



**WEST VIRGINIA
SECRETARY OF STATE**

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WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Education**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**

RULE NAME **West Virginia's Universal Access to a Quality Early Education System (2525)** **028**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS

Monday, August 13, 2012

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-028



Rule Id: 8617



Document: 23901

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**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, 2012.

1.4. Effective Date. -- August 13, 2012.

1.4.1. Unless specified otherwise within the policy.

1.5. Repeal of former rule. -- This rule repeals and replaces 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 June 13, 2011 and effective July 14, 2011.

§126-28-2. Guidelines.

2.1. WV Pre-K classrooms shall:

2.1.a. be voluntary;

2.1.b. be readiness programs designed to meet the needs of all eligible children through a holistic approach, including key developmental domains of health and physical development, social and emotional development, language development and communication, cognition and general knowledge, and a child's individual approaches to learning;

2.1.c. maximize existing community, state and federal resources;

2.1.d. be inclusive of all children;

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2.1.e. incorporate meaningful ways of communicating with and involving parents/guardians;

2.1.f. be an integral part of a comprehensive West Virginia birth to kindergarten system of education and care;

2.1.g. take place in safe and healthy environments;

2.1.h. establish staffing requirements and class size according to recommended guidelines;

2.1.i. 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 WVELSF);

2.1.j. utilize state approved curricular frameworks and assessments to inform and individualize instruction;

2.1.k. 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.l. view children within the context of their family;

2.1.m. employ staff with strong professional education preparation in child development and early childhood education; and

2.1.n. evaluate program success by analyzing county Early Childhood Environment Rating Scale-Revised (hereinafter ECERS-R) data, along with other observational measurements, to develop a continuous quality improvement plan.

§126-28-3. School Readiness.

3.1. West Virginia defines school readiness as a stage of transition that encompasses the child's various learning experiences and general knowledge, physical well-being, social and emotional development, and familiarity and ease with expressing themselves and understanding language. Children develop holistically and at individual rates which are largely impacted by previous experiences beginning at birth. As a result, children enter school with varied levels of skill and learning experiences. These variances are further impacted by the resources children have access to prior to entering school including home, family and community supports.

3.2. Each child's degree of readiness differs and is highly individualized, school readiness also entails the capacity of schools to be prepared to serve all children effectively regardless of a

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child's individual developmental level in each of the five key developmental domains, resulting in a holistic view and approach to school readiness. The key developmental domains include health and physical development, social and emotional development, language and communication, cognition and general knowledge, and a child's individual approaches to learning.

§126-28-4. County Collaborative Early Childhood Team.

4.1. Each county must establish a county collaborative early childhood team, which includes a core team with, at a minimum, representation from the county school system preschool program, the county school system preschool special needs program, a licensed community childcare program in that county not operated by the county school system, the Head Start program in that county, a representative from the local department of health and human resources and/or resource and referral agency, and a parent/guardian of a preschool child. The licensed childcare programs in the county will elect a representative to serve on the county collaborative early childhood core team.

4.2. The county collaborative early childhood core team shall annually assess the composition of the full county collaborative early childhood team, which should include representative(s) from the West Virginia Birth to Three System Regional Administrative Unit, childcare resource and referral agencies, classroom teachers, Family Resource Networks, Parent Education Resource Center, Starting Points, faith based early childhood program providers, and/or other community organizations and persons interested in, knowledgeable of, or who provide support or education to young children and their families. Due to the nature of childcare, every licensed childcare program in the county must be extended an invitation to participate on the collaborative team. The county must keep on file a list of invitees.

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

4.3.a. Joint decisions are made about the location of WV Pre-K classrooms including Preschool Special Education classes;

4.3.b. Joint decisions are made about responsibilities for sharing resources and information for each classroom, including but not limited to staffing, facilities, food service and transportation;

4.3.c. Joint decisions are made concerning program availability, including hours of instruction per day, days of operation per week and school calendars. Each classroom must operate a minimum of 12 hours per week during the school year calendar. Beginning 2013-14, each preschool classroom must operate a minimum of 14 hours per week during the school year calendar. Each preschool classroom must be offered no less than 128 instructional days per school year. Up to six of those 128 days may be used for home visits/parent conferences;

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4.3.d. Joint decisions are made to establish a county wide universal enrollment process and attendance guidelines;

4.3.e. Services for children with identified special needs are provided in a least restrictive environment according to the requirements of that child's Individualized Education Program (hereinafter IEP);

4.3.f. Joint decisions are made concerning adoption and implementation of a WV Approved Pre-K Curricular Framework and, if applicable, selection and use of supplemental materials/curricula enhancement;

4.3.g. Joint decisions are made to design and implement a plan for school readiness and transitions;

4.3.h. Joint decisions are made to establish a program monitoring system and complete a continuous quality improvement plan; and

4.3.i. All approved participating programs are included or represented.

4.4. Any member of the county collaborative early childhood team who 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 partner 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.

4.4.a. In collaborative classrooms where community partners have regulations such as the Head Start Performance Standards or West Virginia Department of Health and Human Resources (hereinafter WVDHHR) Childcare Center Licensing, these regulations shall apply in addition to WVBE Policy 2525.

4.4.b. Part-day community programs that are exempt from childcare center licensing under W.Va. Code §49-2B-3(e)(1) must be licensed in order to participate in WV Pre-K unless they are located in an approved LEA site.

4.5. Through joint planning with community partners, each county board of education must have an approved county plan on file at the West Virginia Department of Education (hereinafter WVDE), which has been approved by the Secretary of WVDHHR and WVBE that reflects meaningful involvement of the county collaborative early childhood team and implementation of the Universal Pre-K program prior to 2012-13.

4.6. All changes of substance to the approved county collaborative plan or approved universal pre-k program structure after 2012-13 must be submitted as an addendum to the WVDE with signatures of all the required county collaborative early childhood core team members for review and approval 30 days prior to the implementation of the changes. Changes

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of substance refer to program changes including, but not limited to classroom locations, operation, curriculum, staffing and resources. Failure to do so may result in the non-approval of the change.

4.6.a. The WVDE, in collaboration with the WVDHHR, has the responsibility of convening a committee to review the quality and content of the changes. This committee, designated as the WV Pre-K Steering Team, is comprised of representatives from the WVDE, WVDHHR, and the Head Start State Collaboration Office. State collaborative participation on the committee will ensure the maximization of resources as related to (1) federal and other available funds, and (2) Head Start programs and other public and private programs approved by the State Superintendent of Schools.

4.7. 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. An approved county 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 existing resources.

4.7.a. To support counties in the effort to maximize existing resources for 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 childcare, unless the county collaborative early childhood team can document that those programs do not exist in that county, cannot meet the mandates of this policy, or choose not to participate.

4.7.b. The ratio of community to public school providers can only be decreased with an addendum to the approved county plan or approved universal pre-k program structure. 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.

§126-28-5. Eligibility and Enrollment.

5.1. WV Pre-K shall be a voluntary program. Eligible child shall mean any child, regardless of ability, who is four years old prior to September 1 of the year he/she is to enroll.

5.1.a. Three year old children can be enrolled in the WV Pre-K System if they have an 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.

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5.1.b. Children who are five years old prior to September 1 shall be enrolled in kindergarten, instead of WV Pre-K, unless assessment data can determine that kindergarten placement for that child is not in the child's best interest. The WV Pre-K Child Assessment System data can be utilized for five year old children previously enrolled in WV Pre-K; alternative assessment data will be necessary for five year old children who are new enterers.

5.1.c. 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 child assessment data.

5.2. 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.

5.3. A county wide universal enrollment process must be established that includes:

5.3.a. a universal application that includes the necessary information to identify eligibility, services, and family need for Head Start, childcare, and other community programs, including but not limited to income identification, residency, childcare needs, and family characteristics;

5.3.b. a universal system for collection and review of universal applications; and

5.3.c. selection criteria and placement processes that are transparent and available to the public.

5.4. All children entering an approved participating WV Pre-K classroom must have age appropriate immunizations upon enrollment as defined by the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP) and recommended by WVDHHR, located at http://www.dhhr.wv.gov/oeps/immunization/requirements/Documents/Revised-2012_Minimum_Guidelines_for_PreK_8-1-08_foot4.pdf. Children who are not fully immunized may be provisionally 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 dose of each required vaccine.

5.5. A WV Pre-K classroom should have on file within 45 days of enrollment or prior to the first day of school attendance a record of a HealthCheck screening, or other comprehensive health screening comparable to the HealthCheck protocol. All screening forms shall be signed

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and dated by the child's licensed health care provider and completed within the past 12 calendar months. Counties can retain the right to conduct follow-up screening.

5.6. W.Va. Code §16-3D-3 requires tuberculosis screening test for students transferring from an out-of-state school or enrolling for the first time from outside the state.

§126-28-6. Attendance.

6.1. 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 pursue disenrollment of 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.

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

6.3. Each county must establish and implement 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.

§126-28-7. Transportation.

7.1. 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. When transportation is provided:

7.1.a. bus drivers are trained in the supervision of young children (in addition to any other staff development received);

7.1.b. 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;

7.1.c. 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;

7.1.d. 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 supervisor; and

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7.1.e. 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.

§126-28-8. Inclusive Settings.

8.1. 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.

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

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

8.4. 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:

8.4.a. the student's placement decision to be made by the student's IEP Committee;

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

8.4.c. 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.

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

§126-28-9. Family Engagement.

9.1. WV Pre-K classrooms must incorporate meaningful ways of communicating with and involving parent(s)/guardian(s) that includes at a minimum:

9.1.a. opportunities for parents/guardians to participate in decision making about their child's education through a minimum of two documented face to face conferences annually with each child's parent(s)/guardian(s). Home visits are recommended for these conferences;

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

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

9.1.d. services 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 are provided;

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

9.1.f. classrooms that are open to parents/guardians and where parents/guardians are encouraged to participate in classroom activities.

§126-28-10. Transitions.

10.1. Each county collaborative early childhood team must have a written plan for transitioning children into WV Pre-K and out of WV Pre-K into kindergarten. At a minimum the plan will include:

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

10.1.b. the provision of written information to parent/guardian as appropriate about pre-k or kindergarten registration and what to expect in pre-k or kindergarten;

10.1.c. an opportunity for teachers/providers in the WV Pre-K system and the kindergarten program in that county to meet at least annually to discuss how to facilitate successful transition and support the reciprocity of readiness practices;

10.1.d. a county system for transferring assessment data, including but not limited to the WV Pre-K Child Assessment System Kindergarten Transition Report, for each child who has participated in an eligible program to the kindergarten teacher to assist the kindergarten teacher in identifying areas of development and areas for growth to meet the individual needs of each child; and

10.1.e. policies and procedures for the transition of children with IEPs into and out of the WV Pre-K to ensure compliance with state and federal requirements.

10.2. County collaborative early childhood team transition plans shall utilize best practices for successful transitions, including the *WV Kindergarten Transition Tool Kit* and the *West Virginia Childhood Transition Checklist* (<http://wvde.state.wv.us/osr/schoolreadiness.php>).

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§126-28-11. Meals.

11.1. For children enrolled in a WV Pre-K classroom, at least one meal (breakfast and/or lunch) must be provided. Any meal provided during the pre-k hours must be in accordance with the nutrition guidelines set forth in the WVDE National School Lunch Program.

11.1.a. 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.

11.1.b. Breakfast and lunch must meet the USDA meal pattern or nutrient standard menu planning requirements. These meals are to be claimed under the National School Lunch Program and School Breakfast Program by the county to which the child is enrolled.

11.1.c. The meal(s) served are dependent upon the time the child is attending the program. It may not be feasible or necessary for students enrolled in a half day program to receive both a breakfast and a lunch.

11.1.d. WV Pre-K programs may choose to serve a snack during the pre-k day. This decision should be based on the needs of the child and the number of hours the child is enrolled in the program. Collaborative pre-k programs that participate in the Child and Adult Care Food Program may claim this snack for federal reimbursement if it meets the requirements of the Program.

11.1.e. Special dietary needs shall be provided in accordance with federal guidelines as defined by the WVDE-Office of Child Nutrition and in W.Va. 126CSR25A, WVBE Policy 2422.7 Standards for Basic and Specialized Health Care Procedures under oral feeding of student.

§126-28-12. Health and Safety.

12.1. 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.

12.2. WV Pre-K classrooms shall limit class size to no more than twenty children per classroom with no less than two adults, one of whom is a teacher. When children with IEPs are enrolled in the WV Pre-K classroom, ratios shall be met as set forth in WVBE Policy 2419. Caseloads for teachers of classrooms with children who have IEPs shall meet the requirements of WVBE Policy 2419.

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12.2.a. WV Pre-K classrooms shall limit class size to no more than twenty children per classroom, provided there is 35 square feet of useable space per child.

12.3. The children shall have adequate supervision at all times. When children are on the premises, a WV Pre-K participating program shall ensure that two adults are present with children. The county shall establish policies and procedures for ensuring adequate supervision and safety of children.

12.4. A WV Pre-K classroom shall provide appropriate daily opportunities for the children in care to have supervised practice of brushing teeth while maintaining proper oral health hygiene procedures with special consideration to technique, replacement of toothbrushes, cross contamination and proper storage.

12.5. A WV Pre-K classroom shall provide the opportunity for children to 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.

12.5.a. The rest area shall be set up to reduce distraction or disturbances from other activities. Appropriate sleeping equipment shall be provided by the program. Children are not permitted to sleep on the floor, in a sleeping bag, or on linens without mats or cots.

12.6. The education and monitoring of communicable diseases during the school year are necessary to keep students healthy and learning. W.Va. 126CSR51, WVBE Policy 2423 Communicable Disease Control, establishes standards that must be in place for addressing issues and educating staff, students and families on communicable diseases. The knowledge of standard/universal precautions, transmission, prevention and treatment of communicable diseases will enhance health education, prevention, and equality for all.

12.6.a. Children in WV Pre-K classrooms shall be observed by staff daily for changes that may indicate injury, infestation, fever, or illness. Staff should record any observed changes in the child's file and notify the family.

12.7. Basic health care procedures, such as toileting, oral feeding, mobility and etc. should be requested and noted by the parent. Specialized health care procedures shall be prescribed by a medical provider with parent/guardian permission to be performed under the delegation and management of the certified school nurse based on W.Va. 126CSR25A, WVBE Policy 2422.7 Standards for Basic and Specialized Health Care Procedures and W.Va. 126CSR27, WVBE Policy 2422.8 Medication Administration. This information should be provided to the WV Pre-K classroom staff through the HealthCheck screening form or other school health care procedure forms and shared with the school nurse to ensure training, clarification of medical orders, individualized health care plan development, and coordination of health care in the universal pre-k program.

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

12.9. Staff members and children shall follow best hand washing practices incorporated throughout the day, including washing with soap and warm, running water for at least 20 seconds. All WV Pre-K classrooms must incorporate best practices for hand washing and disease prevention measures, as specified in W.Va.126CSR51, WVBE Policy 2423, Communicable Disease Control.

12.10. 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. 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.

12.11. 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 are properly handled and stored. 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.

12.12. A WV Pre-K classroom shall ensure potentially hazardous materials to young children, such as plastic bags, Styrofoam, or balloons, be stored out of reach of children and utilized with adequate supervision.

12.13. 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, and WVBE Policy 5902, Employee Code of Conduct.

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

12.14.a. the definition of child abuse and neglect; and

12.14.b. 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, as outlined at

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http://www.wvdhhr.org/bcf/children_adult/cps/report.asp (Child Abuse and Neglect Hotline – 1.800.352.6513)

§126-28-13. Environmental Design.

13.1. 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.

13.2. 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.

13.3. A WV Pre-K classroom shall be designed and equipped as a learning environment that supports the curricular framework and allows children of all abilities to make choices, to discover, to explore, and to solve problems; while

13.3.a. assuring children's health and safety;

13.3.b. clearly defining learning centers and incorporating them into the classroom;

13.3.c. organizing and labeling materials and equipment and making them accessible to all children;

13.3.d. incorporating non-stereotypical images in all elements of the environment;

13.3.e. supplying a sufficient quantity and variety of appropriate materials;

13.3.f. rotating the availability of materials;

13.3.g. supporting a child's needs for privacy and a safe place to be alone; and

13.3.h. introducing children to the unfamiliar.

13.4. 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. Program components must include learning centers, incorporated within the classroom, designed to support literacy, early numeracy, and language, such as blocks and construction, books, manipulative materials, science and nature, writing materials, dramatic play and role playing, physical activity, art, and music.

13.5. A WV Pre-K program shall provide an outdoor activity area that includes a minimum of 75 square feet of space per child, or if the outdoor play area has less than that a WV Pre-K

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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.

13.6. Outdoor activity shall be considered an extension of the classroom. Daily outdoor activity shall support the implementation of the approved WV Pre-K curriculum and the WV ELSF. A WV Pre-K classroom operating more than four hours per day shall provide a minimum of one hour of outdoor activity daily as a part of the curriculum, weather permitting. Programs operating less than four hours per day must provide a minimum of 30 minutes of daily outdoor activity, weather permitting. A combination of indoor and outdoor time may be utilized when weather conditions are conducive.

13.7. A WV Pre-K program shall ensure that the outdoor play area for a child under school age:

13.7.a. 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;

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

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

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

13.7.e. when it has an exit that does not lead directly indoors, 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

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

§126-28-14. Child Guidance.

14.1. Staff shall ensure that all 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;

14.2. 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:

14.2.a. redirect the child to alternative behavior or other activities;

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

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

14.2.d. 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.

14.3. Staff members and other adults in a WV Pre-K classroom shall not handle behavior problems by:

14.3.a. subjecting a child to physical punishment of any kind;

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

14.3.c. restraining a child physically or by placing the child in confining equipment or using any other restrictive means such as straps or ties. A staff person may, in extreme circumstances to protect the child or other persons around him or her, use a gentle method of physically holding the child. The staff person must be an experienced staff member who is known to the child and shall only restrain the child for as long as is necessary for the child to regain control;

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

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

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

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

14.3.h. permitting a child to discipline other children;

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

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

14.3.k. use of any other practice that is not appropriate for the ages/stages of the children or is harmful psychologically or physically.

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§126-28-15. Curriculum and Assessment.

15.1. 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.

15.2. The WV Pre-K classroom must implement the West Virginia Early Learning Standards Framework (WVELSF), which is aligned with Head Start Child Development and Early Learning Framework and the Next Generation 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 transitions into kindergarten. Children shall be assessed on their individual developmental progress along the developmental continuum.

15.3. 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. The West Virginia Pre-K Child Assessment System, utilizing the Early Learning Scale, is a performance-based, authentic assessment system which will be implemented with all children enrolled in WV Pre-K programs, as per WVBE Policy 2520.15.

15.4. 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. Guidance provided by the WVDE will provide assistance to county collaborative early childhood teams regarding the collaborative, local decision making processes pertaining to supplemental materials/curricula enhancement.

15.4.a. Instructional practices 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.

15.5. Comprehensive curricula systems will be approved following a process similar to the process established by the WVDE, including preschool special education, for adoption of instructional materials. The approval process will include review and recommendations from local early childhood stakeholders across systems and the WVDE Pre-K Continuous Quality Improvement Advisory Council.

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

15.6.a. 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:

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15.6.a.1. addressing the developmental needs of eligible children through practices that are consistent with current, nationally recognized, most effective practice;

15.6.a.2. valuing exploration, creativity, and construction as the child's primary learning approaches;

15.6.a.3. engaging children actively in the learning process and providing them with opportunities to make meaningful choices;

15.6.a.4. responding to individual children's interest, strengths, and needs based on ongoing observation and assessment; and

15.6.a.5. supporting children so they view themselves as part of a larger community.

15.6.b. 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:

15.6.b.1. 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;

15.6.b.2. 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; and

15.6.b.3. addressing the development of knowledge and understanding, processes and skills, dispositions, and attitudes.

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

15.6.c.1. meeting the developmental continuum contained in the content standards and objectives for eligible children as prescribed by the WVBE ;

15.6.c.2. building on what children already know in order to consolidate their learning and foster the acquisition of new concepts and skills;

15.6.c.3. reflecting the needs and interest of individual children in the group by including the immediate environment and world with which the children are acquainted;

15.6.c.4. supporting integration of curriculum content through use of a planning organizer (such as themes, projects, key experiences, or webs); and

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15.6.c.5. including materials and activities that reflect a variety of cultures, languages, ages, abilities, and beliefs.

15.6.d. 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;

15.6.e. 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:

15.6.e.1. integrating curriculum and assessment that benefits the child; and

15.6.e.2. 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.

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

15.6.f.1. promoting consistency in schedules and routines and facilitating smooth transitions;

15.6.f.2. supporting continuity between home and school;

15.6.f.3. encouraging children's participation in routines to develop responsibility and independence;

15.6.f.4. recognizing the integral role of adults during routine times;

15.6.f.5. allowing for flexibility and adaptations for individual children;

15.6.f.6. supporting positive health and nutrition practices; and

15.6.f.7. providing daily opportunities for children to rest in an area set up to reduce distraction or disturbance from other activities.

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

15.6.h. 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;

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

15.6.j. 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 quality curriculum.

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

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

15.7.b. a child has a choice of other activities and materials;

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

15.7.d. the computer software chosen is developmentally appropriate and supports creative play and learning.

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

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

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

15.8.c. the contents of passive media are developmentally appropriate and designed to benefit the child, with limited viewing time and the child who does not wish to watch has a choice of other activities.

15.9. The West Virginia Pre-K Child Assessment System is a performance-based, authentic assessment system which will be implemented with all children enrolled in WV Pre-K programs, as per WVBE Policy 2520.15. Comprehensive curricular assessment systems approved as part of the approved comprehensive curricula systems may also be utilized in addition to the WV Pre-K Child Assessment System. The assessment system is designed to inform classroom instruction, assist with integration of personalized learning, and to ensure the interactions, competencies, experiences, and skills of children participating in WV Pre-K programs are assessed using appropriate measures. Comprehensive assessment systems must address how the curriculum:

15.9.a. supports the whole child across multiple learning domains as he or she progresses developmentally;

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15.9.b. supports family engagement and relationships with their children's educational experiences;

15.9.c. demonstrates the child's overall strengths and progress;

15.9.d. encourages self-evaluation by the child;

15.9.e. relies on demonstrated performance of real, not contrived, activities;

15.9.f. utilizes a variety of tools and processes;

15.9.g. allows for differences in learning style and rate; and

15.9.h. provides a comprehensive reporting system on individual children's accomplishments, as well as aggregated data to inform classroom, site or district decision making.

15.10. Time shall be set aside for joint planning by the teacher, co-teacher and/or other personnel working with the children.

§126-28-16. Personnel.

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

16.2. 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

16.3. When no fully certified teacher is available within or for hire by the community program, the person employed by a community program shall 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 11.7, for the Permanent Authorization, endorsed for Community Programs; OR

16.4. When no fully certified teacher or an individual eligible for the Permanent Authorization endorsed 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.

16.4.a. General Criteria for the Permanent Authorization for Community Programs issued prior to August 1, 2013: The Permanent Authorization for Community Programs may be

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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.; 3) the minimum GPA specified in Policy 5202 §126-136-9.8; and the conditions for issuance specified in §126-28-16.3.

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

16.4.b.1. 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

16.4.b.2. 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

16.4.b.3. Experience. – Verification of at least one year of early education teaching experience.

16.4.b.4. Verification of employment- Signature of contracted community program director.

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

16.5. General Criteria for the Permanent Authorization for Community Programs issued after August 1, 2013.

16.5.a. General Criteria for the Permanent Authorization for Community Programs issued after August 1, 2013: The Permanent Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of a bachelor's degree through an accredited institution of higher education as defined in Policy 5202, §126-136-4.5; 2) the general requirements specified in Policy 5202, §126-136-9.1; 3) the minimum GPA of 2.5 specified in Policy 5202 §126-136-9.8; and the conditions for issuance specified in §126-28-7.3.

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

16.5.b.1. College/University Coursework: The minimum of a bachelor's degree in early childhood, preschool, child development and family studies, early childhood special education or an early education field; AND

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16.5.b.2. 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

16.5.b.3. Experience: Verification of at least one year of early education teaching experience.

16.5.b.4. Verification of Employment: Signature of contracted community program director.

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

16.6. 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.

16.6.a. General Criteria for the Temporary Authorization for Community Programs issued prior to August 1, 2013 – 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 16.4.

16.6.b. Conditions for Issuance. - The applicant for the Temporary Authorization for Community Programs must submit evidence of the following:

16.6.b.1. 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

16.6.b.2. Experience. – Verification of at least one year of early education teaching experience.

16.6.b.3. Commitment. – Submission of Professional Commitment verifying the applicant's agreement to complete 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.

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16.6.c. **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.

16.6.d. **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.

16.7. **Renewal of the Temporary Authorization for Community Programs.**

16.7.a. **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:

16.7.a.1. **College/University Coursework.** – Completion of credit approved by the WVDE through either six semester hours of coursework reflecting the minimum 3.0 GPA; AND

16.7.a.2. **Commitment.** – Submission of Professional Commitment verifying the applicant's agreement to complete 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 OR coursework leading to teacher licensure in Early Education, Preschool Education, or Preschool Special Needs.

16.8. 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.

16.8.a. **General Criteria for the Temporary Authorization for Community Programs issued after August 1, 2013.** - The Temporary Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of a bachelor's degree through an accredited institution of higher education as defined in Policy 5202, Section 5.4; 2) the general requirements specified in Policy 5202, Section 9.1.1; 3) the minimum GPA of 2.5 as specified in Policy 5202, Section 9.8; and the conditions for issuance specified in Section 16.4.

16.8.b. **Conditions for Issuance.** - The applicant for the Temporary Authorization for Community Programs must submit evidence of the following:

16.8.b.1. **College/University Coursework.** - The minimum of a bachelor's degree; AND

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16.8.b.2. Experience. – Verification of at least one year of early education teaching experience.

16.8.b.3. Commitment. – Submission of Professional Commitment verifying the applicant's agreement to complete 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.

16.8.c. 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.

16.8.d. 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 OR

16.8.e. Five Year Limit. - All requirements for the Professional Teaching Certificate endorsed for Early Education, Preschool Education, or Preschool Special Needs must be completed within five years of the original issuance of the Temporary Authorization for Community Programs.

16.9. Renewal of the Temporary Authorization for Community Programs.

16.9.a. 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:

16.9.a.1. College/University Coursework. – Completion of credit approved by the WVDE through either six semester hours of coursework reflecting the minimum 3.0 GPA; AND

16.9.a.2. Commitment. – Submission of Professional Commitment verifying the applicant's agreement to complete 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 **OR** coursework leading to teacher licensure in Early Education, Preschool Education, or Preschool Special Needs.

16.10. Individuals who were issued either a Permanent Authorization endorsed for Community Programs according to Section 16.4 or a Temporary Authorization endorsed for Community Programs in accordance to Section 16.6 continue to be properly credentialed after August 1, 2013.

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16.11. 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 STARS 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.

§126-28-17. Staff Training.

17.1. 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.

17.1.a. Staff, volunteers and student teachers shall follow the required communicable disease educational in-services, tuberculosis skin testing for new employees and W.Va. 64CSR7, WVDHHR Reportable Disease, Events and Conditions Rule.

17.2. All county pre-k staff, including teachers and teacher assistants/aides/paraprofessionals, shall participate in 15 hours of staff development, which will include a minimum of six hours of education on issues related to young children with special needs. The county collaborative early childhood team should utilize county program assessment data, along with other professional development needs assessment data and the WV Core Knowledge and Competencies for Early Care and Education Professionals when developing pre-k staff development plans.

17.3. Professional development information shall be made available to collaborative partners to facilitate the registration of training sessions on the West Virginia State Training and Registry System (WV STARS) for collaborative program staff.

§126-28-18. Program Assessment and Continuous Quality Improvement.

18.1. County collaborative early childhood teams will develop an ongoing monitoring system to ensure annual observational measurements are utilized to assess continuous quality improvement. The county collaborative early childhood team will analyze county ECERS-R data, along with other observational measurements, to develop a continuous quality improvement plan. Observational measurement tools, including the ECERS-R, are used to inform, guide, and plan for program quality improvement.

18.1.a. The ECERS-R will be completed a minimum of one time within a three year period in each WV Pre-K classroom. The results from completed ECERS-R observations will be

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electronically submitted to the WVDE annually by May 1. During the alternate years, other observational measurement tools are to be utilized as data sources for continuous quality improvement. Guidance is provided by the WVDE to assist in the selection and use of additional observational measurements.

18.1.b. Observational measurement tools, including the ECERS-R, shall be administered by a minimum of a two person team designated by the county collaborative early childhood team. ECERS-R observations must be conducted with at least one team member listed as a “WV Experienced ECERS-R Observer”. Observational measurement tools, including the ECERS-R, should not be completed by individuals with direct supervision responsibilities for the classroom or by the teacher of that classroom. Observational measurement tools are not an evaluation of the teacher for performance purposes, or an assessment of the development of individual students, 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.

18.1.c. The county collaborative early childhood team will develop a continuous quality improvement plan, which includes program assessment data, analysis of results, and recommendations for quality improvement. The county collaborative early childhood team will then develop and submit the Continuous Quality Improvement Report to the county strategic planning team, which identifies recommendations and objectives for the County Strategic Plan.

18.2. The county board of education is required to submit WV Universal Pre-K reports to the WVDE annually by August 1st. The WVDE will compile the information and provide a summary report to the Secretary of WVDHHR and the State Superintendent of Schools. The WV Universal Pre-K reports include:

18.2.a. a comprehensive universal pre-k fiscal report;

18.2.b. verification of the annual collaborative contracts and budgets signed and filed at the local county board of education, noting collaborative universal pre-k classrooms for the upcoming school year to continue to document maximization of resources through the collaborative model;

18.2.c. a summary of any changes to the approved universal pre-k program;

18.2.d. submission of the continuous quality improvement report; and

18.2.e. other information as required by the WVDE.

18.3. The WVDE, in collaboration with the WVDHHR and Head Start State Collaboration Office, will conduct a WV Universal Pre-K Program Review at a minimum of once every three years. The program review will consist of a desk top audit, site-visits and county collaborative team interviews. The purpose of the program review is to ensure counties continue to implement

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WV Universal Pre-K programs in alignment to policy and assist with continuous quality improvement with the comprehensive collaborative model. The program review will provide individualized technical assistance to county collaborative early childhood teams. The WVDE will provide guidance and procedures for completion of the program review.

18.4. 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.

§126-28-19. Finance.

19.1. Commencing with the school year beginning on July 1, 2012, and thereafter, no county board may increase the total number classrooms in the county early childhood program unless approved by the county collaborative early childhood core team and submitted for review and approval to the WV Pre-K Steering Team.

19.2. 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 in the May 28, 2008 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.

19.3. 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 costs, such as personnel, facilities, materials and equipment, curriculum, needed improvements, and professional development.

19.4. WV Pre-K classrooms that provide services to eligible children who can be counted in the school aid funding formula, must provide those services at no cost to the parent/guardian of the children. Support for community programs to offer free public education shall be a part of the contract between the community partner and LEA.

19.4.a. In childcare, pre-k is an enhancement to the regular program during the designated pre-k hours. Since pre-k under this policy is part of a free public education, parents/guardians shall only be charged for those hours outside the pre-k designated time.

19.5. In addition to the resources provided to a pre-k collaborative program, community programs participating as partners shall continue using federal and state funding available for these services such as Head Start and Childcare Development Fund monies supporting eligible children.

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§126-28-20. Program Oversight.

20.1. 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.

20.2. 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 Head Start 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 childcare will be licensed under W.Va.§78CSR1, Childcare Center Licensing.

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

§126-28-21. Glossary.

21.1. *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.

21.2. *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 with the children, 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.

21.3. *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 funds, Temporary Assistance to Needy Families, Childcare 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.

21.4. *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

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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.

21.5. *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.

21.6. *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.

21.7. *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 STARS) Core Knowledge and Core Competencies for Early Care and Education Professionals.

21.8. *County collaborative plan* means the plan each county school board, in cooperation with the county collaborative team, submitted annually in preparation for universal pre-k implementation. The plan includes 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. Each approved county collaborative plan is amended as needed after 2012-13.

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

21.10. *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.

21.11. *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.

21.12. *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.

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

21.14. *HealthCheck* is the screening/surveillance protocol recommended for the licensed health care providers to be used for all children entering WV Pre-K. HealthCheck meets the requirements for vision, hearing, developmental, including speech and language, and oral health. The HealthCheck screening form is the preferred documentation method of licensed health care providers to record screenings

21.15. *Passive media* means materials the child cannot control while participating in an activity such as watching television, films or DVDs.

21.16. *Staff: child ratio* means a relationship which describes the number of children qualified staff members or substitutes are permitted to supervise.

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

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

21.19. *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.

21.20. *Universal application* means an enrollment form that must be used for all classrooms identified as part of the county's universal pre-k system to determine placement and enrollment of eligible children.

21.21. *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.

21.22. *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 18 hours of prescribed college or college equivalent early childhood coursework.

§126-28-22. Severability.

22.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.