who is four prior to September 1 of the year he/she is to enroll. Three year old children can be enrolled in the WV Pre-k System if they have an Individualized Education Program (hereinafter IEP.) Three year olds without IEPs may be present in the collaborative classroom if they qualify under the community program's enrollment guidelines. Children may not be excluded based on developmental delays. Children who are five prior to September 1 shall be enrolled in kindergarten, instead of WV Pre-k, unless the teacher, in cooperation with the parent, uses assessment data to determine that kindergarten placement for that child is not in the child's best interest. A five year old with special needs may be placed in a WV pre-k classroom if the IEP committee deems the setting as the best placement for the child. A child may remain in the WV Pre-k classroom for longer than one year if the decision is in the best interest of the child and based on curricular assessment data with mutual agreement between the teacher and parent/guardian.

3.13. *Experienced Early Childhood Environmental Rating Scale – Revised (hereinafter ECERS-R) Observer* is a person who has successfully completed modules I, II, and III of the West Virginia Experienced ECERS-R Observer Training .

3.14. *Local Education Agency (hereinafter LEA) Pre-k County Contact* is the person responsible for implementation of the West Virginia Pre-k System at the local education agency.

3.15. LEA means the county school system as the administrative entity for each county.

3.16. *HealthCheck* is the name of the screening tool and protocol recommended to be used for all children entering WV Pre-k. HealthCheck meets screening requirements including vision, hearing, speech, language, and dental health. HealthCheck forms are located at <http://www.wvdhhr.org/mcfh/ICAH/healthcheck/Default.htm>.

3.17. *Passive media* means materials the child cannot control while participating in an activity such as watching television, films and video tapes.

3.18. *Program availability* means offering each preschool class a minimum of 12 hours per week. Beginning July 1, 2008, classrooms cannot operate for more than 30 hours per week during the school year calendar and must be offered no less than 108 instructional days per school year. Up to six of those 108 days may be used for home visits/parent conferences.

126CSR28

3.19. *Responsible adult* means a parent, staff member, or other adult whom the parent has designated.

3.20. *Staff: child ratio* means a relationship which describes the number of children one qualified staff member or substitute is permitted to supervise.

3.21. *Staff member* means any paid personnel, including substitutes, and student teachers.

3.22. *Teacher caseloads* means the total number of children a teacher in a WV Pre-k classroom is responsible for teaching and assessing each year.

3.23. *Trained collaborative ECERS-R team* means two or more persons with experience and knowledge of early childhood who have completed, at a minimum, the WV Experienced ECERS-R Observer Training, Module I.

3.24. *Universal access* shall mean that every eligible child in the county has access to a high quality WV Pre-k classroom that meets or exceeds all of the requirements of this policy.

3.25. *Universal application* means an enrollment form that may be used by all participating community partners at the county level to determine placement and enrollment of eligible children in the county's pre-k system.

3.26. *Universal precautions* means procedures to be followed for infection control in all situations to prevent the transmission of blood borne germs that may be spread through blood or body fluids that might contain blood.

3.27. *West Virginia Community Program Permanent Authorization* is a credential requiring teachers in early childhood community programs to have earned an Associate's degree in early childhood, child development, or occupational development with an emphasis in early childhood/child development and 21 hours of prescribed college coursework.

§126-28-4. Parent/Guardian Involvement and Family Support.

4.1. Parent/guardian involvement and family support must include:

4.1.1. a minimum of two documented face to face conferences annually with each child's parent/guardian/family. Home visits are recommended for these conferences.

4.1.2. documented methods of communicating with parents/guardians such as newsletters, child activity reports, phone calls, home visits, e-mail and conferences.

4.1.3. services to children and their families necessary to support the child in his/her transition into, participation in, and transition out of the program.

126CSR28

4.1.4. for children who come from homes where languages other than English are spoken, support services including communication that is comprehensible and supportive of both the native language and English language development.

4.1.5. support services pursuant to WV 126CSR16, WVBE Policy 2419 - Regulations for the Education of Exceptional Students (hereinafter Policy 2419) provided in accordance with the needs specified in the child's Individualized Education Program for preschool children with disabilities who are integrated into the program.

4.1.6. opportunities for parents/guardians/family to participate in decision making about their child's education.

4.1.7. classrooms that are open to parents/guardians/families and where parents/guardians/families are encouraged to observe children in the classroom and to participate in classroom activities.

§126-28-5. Attendance.

5.1. Enrollment in an approved participating WV Pre-k program is voluntary; however, once the child is enrolled, attendance must follow W. Va. Code §18-8-1, et seq., which allows the program administrator (i.e. principal, director, executive director), teacher and parent/guardian to disenroll the child if they concur that requiring further attendance for that school year is not in the best interest of the child. Once a child is disenrolled, re-enrollment is not guaranteed.

5.2. Each county must establish and implement procedures to ensure that the parent/guardian and other family members, as appropriate, understand about the availability of services, the attendance policy and the benefits of childhood education.

5.3. Each county must include in its county collaborative plan a provision for working with families whose children are chronically absent and/or tardy that does not penalize the family for acting in the best interest of the child.

§126-28-6. Collaboration and the County Plan.

6.1. Through joint planning with community partners, each county board of education must submit a county plan (an original and three copies) to the Secretary of West Virginia Department of Health and Human Resources (hereinafter WVDHHR) and WVBE that reflects meaningful involvement of the county collaborative team.

6.2. The West Virginia Department of Education (hereinafter WVDE), in collaboration with the West Virginia Department of Human Resources has the responsibility of convening a committee to review the quality and content of the county plans by representatives from the WVDE, WVDHHR, and the Head Start Collaboration Office. The committee will make

126CSR28

recommendations to the Secretary of WVDHHR and the WVBE regarding approval of the county collaborative plans. Participation on the committee by WVDHHR and Head Start State Collaboration Office will ensure the (1) maximization of federal and other available funds and (2) maximization of Head Start programs and other public and private programs approved by the State Superintendent of Schools.

6.3. Each county early childhood team shall meet regularly throughout the year to ensure that the following outcomes are met.

6.3.1. Joint decisions are made about the location of WV Pre-k classrooms including Preschool Special Education classes.

6.3.2. Decisions are made about responsibilities for sharing resources for each classroom including but not limited to staffing, facilities, food service and transportation.

6.3.3. A county wide joint universal application and enrollment process that includes a selection and placement criteria for children is utilized.

6.3.4. Services for children with identified special needs are provided in least restrictive environment according to the requirements of that child's IEP.

6.3.5. All approved participating programs are included or represented.

6.4. If a county plan is not recommended for approval, it will be returned to the county board of education with an explanation and instructions for re-submission. The County Superintendent and LEA county contact shall share this information with the county early childhood collaborative team upon receipt. The changes to the plan shall be signed by all required collaborative partners of the county collaborative team prior to resubmission. Once the county plans are reviewed by the collaborative review committee and recommended for approval or nonapproval, the signature of the Secretary of WVDHHR is secured. The Secretary of WVDHHR then forwards the list of approved and nonapproved plans to the WVBE for the July board meeting of the WVBE. At this meeting, the WVBE will vote to accept or reject the Secretary's list.

6.5. Changes, updates and amendments to the county plans are to be submitted to the WVDHHR and the WVBE in February each year until 2013 or until such time as the county offers universal access to a high quality program, as defined by this policy, for all eligible children in that county. Collaborative settings support the maximization of resources as required by W. Va. Code §18-5-44. Counties must maximize early childhood resources by collaborating with existing programs within the county before opening new classrooms operated solely by the LEA, unless those collaborative partners do not exist, or choose not to participate. A county's collaborative plan will reflect the documentation to support maximization of resources, as well as, reflect how this plan identifies both potential resources and the efficient use of currently existing resources.

126CSR28

6.6. All changes of substance to the approved county collaborative plan must be submitted with signatures of all the required collaborative partners for approval to the Secretary of WVDHHR and the WVBE, or their respective designees, 30 days prior to the implementation of the changes. Failure to do so will negatively impact the approval status of the county collaborative plan. If the approved plan is not implemented and changes are not submitted and approved, a corrective action plan will be enforced.

6.7. In order to support counties in the effort to maximize existing resources by 2012-2013 or by full implementation, no less than 50% of the classrooms for eligible children must be provided through contractual agreements with community programs, including but not limited to Head Start and child care, unless the county collaborative team can document that those programs do not exist in that county, can never meet the mandates of this policy, or choose not to participate. Counties shall explore all feasible supports to enable community partners to meet the requirements of this policy, including providing certified teachers in community programs, before determining that programs cannot meet the mandates. This may not be construed to mean that counties will provide education services in public school settings only and contract out support services but rather that 50% of the classrooms for eligible children must be contracted with qualifying providers in collaborative settings. This ratio of community to public school providers can only be decreased with the written permission of both the WVBE and the Secretary of WVDHHR. When the county school system includes the eligible children attending in an approved, contracted community program in the count for the school aid funding formula, a portion of the money generated by the formula must be used through the contractual agreement to insure that the requirements of this policy are met and adhered to for the length of the contract. Counties shall phase in classrooms incrementally to meet the requirement for universality by 2012-13. In an instance when the LEA is the Head Start grantee, those settings are considered part of the mandate for collaboration; however, the collaboration does not fulfill these requirements for collaboration with community partners if those partners are available.

6.8. The county collaborative team must include, at a minimum, representation from the county school system preschool program, the county school system preschool special needs program, a licensed community child care program in that county not operated by the county school system, the Head Start program in that county, the local department of health and human resources, and a parent/guardian of a preschool child. Due to the nature of child care, every licensed child care program in that county must be extended an invitation to participate on the planning team. The county must submit a list of invitees with the county plan; however, all responses shall be kept on file at the LEA.

6.9. The county collaborative team shall annually assess the composition of the county collaborative team and should include a representative from the West Virginia Birth to Three System Regional Administrative Unit, the parent/guardian educator resource centers, child care resource and referral agencies, classroom teachers, Family Resource Networks, early parent/guardian education, local apprenticeship for child development specialist council, health, Starting Points, business, faith based early childhood program providers, Community Action, child abuse prevention agencies, higher education, and/or other community organizations and

126CSR28

persons interested in, knowledgeable of, working with young children and their families providing support and education.

6.10. Any member of the county collaboration team that will provide services to eligible children in that county must follow all rules and regulations as outlined in this policy. The contract/agreement between the collaborating agencies must address how the collaborative will assure compliance with all applicable regulations and standards. It is the responsibility of the collaborative partners to ensure that the staff and administrators receive professional development related to the policies and regulations of all the collaborative partners.

6.10.1. In collaborative classrooms where community partners have regulations such as the Head Start Performance Standards or WVDHHR Child Care Licensing, these regulations shall apply in addition to WVBE Policy 2525.

6.10.2. Part-day community programs that are exempt from child care center licensing under WV Code 49-2B-3(e)(1) must be licensed in order to participate in WV Pre-k unless they are located in a LEA site.

6.11. The county collaborative plan must include documentation by each participating partner of his or her role in the development of the county collaborative plan.

6.12. The LEA must submit a request with the county collaborative plan to complete the determination process for universality for the following year.

6.13. Once a county collaborative plan is approved, in order to receive funding through the West Virginia State Aid Funding Formula, the LEA must submit the contract and budget for each collaborative classroom in that county to the WVDE Assistant Director of Early Learning and Literacy no later than August 1 of that year. Budgets will be submitted both in an EXCEL format and in paper form with the contractual partners' signatures.

6.14. Every county collaborative team must use a universal application and enrollment process that includes the necessary information to support enrollment in Head Start, child care and other community partner programs.

§126-28-7. Personnel Standards.

7.1. Teachers employed in a WV Pre-k classroom and hired by the LEA must hold the appropriate license issued by the WVDE.

7.2. To fully maximize resources, community partners may choose to hire their own personnel for the WV Pre-k collaborative classroom. Teachers employed in a WV Pre-k classroom operated by a community program may hold a Professional Teaching Certificate endorsed in Early Education, Preschool Education, or Preschool Special Needs; OR

126CSR28

7.3. When no fully certified teacher is available within or for hire by the community program, the person employed by a community program should hold the minimum of a bachelor's degree and meet the requirements specified in W. Va. 126CSR136, WVBE Policy 5202, Minimum Qualifications for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (hereinafter Policy 5202), Section 11.1, for the First-Class/Full-Time Permit for Professional Teaching endorsed in Early Education, Preschool Education, or Preschool Special Needs; OR

7.4. When no fully certified teacher or an individual eligible for the First-Class/Full-Time Permit for Professional Teaching is available within or for hire by the community program, the person employed by the community program must be eligible for a Permanent Authorization for Community Programs.

7.4.1. General Criteria: The Permanent Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of an associate's degree through an accredited institution of higher education as defined Policy 5202, §126-136-4.5; 2) the general requirements specified in Policy 5202, §126-136-9.1.1; 3) the minimum GPA specified in Policy 5202 §126-136-9.8; and the conditions for issuance specified in §126-28-7.2.2.

7.4.2. Conditions for issuance: The applicant for the Permanent Authorization for Community Programs must submit evidence of the following:

a. College/University Coursework: The minimum of an associate's degree in child development, early childhood, or occupational development with an emphasis in child development/early childhood; AND

b. Specialized Training. - Verification of coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement; AND

c. Experience. – Verification of at least one year of early education teaching experience.

d. Verification of employment- Signature of contracted community program director.

7.4.3. Validity Period. – The Permanent Authorization for Community Programs shall continue to be valid unless surrendered, suspended, or revoked for just cause.

7.5. When no individual who is eligible for the Permanent Authorization for Community Programs is available within or for hire by the community program, the person employed by the community program must be eligible for a Temporary Authorization for Community Programs.

126CSR28

7.5.1. General Criteria. - The Temporary Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of an associate's degree through an accredited institution of higher education as defined Policy 5202, Section 5.4.2) the general requirements specified in Policy 5202, Section 9.1.1; 3) the minimum GPA specified in Policy 5202, Section 9.8; and the conditions for issuance specified in Section 7.3.2.

7.5.2. Conditions for Issuance. - The applicant for the Permanent Authorization for Community Programs must submit evidence of the following:

a. College/University Coursework. - The minimum of an associate's degree in child development, early childhood, or occupational development with an emphasis in child development/early childhood; AND

b. Experience. - Verification of at least one year of early education teaching experience.

c. Commitment. - Submission of Professional Commitment verifying the applicant's strategy for completing coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement.

7.5.3. Validity Period. - The Temporary Authorization for Community Programs shall be valid for one school year and shall expire on June 30. An educator employed on or after January 1 may be issued a Temporary Authorization valid until June 30 of the following school year.

7.5.4. Three Year Limit. - All requirements for the Permanent Authorization for Community Programs must be completed within three years of the original issuance of the Temporary Authorization for Community Programs.

7.6. Renewal of the Temporary Authorization for Community Programs.

7.6.1. Conditions of Issuance. - The holder of the Temporary Authorization for Community Programs who continues to be employed by a community program must submit evidence of satisfying the following:

a. College/University Coursework. - Completion of credit approved by the WVDE through either six semester hours of coursework reflecting the minimum 3.0 GPA; AND

126CSR28

b. Commitment. – Submission of Professional Commitment verifying the applicant's strategy for completing coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement.

7.7. Persons who are employed to meet the staff/child ratios but are not certified teachers such as aides, assistants, or paraprofessionals must meet the criteria set forth in the WV S.T.A.R.S. career pathway level II. Level II is defined as persons who are at least 18 years old with a high school diploma or equivalent and one year of experience and possess the ability to understand and practice the core knowledge/core competencies with direction and instruction or through sponsorship of a professional organization or qualified mentor.

§126-28-8. Health and Safety Requirements.

8.1. Recognizing that all children within the WV Pre-k System shall be in safe and healthy environments, and that all of the collaborative partners within the WV Pre-k System have rules and regulations governing various aspects of their programming, this policy sets forth a core set of common health and safety standards that must be followed in addition to any existing rules and regulations based on funding sources for individual programs. Classrooms in public schools will be monitored as a part of the Office of Education Performance Audit auditing process in addition to daily supervision by county and school level administrators to assure all health and safety requirements are met. Collaborative classrooms will also be monitored for compliance with the Head Start Performance Standards in partnership with local and federal Head Start personnel. Classrooms operated by or in collaboration with licensed child care be licensed under WVDHHR Child Care Licensing, W.Va. 78CSR1.

8.2. WV Pre-k classrooms shall limit class size to no more than twenty children per classroom. Ratios shall be two staff:20 children with one of the staff being a teacher. At naptime the allowable ratio is 1 staff member: 20 children. Caseloads for teachers of classrooms with children who have IEPs shall meet the requirements of WVBE Policy 2419. Teachers with no children who have IEPs shall not have more than 30 children for whom they are responsible.

8.3. Prior to or during the first week of employment in a WV Pre-k classroom, an orientation for new staff will be provided that includes a review of: WVBE Policies 2525 and 2520.15; classroom operational requirements; policies and procedures for confidentiality and information disclosure; behavior management; reporting child abuse and neglect and emergencies; policies and procedures for basic sanitation and infection control; policies and procedures for safety; including prevention of injury both indoors and outdoors; and fire safety; including the use of fire extinguishers; and training in abuse recognition and prevention. Existing staff members shall be knowledgeable of the above policies and procedures.

8.4. When children with IEPs are enrolled in the WV Pre-k classroom, ratios shall be met as set forth in WVBE Policy 2419.

126CSR28

8.5. If WV Pre-k classrooms are operating for more than four hours, meals must be provided in accordance with the guidelines set forth under the WVDE Child and Adult Care Food Program or National School Lunch Program. Meals shall be served in a setting that encourages socialization and self-help skills, where the children and staff members are seated together when eating, and classroom staff members provide supervision and encourage positive eating habits and conversation. Programs not providing breakfast or lunch must provide a nutritious snack that meets the USDA meal pattern or nutrient standard menu planning requirements.

8.6. All children entering an approved participating WV Pre-k classroom must have age appropriate immunizations upon enrollment as defined by the American Academy of Pediatrics and recommended by WVDHHR, located at http://www.wvdhhr.org/immunizations/pdf/Pre-K_Vacc_Chart_final.pdf. A Superintendent's Interpretation related to immunizations can be reviewed at <http://wvde.state.wv.us/interpretations/view/8/227/interpretation.html>. Children that are not fully immunized, may be enrolled providing a plan has been developed to assure full immunization, but may not enter WV Pre-k classrooms until they have received the first series of required immunizations.

8.7. A WV Pre-k classroom shall have on file within 45 days of enrollment or prior to the first day of school attendance a record of a HealthCheck form, or other comprehensive health screening comparable to the HealthCheck protocol. All screening forms shall be signed by the child's licensed health care provider and completed within the past year (HealthCheck forms are located at <http://ww.wvdhhr.org/mcfh/ICAH/healthcheck/Default.htm>) that include any special required instructions for the WV Pre-k classroom. Counties can retain the right to conduct follow-up screenings.

8.8. Children in the WV Pre-k System classroom shall be observed by staff daily for changes that may indicate injury, infestation or illness, and record any observed changes in the child's file and notify the family.

8.9. Student information related to all health and medical conditions and documented on HealthCheck form or any other comparable information must be treated as confidential information and be maintained according to The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99) and in such a manner that no one could view these records without proper authorization as specified in W. Va. 126CSR94, WVBE Policy 4350 – Procedures for the Collection, Maintenance and Disclosure of Student Data. Failure of school personnel to comply with the above rules shall result in personnel disciplinary actions based on W. Va. 126CSR142, WVBE Policy 5310 – Performance Evaluation of School Personnel W. Va. 126CSR, WVBE Policy 5902 – Employee Code of Conduct .

8.10. Staff members shall utilize universal precautions when exposed to blood and body fluids that might contain blood, as specified in WVBE Policy 2423 – Communicable Disease Control (126CSR51).

126CSR28

8.11. The children shall have adequate supervision at all times. When children are on the premises, a WV Pre-k participating program shall ensure that staff: child ratios are met and at least two staff members are available at all times.

8.12. Staff shall ensure that the guidance, behavior management and discipline practices are constructive and educational in nature, appropriate to each child's age and circumstances, and in keeping with the WV Pre-k program's policies and procedures;

8.13. At all times, staff members are responsible for providing positive guidance that is appropriate to each child's age, understanding and circumstances. When a behavior problem arises, qualified staff members shall:

8.13.1. redirect the child to alternative behavior or other activities;

8.13.2. encourage the child to control his or her own behavior, cooperate with others and solve problems by talking through the issues;

8.13.3. speak so the child understands that feelings are acceptable, but inappropriate behaviors and actions are not; and/or

8.13.4. take action that relates to inappropriate behavior and ensure that any action that is taken is without bias and in proportion to the child's act.

8.14. Handling Behavior Problems. Staff members and other adults in a WV Pre-k classroom shall not handle behavior problems by:

8.14.1. subjecting a child to physical punishment of any kind.

8.14.2. putting anything in or on a child's mouth as punishment;

8.14.3. restraining a child by any means other than a firm grasp around a child's arms or legs and then for only as long as is necessary for the child to regain control;

8.14.4. subjecting a child to psychological punishment of any kind, including but not limited to, ridicule, humiliation, or negative remarks about the child or the child's family, including remarks about race, gender, religion or cultural background;

8.14.5. using harsh or profane language, yelling, screaming, or actual or implied threats of physical punishment;

8.14.6. punishing or threatening a child in association with food, rest or toilet training;

8.14.7. isolating a child without supervision or placing the child in a dark area;

126CSR28

8.14.8. permitting a child to discipline other children;

8.14.9. punishing an entire group for the actions of one child or a few children; or

8.14.10. seeking or accepting parental permission to use physical punishment or other actions prohibited by this rule.

8.15. A WV Pre-k program shall develop, implement and maintain policies and procedures for the reporting of child abuse and neglect that include:

8.15.1. the definition of child abuse and neglect, and

8.15.2. the requirement to report immediately, in accordance with W. Va. Code § 49-6A-1 et seq., any suspected incident of child abuse and neglect to Child Protective Services, or when the staff member believes that the designated person-in-charge would not or has failed to report the suspected incident, to the Child Abuse Hotline, 1-800-352-6513.

8.16. Each WV Pre-k classroom shall provide a minimum of 35 square feet per child of usable classroom space. A WV Pre-k program shall not provide activity space in a basement area unless the basement area is approved by the State Fire Marshal.

8.17. A WV Pre-k program shall provide an outdoor play area that includes a minimum 75 square feet of space per child, or if the outdoor play area has less than that a WV Pre-k program shall establish an outdoor play schedule for rotating groups of children to meet the minimum space requirement and to ensure that each child has an opportunity to play outdoors each day, weather permitting.

8.18. The WV Pre-k program shall provide one flush toilet and one lavatory per 15 children, excluding children in diapers who are not receiving toilet training. Toilets will be easily accessible to the children and provisions must be made so that pre-k children have adequate supervision during toileting. At no time should pre-k children be without adult supervision in the bathroom.

8.19. A WV Pre-k classroom shall provide appropriate daily opportunity for the children in care to have supervised practice of brushing teeth;

8.20. A WV Pre-k classroom shall provide equipment and materials for indoor activities that are clearly organized within activity areas that support programming goals and allow for adequate supervision.

8.21. Pre-K classroom shall provide an opportunity for a child to nap or rest. If the program operates for more than four hours per day a regular rest period shall be scheduled and utilized when the child desires or exhibits the need to rest. Programs operating for less than four hours daily shall assure that children have access to rest areas as necessary. These rest or nap

126CSR28

areas shall be set up to reduce distraction or disturbance from other activities. Appropriate sleeping equipment shall be provided by the program. Children are not allowed to sleep on the floor or in a sleeping bag or on linens without mats or cots.

8.22. Outdoor activity shall be considered an extension of the classroom. When children participate in WV Pre-k programming for more than four daytime hours, weather permitting, a WV Pre-k classroom shall provide a minimum of one hour of outdoor activity daily as a part of the curriculum, on days when the temperature is 40 degrees Fahrenheit or more, and may provide outdoor activity on other days, as appropriate. Daily outdoor activity shall support the implementation of the approved WV Pre-k curriculum and the WV ELSF. Programs operating less than four hours per day must have 30 minutes of daily outdoor activity, weather permitting

8.23. Staff members shall wash their hands before starting work; and staff members and children shall wash their hands with soap and warm, running water for at least 20 seconds:

- 8.23.1. when hands are contaminated with body fluids;
- 8.23.2. before preparing, handling or serving food, or setting the table;
- 8.23.3. after toileting, handling diapers or assisting a child with toilet use;
- 8.23.4. before and after eating meals or snacks;
- 8.23.5. after handling pets or other animals;
- 8.23.6. before giving medication;
- 8.23.7. after playing outdoors;
- 8.23.8. after handling garbage; and
- 8.23.9. after removing protective gloves used for any purpose.

8.24. Because of allergies and the potential dangers associated with having animals in the classroom, animals can only be in the pre-k classroom with prior parent awareness and approval.

8.24.1. A WV Pre-k classroom shall not have on the premises ferrets, birds, reptiles, including snakes, lizards and turtles, or any wild or dangerous animals.

8.25. A WV Pre-k classroom shall ensure that the outdoor play area for a child under school age:

126CSR28

8.25.1. is enclosed on all sides by a natural barrier or secure fence that is at least four feet high with a bottom edge that is less than three and one-half inches from the ground;

8.25.2. if it has a fence, the fence has no openings greater than three and one-half inches;

8.25.3. if it has a natural barrier, the barrier has the strength and density to prevent humans and animals from entering or exiting the playground;

8.25.4. if it is attached to a building, that the barrier or fence provides at least two exits from the play area, including one exit that is at a distance from the building;

8.25.5. when it has an exit that does not lead directly indoors, that it is protected by a gate equipped with a closure mechanism that is out of the reach of a small child and prevents the child from leaving the play area, but can be easily opened by an adult, and

8.25.6. has age appropriate equipment to support the curriculum and the children's development.

8.26. For programs participating in the county collaborative plan, transportation is considered a support, not a mandated service, unless it is a related service for children with disabilities in accordance with state and federal requirements.

8.26.1. Bus drivers are trained in the supervision of young children (in addition to any other staff development received).

8.26.2. Children transported by a school bus who attend a pre-k classroom and are not yet enrolled in kindergarten will sit in a segregated area of the vehicle with other pre-k children.

8.26.3. Staff shall be available to assist children on and off buses at the WV Pre-k site. If a parent/guardian is unable to meet the bus, there shall be a person designated by the parent/guardian to assist the child. Bus drivers must inspect the bus at all final drop off points to assure that no children are left on the bus and these inspections must be charted. A log of daily inspections shall be maintained on file with the principal/supervisor. At each pre-k site where bus transportation is provided, a designated person must follow-up with the family of any child who is not present or accounted for each day.

8.27. When a WV Pre-k classroom plans an activity that involves active media, the center shall ensure that:

8.27.1. the active media supplements but does not replace traditional early childhood materials;

126CSR28

8.27.2. a child has a choice of other activities and materials;

8.27.3. staff members are available to support the activity by discussing the use of the active media with the child;

8.27.4. the computer software chosen is developmentally appropriate and supports creative play and learning; and

8.27.5. no video games or computer software with sexual or violent content, profanity or aggressive behavior are used.

8.28. If passive media is used, a WV Pre-k classroom shall ensure that:

8.28.1. passive media is not routinely part of the daily schedule;

8.28.2. that staff members are available to support the use of it by discussing what is viewed with the child;

8.28.3. the contents of television and movies are designed to benefit the child, with limited viewing time and the child who does not wish to watch has a choice of other activities; and

8.28.4. no television programs, cartoons or movies with sexual or violent content, profanity or aggressive behavior are viewed.

8.29. A WV Pre-k classroom shall ensure that products containing potentially hazardous chemicals, such as identified poisons, medications, certain cleaning supplies, and non toxic art supplies. These items should be stored in a locked cabinet away from food and in their original containers. These chemicals shall be used according to manufacturers' instructions, and in a manner that will not contaminate play surfaces or articles.

8.30. Plastic bags and Styrofoam objects shall not be accessible to the child less than four years of age.

8.31. Handling of balloons by pre-k children is prohibited.

§126-28-9. Standards for Preparing Students.

9.1. The WV Pre-k classroom must implement the WV ELSF, which is aligned with Head Start Outcomes Framework and the kindergarten content standards and objectives. The content standards and objectives for programs serving eligible children are written to reflect a developmental continuum that enhances successful transition into kindergarten. Children shall be assessed on their individual developmental progress along the developmental continuum.

126CSR28

9.2. When a WV Pre-k System classroom opens, it shall be equipped as required by the chosen curricular framework.

§126-28-10. Curriculum and Assessment.

10.1. Only comprehensive curricula systems and comprehensive assessment systems that are included on the approved list shall be used by WV Pre-k classrooms including classrooms that serve children with identified special needs.

10.2. Selection and use of supplemental materials/curricula enhancement, that address core content areas such as language and literacy acquisition or numeracy, must be based on scientifically based research and support the philosophy and techniques of the comprehensive curriculum and the requirements of this section. Teaching strategies such as worksheets, extended periods of sitting, seat work at desks or tables, flashcards, prescribed sequence of content, content areas taught in isolation, requiring all children to be working on the same skill, lack of individualization, or a high level of teacher directed instruction are not allowed as a part of the supplemental curricula.

10.3. Comprehensive curricula systems, curriculum enhancements and comprehensive assessment systems will be approved following a process similar to the process established by the WVDE, including, preschool special education, for adoption of instructional materials using the Partners Implementing an Early Care Education System (hereinafter PIECES) Advisory Council and appropriate subcommittees.

10.4. A comprehensive curricula system must meet the following standards:

10.4.1. include a philosophy, goals and objectives based on current knowledge of child development and learning styles and reflect an understanding of how children learn and develop; by:

a. addressing the developmental needs of eligible children through practices that are consistent with current, nationally recognized, most effective practice;

b. valuing exploration, creativity and construction as the child's primary learning approaches;

c. engaging children actively in the learning process and providing them with opportunities to make meaningful choices;

d. responding to individual children's interest, strengths and needs based on ongoing observation and assessment; and

e. supporting children so they view themselves as part of a larger community.

126CSR28

10.4.2. be balanced and designed to achieve the long-range goals for social, emotional, physical, cognitive and academic (early literacy, early numeracy, and language) achievement; by:

a. incorporating a wide variety of learning experiences, materials and equipment, and instructional strategies that are responsive to the differences in prior learning experiences, maturation rates, and learning styles young children bring to the classroom.

b. supporting a balance of large and fine motor activities, quiet and active times, individual and small and large group activities, child initiated and adult initiated activities, planned and spontaneous activities, and indoor and outdoor opportunities.

c. addressing the development of knowledge and understanding, processes and skills, dispositions and attitudes.

10.4.3. integrate development of all domains, abilities, and content that is relevant, engaging, and meaningful to young children; by:

a. meeting the developmental continuum contained in the content standards and objectives for eligible children as prescribed by the WVBE .

b. building on what children already know in order to consolidate their learning and foster the acquisition of new concepts and skills.

c. reflecting the needs and interest of individual children in the group by including the immediate environment and world with which the children are acquainted.

d. supporting integration of curriculum content through use of a planning organizer (such as themes, projects, key experiences, or webs).

e. including materials and activities that reflect a variety of cultures, languages, ages, abilities, and beliefs.

10.4.4. emphasize the development of thinking, reasoning and problem-solving skills through strategies such as open-ended questions, investigation, imaginative and dramatic play, and peer interactions;

10.4.5. promote flexibility and adaptation to unique needs of children and families where ongoing observation and assessment are used to determine appropriate planning and adaptations for varied learning styles, temperaments, abilities, and languages or modes of communication; by:

a. integrating curriculum and assessment that benefits the child.

126CSR28

b. making opportunities for all children, regardless of ability, to participate in all activities through appropriate adaptations or modifications of activities, assistive technology, materials and/or learning environments.

10.4.6. design a learning environment that supports the curriculum and allows children of all abilities to make choices, to discover, to explore, and to solve problems; ~~by:~~

- a. assuring children's health and safety.
- b. clearly defining learning centers and incorporating them into the classroom.
- c. organizing and labeling materials and equipment and making them accessible to all children.
- d. incorporating non-stereotypical images in all elements of the environment.
- e. supplying a sufficient quantity and variety of appropriate materials.
- f. rotating the availability of materials.
- g. supporting a child's needs for privacy and a safe place to be alone.
- h. introducing children to the unfamiliar.

10.4.7. support the importance of learning during routine times of the day and meeting the physiological needs of children; by:

- a. promoting consistency in schedules and routines and facilitating smooth transitions.
- b. supporting continuity between home and school.
- c. encouraging children's participation in routines to develop responsibility and independence.
- d. recognizing the integral role of adults during routine times.
- e. allowing for flexibility and adaptations for individual children.
- f. supporting positive health and nutrition practices.

126CSR28

g. providing daily rest times for children in programs operating more than four hours/day and allowing non-nappers to engage in quiet activities.

10.4.8. promote, through a variety of strategies, the essential role of families as partners in planning and implementing their child's care and education;

10.4.9. emphasize the value of social interaction to learning in all domains and promote frequent, responsive, respectful interactions between children, staff and children, and staff and families;

10.4.10. recognize the role of children's psychological safety in learning and include guidance techniques that support children;

10.4.11. promote the use of developmentally appropriate curriculum and assessment principles to determine how technology is incorporated into the classroom environment as a complement to, not substitute for, effective teaching or good curriculum; and

10.4.12. include a comprehensive assessment system that evaluates the program's success in meeting the needs of young children, for helping them be ready to succeed in school, and documents the child's individual progress on the continuum of development ~~by:~~

a. supporting the child's development and learning without threatening their psychological safety or feelings of self-esteem.

b. supporting the parent/guardian relationships with their children.

c. demonstrating the child's overall strengths and progress.

d. encouraging self-evaluation by the child.

e. relying on demonstrated performance of real, not contrived, activities.

f. utilizing a variety of tools and processes.

g. allowing for differences in learning style and rate.

h. incorporating a mechanism for sharing with and feedback from the parents/guardians.

i. including the parent/guardian as collaborative partners.

10.5. The curriculum will be a part of the inter-related approach of using curriculum, assessment and content standards and objectives to facilitate the individualization and direction of classroom programming.

126CSR28

10.5.1. Program components must include learning centers, incorporated within the classroom, designed to support literacy, early numeracy, and language, such as

- a. blocks and construction;
- b. books;
- c. manipulatives;
- d. science and nature;
- e. writing;
- f. role playing;
- g. physical activity;
- h. art; and/or
- i. music.

10.6. Classroom design and program implementation for eligible children must exclude the use of student desks, work sheets, long periods of sitting, use of shaming to discipline, withholding of food or bathroom privileges, or any other practice that is not appropriate for the ages/stages of the children or is harmful psychologically or physically.

§126-28-11. Transition and Continuity.

11.1. Each program participating in the county plan must have a written and implemented plan for transitioning children into WV Pre-k and out of WV Pre-k into kindergarten. At a minimum the plan will include:

11.1.1. an opportunity for the child and his/her family to visit the setting into which the child is transitioning.

11.1.2. written information to parent/guardian and/or other family members as appropriate about pre-k or kindergarten registration and what to expect in pre-k or kindergarten.

11.1.3. an opportunity for teachers/providers in the WV Pre-k and into kindergarten and eligible programs in that county to meet annually to discuss how to facilitate successful transition and support the reciprocity of readiness practices.

11.1.4. a county system for transferring assessment data, including but not limited to portfolios, for each child who has participated in a eligible program to the kindergarten

126CSR28

teacher to assist the kindergarten teacher in identifying areas of development and areas for growth to meet the individual needs of each child.

11.1.5. policies and procedures for the transition of children with IEPs into and out of the WV Pre-k and will follow all state and federal requirements.

11.1.6. transition planning which follows the *West Virginia Childhood Transition Checklist* (www.wvearlychildhood.org.)

11.1.7. Programs will be designed to minimize the number of settings in which a child receives education and care services. Parent/guardian should be given options to enroll their child in a program that meets the needs of the family and supports consistency and continuity for the child. Placement shall not be limited to the local school district in which the child lives if openings are available in participating programs within that county that better meet the child and family's needs.

§126-28-12. Inclusive Environments.

12.1. County plans will outline the county's process for providing fully inclusive early childhood classrooms with appropriate supports for children with identified special education needs. Proximity does not guarantee inclusion.

12.2. Children with identified special needs must be served in the least restrictive environment which includes utilizing approved participating partners in WV Pre-k.

12.3. Socioeconomic level, ability, and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

12.4. The IEP placement determination identifies the setting where the IEP will be implemented. Placement decisions must be made consistent with 34 CFR §300.552 that requires:

12.4.1. the student's placement decision is made by the student's IEP Committee;

12.4.2. the placement be in the least restrictive environment based on and consistent with the IEP;

12.4.3. that unless the student's IEP requires some other setting, the child be educated in the early childhood setting where the child would have received services if he/she had not been disabled and as close as possible to his/her home school.

12.5. Placement in separate settings designed for students with disabilities should only be used when a child's IEP cannot be implemented in a less restrictive environment as

126CSR28

determined by the IEP team and documented through multiple formal and informal assessment process.

§126-28-13. Staff Development and Training.

13.1. All county pre-k staff including teachers and teacher assistants/aides/paraprofessionals shall participate in 15 hours of staff development as described in the collaborative professional development plan that will be included in the county collaborative plan include a minimum of six hours of education on issues related to young children with special needs. The collaborative training plan will utilize the annual ECERS-R results, along with other professional development needs assessment data and be based on the Core Knowledge and Competencies for Early Care and Education Professionals (www.wvearlychildhood.org).

13.2. Professional development opportunities shall be registered with the West Virginia State Training and Registry System (WV S.T.A.R.S.) which can be accessed at www.wvearlychildhood.org.

13.3. Time shall be set aside for joint planning by the teacher, co-teachers and/or other professional personnel.

§126-28-14. Program Oversight.

14.1. LEAs have direct responsibility for the public school classrooms in their county. Local program oversight for contracted community programs must be defined in the contracts between the community program and the LEA including, but not limited to, staff evaluation and discipline, will be specified within the resulting collaborative agreements of each participating program in the county plan.

14.2. The WVBE or its designee and the Secretary of the WVDHHR or his/her designee will maintain state oversight.

§126-28-15. Financing.

15.1. Neither the WVBE nor WVDE may provide any funds to any county for the purpose of implementing this policy unless the county has an approved plan as outlined herein.

15.2. Commencing with the school year beginning on July 1, two thousand four, and thereafter, no county board may increase the total number of students enrolled in the county in early childhood programs until its county collaborative plan is approved by the Secretary of the WVDHHR and the WVBE.

15.3. Each LEA shall enroll Pre-k children in community classrooms and generate funding through the school aid funding formula according to the process and criteria established

126CSR28

in the May 10, 2005 WV State Superintendent's Guidance document. Funding generated through community classrooms should be invested in providing quality early education services and local infrastructure to support WV Pre-k classrooms.

15.4. In addition to the resources brought to a pre-k collaboration, community programs participating as partners shall continue using federal and state funding available for these services such as Head Start and Child Care Development Fund monies supporting eligible children.

15.5. WV Pre-k classrooms that provide services to eligible children that can be counted in the county school aid funding formula, must provide those services at no cost to the parent/guardian of the children, including all instructional activities and field trips.

15.6. In child care, pre-k is an enhancement to the regular program during the designated pre-kindergarten hours. Since pre-k under this policy is part of a free public education, parents/guardians shall not be charged additional costs for the enhancement and beginning July 1, 2008 shall be offered a reduction in a child care tuition during the designated pre-kindergarten hours. Support for child care centers to offer reduced tuition shall be a part of the contract between the center and LEA.

15.7. The LEA shall provide sufficient assistance/funding to a collaborative community partner to enable the partner to offer services that meet this policy at no cost to parents and at no deficit to the program. In calculating costs and resources, the county collaborative team should consider a number of issues and cost, such as personnel, facility, materials and furniture, current budgets, needed improvements, and professional development.

§126-28-16. Program Evaluation for Quality Improvement.

16.1. The Early Childhood Environment Rating Scale-Revised (hereinafter ECERS-R, Harms, Clifford, and Cryer, 1998) will be utilized by each county collaborative team as a guidance tool to measure quality in each WV Pre-k classroom. The ECERS-R shall be administered by collaborative teams with representation from the LEA, contracted community partners, and at a minimum one program county administrator or outside observer. The ECERS-R is not intended to be administered by a single individual. By school year 2008-2009, at least one member of each team must be listed with the WVDE as an "Experienced ECERS-R Observer". The ECERS-R shall not be completed by individuals with direct supervision responsibilities for the classroom or by the teacher of that classroom for purposes of submitting the Annual Development Form (ADF) to the WVDE. The results of the evaluation will be submitted annually using the ECERS-R Annual Development Form (ADF) by July 15 to the WVDE, Coordinator of Early Childhood, Building 6, Room 722, 1900 Kanawha Boulevard, East, Charleston, WV 25305-0330. Failure to submit the ADF could negatively affect the approval of the county plan.

126CSR28

16.2. The purpose of the program evaluation is to support continuous quality improvement by identifying strengths and areas for enhancement. Results of the program evaluation will be discussed with the teacher(s), providing them the opportunity to comment and provide input to the development of the ECERS-R ADF. The ECERS-R is not an evaluation of the teacher for performance purposes, or an assessment of the development of individual student, but rather an assessment of the program. Public school teachers shall continue to be evaluated according to W. Va. 120CSR142 WVBE Policy 5310, Performance Evaluation of School Personnel. The ADF will be developed jointly by teachers and administrators to ensure continuous quality improvement. Items scored at a level four or below must be identified for improvement and addressed on the ADF. Results and status of improvement must be reported in the subsequent year's county plan. WVDE will review and comment on each county ADF, with cooperation and support from PIECES Curriculum and Quality Initiatives Committee.

16.3. Programs will be assessed using the ECERS-R by qualified outside observers if concerns arise regarding the implementation of this policy. The ECERS-R ADF will guide statewide professional development planning and highlight areas for technical assistance and support.

16.4. When a county has fully implemented their county collaborative plan and all eligible children in that county have access to a WV Pre-k classroom that meets all of the quality requirements as outlined in this policy, the county board of education is required to annually submit a report that includes: a copy of the ECERS-R ADF, a summary of the WV Pre-k services provided in the county, the number of WV Pre-k children with identified special education needs, the staff development opportunities provided through the county collaborative plan and the number of staff who participated in those staff development opportunities, and number of children who transitioned into kindergarten and other information as required by the WVDE to the WVDE Assistant Director of Early Learning and Literacy by July 15.

16.5. The WVDE shall develop and institute a system of longitudinal, scientifically based research to track learner outcomes, family satisfaction, program continuity and related variables in order to evaluate program impact, as funds become available. The system shall be designed in such a way to be of benefit on both the county and state level and improve the quality of programming available for eligible children.