WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Education

TITLE-SERIES: 126-028

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

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

CITE STATUTORY 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); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 10, 2020

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

William C Burch -- 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 126
LEGISLATIVE 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 legislative 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 is referred to as West Virginia Universal Pre-K (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.

1.3. Filing Date. -- July 9, 2020.

1.4. Effective Date. -- August 10, 2020.

1.4.a. Unless specified otherwise within the policy.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR28, West Virginia Board of Education (WVBE) Policy 2525, West Virginia's Universal Access to a Quality Early Education System (Policy 2525), filed October 12, 2017, and effective July 1, 2018.

§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;

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 patterns and class size according to requirements;

2.1.i. deliver content through the chosen approved curricular framework and the West Virginia Early Learning Standards Framework W. Va. 126CSR44O, WVBE Policy 2520.15, West Virginia Pre-Kindergarten Standards (ages 3-5) (Policy 2520.15);

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. utilize a comprehensive continuous quality improvement process that includes the compiled classroom observational measurements and aggregated child outcome data to evaluate program success and develop school readiness goals.

§126-28-3. School Readiness.

3.1. School readiness is a process of assuring children have access to the best available resources prior to entering first grade. Available resources support children and their families and focus on maximizing children's holistic development from birth. Acknowledging that each child's development is significantly impacted by previous experiences, school readiness also entails the capacity of schools and programs to welcome families and be prepared to serve all children effectively within the developmental domains of health and physical development, social and emotional development, language and communication, cognition and general knowledge, and individual approaches to learning.

3.2. To support school readiness efforts and assure the use of developmentally effective methods for children prior to entering first grade, the Ready, Set, Go! West Virginia Comprehensive Framework for School Readiness is utilized in West Virginia. This comprehensive framework focuses on how the state and local communities, schools, and programs can offer support and resources for families and children prior to and during their transition into school. Programs serving children in Early Learning Readiness grades (WV Pre-K and kindergarten) also provide opportunities for children to build solid foundations and positive dispositions 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 child care program in that county not operated by the county school system, and the Head Start program in that county. A representative from the local department of health and human resources and/or child care resource and referral

agency shall be included in the core team when there is no licensed community child care representative. The licensed child care 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 a parent/guardian of a preschool child, representative(s) from the West Virginia Birth to Three System Regional Administrative Unit, local department of health and human resources, child care resource and referral agency, school health representative, 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 child care, every licensed child care 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, and a WV Pre-K school calendar, which must be approved by the county board of education annually.

4.3.d. Joint decisions are made to maintain 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 (IEP);

4.3.f. Joint decisions are made concerning adoption and implementation of a WV Pre-K Approved 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 continuous quality improvement process that includes annual plans for data collection to assist in developing school readiness goals;

4.3.h. Joint decisions are made to design and implement school readiness goals and transition plans;

4.3.i. Joint decisions are made to establish and maintain a dispute resolution process to ensure a mechanism for resolving disputes in order to support WV Pre-K program outcomes.

4.4. All programs participating in universal pre-k who provide services to eligible children must follow all rules and regulations as outlined in this policy.

4.4.a. Each pre-k classroom, including preschool special needs classrooms, must provide at least fifteen hundred minutes of instruction per week and forty-eight thousand minutes of instruction annually. The pre-k instructional day is inclusive of all required elements of the daily schedule. Programs must operate no fewer than four days per week to meet annual and weekly operational requirements. Programs must ensure that federal regulations addressing classroom operations are met in collaborative classrooms. The pre-k school calendar must be approved by the county boards of education annually.

4.4.b. A collaborative contract must be completed and signed annually by the county board of education and each collaborative partner to illustrate agreement of terms for pre-k program implementation. The collaborative contract between agencies must address how the collaborative partner will assure compliance with all applicable regulations and standards. Each collaborative contract must include provisions for impasse resolution among partners. 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.c. A budget and cost allocation worksheet must be completed for each collaborative pre-k classroom as part of the collaborative contract to illustrate specific costs and allocations of contracts.

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

4.4.e. Community programs that are exempt from child care center licensing under W. Va. Code §49-2-113 must be licensed in order to participate in WV Pre-K unless they are located in an approved county board of education site.

4.5. Counties must maximize early childhood resources by collaborating with existing programs within the county before opening new classrooms operated solely by the county board of education as required by W. Va. Code §18-5-44. 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 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.

4.5.a. In an instance when the county board of education 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.

4.5.b. Each county board of education must have on file at the West Virginia Department of Education (WVDE) verified universal pre-k program data, which has been approved by the Secretary of WVDHHR and WVBE that reflects meaningful involvement of the county collaborative early childhood team.

4.5.c. All changes of substance to the verified universal pre-k program data 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 of substance refer to program changes including, but not limited to, classroom locations, operation, curriculum, staffing, and resources. Failure to submit an addendum may result in the non-approval of the change.

4.5.d. 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.

§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 July 1 of the year the child 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.

5.1.b. Children who are age eligible for kindergarten in accordance with W. Va. Code §18-5-18 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 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 maintained that includes:

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

5.3.b. a 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. Upon enrollment, children entering an approved WV Pre-K classroom must have age appropriate immunizations as defined by the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP) and recommended by WVDHHR. 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. All children entering an approved 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 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. All children entering an approved WV Pre-K classroom should have on file within 45 days of enrollment/entry or prior to the first day of school attendance a record of an oral health examination.

5.7. W. Va. Code §16-3D-3 requires that students found or suspected to have active tuberculosis shall be temporarily removed from school while their case is reviewed and evaluated by their personal physician and the local health officer. Students shall return to school when their personal physician, and the local health officer, in consultation with the Commissioner for the Bureau of Public Health (Commissioner), indicates it is safe and appropriate for them to return. School personnel found or suspected to have active tuberculosis shall have their employment suspended until the local health officer, in consultation with the Commissioner, approves a return to work. The Commissioner may require selective testing of students and personnel for tuberculosis when there is reason to believe that they may have been exposed to the tuberculosis organism or they have signs and symptoms indicative of the disease. School nurses shall identify and refer any students or school personnel to the local health department in instances where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease.

§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 dis-enrolled, re-enrollment is not guaranteed for that school year.

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. Provisions for children with documented chronic medical conditions must be included as defined in W. Va. 126CSR81, WVBE Policy 4110, Attendance (Policy 4110).

§126-28-7. Transportation.

7.1. In WV Universal Pre-K programs, 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, including W. Va. 126CSR92, Policy 4336, West Virginia Transportation Policy and Procedures Manual (Policy 4336). 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 WV Pre-K classroom and are not yet enrolled in kindergarten will sit in a segregated area of the vehicle with other WV 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 for after school drop-off, 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

7.1.e. at each WV Pre-K site where bus transportation is provided, a designated person must follow-up within the first hour of arrival time with the family of any child who is not present or accounted for each day.

§126-28-8. Inclusive Settings.

8.1. Verified universal pre-k program data will outline the county's process for providing fully inclusive early childhood classrooms with appropriate supports for children with identified special education needs. Preschool special education classrooms in proximity or next to universal pre-k classrooms does not guarantee inclusion of children with disabilities.

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 W. Va. Code §18-20-1 et seq. and W. Va. 126CSR16, WVBE Policy 2419, Regulations for the Education of Students with Exceptionalities (Policy 2419) 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 their 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 parents/guardians 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. 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;

9.1.c. services to children and their families necessary to support children as they transition into, participate 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 include communication that is comprehensible and supportive of both the native language and English language development;

9.1.e. support services pursuant to Policy 2419 are 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. opportunities for children and their families to visit the setting into which the children are transitioning;

10.1.b. the provision of written information to parent/guardian as appropriate about WV Pre-K or kindergarten registration and what to expect in WV 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 Ready, Set, Go! WV School Readiness Framework.

§126-28-11. Meals.

11.1. For children enrolled in a WV Pre-K classroom, breakfast and lunch must be provided. Any meal provided during the WV Pre-K hours must be in compliance with the nutrition guidelines set forth in the WVDE National School Meals Program. Meals in community programs may include lunch and snack, rather than breakfast and lunch if a classroom's regular operation times occur when breakfast is not required. Collaborative pre-k classrooms have the option of following the meal pattern and serving size requirements for either the Child and Adult Care Food Program (CACFP) or National School Lunch Program/School Breakfast Program; however, all snacks must meet CACFP meal pattern and serving size requirements.

11.2. WV Pre-K programs that are required to serve breakfast and lunch~~,~~ may choose to serve a snack during the WV 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 WV Pre-K programs that participate in the CACFP may claim this snack for federal reimbursement if it meets the requirements of the program.

11.3. 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.

11.4. 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 (Policy 2422.7) under oral feeding of student<u>s</u>.

§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 must provide 35 square feet of useable space per child. Classrooms shall be limited to no more than 20 children, with no less than two adults, one of whom is a teacher.

12.2.a. When children with IEPs are enrolled in the WV Pre-K classroom, ratios shall be met as set forth in Policy 2419.

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 children 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. A regular rest period shall be included in the daily schedule and include provisions for quiet play for children who are unable to sleep during the rest period.

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 directly 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, Health Promotion and Disease Prevention (Policy 2423), establishes standards that must be in place for addressing issues and educating staff, students, and families on communicable diseases. The knowledge of health promotion and disease prevention along with standard/universal precautions, transmission, prevention and treatment of communicable diseases will support student success.

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.

12.6.b. Staff members shall utilize universal precautions when exposed to blood and body fluids that might contain blood, as specified in Policy 2423.

12.6.c. 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 Policy 2423.

12.7. Basic health care procedures, such as toileting, oral feeding, mobility, 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 Policy 2422.7. 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 WV Pre-K program.

12.8. Due to allergies and the potential dangers associated with having animals in the classroom, animals can only be in WV 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.

12.9. A WV Pre-K classroom shall ensure that products containing potentially hazardous chemicals, including identified poisons, medications, certain cleaning supplies, and art supplies not clearly labeled as nontoxic 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.

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

12.11. Student information related to all health and medical conditions and documented on the 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 (Policy 4350). 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 (Policy 5310), and W.Va. 126CSR162, WVBE Policy 5902, Employee Code of Conduct (Policy 5902).

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

12.12.a. the definition of child abuse and neglect as addressed in W. Va. §49-1-201; and

12.12.b. the requirement to report immediately, and no more than 24 hours, in accordance with W. Va. Code § 49-2-803 et seq., any suspected incident of child abuse and neglect to Child Protective Services.

§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 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, discover, explore, and 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 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 Policy 2520.15. A WV Pre-K classroom shall provide a minimum of one hour of outdoor activity daily as a part of the curriculum, weather permitting. A combination of indoor and/or outdoor time may be utilized when weather conditions are not conducive to outdoor gross motor activity.

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;

14.2.b. encourage children to control their 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, physical characteristics, 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. using of any other practice that is not appropriate for the ages/stages of the children or is harmful psychologically or physically.

14.4. Staff shall develop program provisions that prohibit or severely limit the use of suspension in pre-k due to a child's behavior. A temporary suspension may be used only as a last resort in extraordinary circumstances where there is a safety threat that cannot be eliminated without reasonable modifications. Program provisions must include the following criteria:

14.4.a. guidance for a multidisciplinary team to determine when no other reasonable option is appropriate;

14.4.b. a written plan to guide actions and supports needed; and

14.4.c. efforts to engage parents and appropriate community resources.

§126-28-15. Curriculum and Assessment.

15.1. Curriculum is part of the inter-related approach that includes formative assessment and approved content standards to facilitate individualization and direction of classroom programming.

15.2. The WV Pre-K classroom must implement Policy 2520.15, which is aligned with Head Start Early Learning Outcomes Framework and the West Virginia College- and Career-Readiness Kindergarten Standards. The approved content standards for programs serving eligible children are written to reflect a developmental continuum that enhances successful transitions into kindergarten. Utilizing the formative assessment process, evidence of children's individual growth along the developmental continuum is used to personalize learning and share progress with families.

15.3. Only comprehensive curricular systems that are adopted based on the latest state-approved instructional materials list or county process for review and adoption of instructional resources by each county collaborative early childhood team, with input from stakeholders, shall be used by WV Pre-K classrooms, including classrooms that serve children with identified special needs. A county process for review and adoption must include the use of criteria for adoption furnished by the WVBE, which includes non-negotiable, general, and specific evaluation criteria based on W. Va. 126CSR35 Policy 2445.40, Instructional Resources (Policy 2445.40).

15.4. A comprehensive curricular system must meet the following standards:

15.4.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:

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

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

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

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

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

15.4.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:

15.4.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;

15.4.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

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

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

15.4.c.1. meeting the developmental continuum contained in the approved content standards for eligible children as prescribed by the WVBE;

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

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

15.4.c.4. supporting integration of curriculum content through use of various forms of documentation (such as themes, projects, key experiences, or webs); and

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

15.4.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;

15.4.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:

15.4.e.1. integrating curriculum and the formative assessment process to benefit the child; and

15.4.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.

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

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

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

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

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

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

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

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

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

15.4.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;

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

15.4.j. promote the use of developmentally appropriate curriculum and formative assessment principles to determine how technology is incorporated into the classroom environment as a resource, rather than a substitute, for effective teaching or quality curriculum.

15.5. The West Virginia Early Learning Reporting System: Pre-K (WV ELRS: Pre-K), inclusive of the Early Learning Scale, and which focuses on the formative assessment process, shall be utilized with all children enrolled in WV Pre-K programs. The assessment system is designed to inform classroom instruction, assist with integration of personalized learning, and to foster interactions, competencies, experiences, and skills of children participating in WV Pre-K programs through appropriate measures. Comprehensive assessment systems must address how the curriculum:

15.5.a. supports the whole child across multiple learning domains as the child progresses developmentally;

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

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

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

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

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

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

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

15.6. Selection and use of supplemental materials/curricular enhancements that address core content areas such as language and literacy acquisition or numeracy, must be based on research-based research and support the philosophy and techniques of the comprehensive curriculum and the requirements of this section. Guidance provided by the WVDE will assist county collaborative early childhood teams regarding the collaborative, local decision-making processes pertaining to supplemental materials/curricula enhancement.

15.6.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 permissible.

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 or experiences;

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. active media chosen is developmentally appropriate and supports creative play and learning; and

15.7.e. screen time, whether through active or passive media, should be limited.

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. staff members are available to support the use of the passive media by discussing with the child 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. In classrooms where specialists are incorporated into daily routines, environments and experiences must be reflective of the approved county-adopted comprehensive curricular system and support integration of Policy 2520.15.

§126-28-16. Personnel.

16.1. Teacher Credentials:

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

16.1.b. 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

16.1.c. 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 in child development, early childhood, or occupational development with an emphasis in child development/early childhood, have a minimum overall grade point average of 2.5 for all college/university coursework attempted, and meet the requirements specified in W. Va. 126CSR136, WVBE Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202), for the Permanent Authorization, endorsed for Community Programs; OR

16.1.d. When no fully certified teacher or 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 shall hold the minimum of a bachelor's degree in child development, early childhood, or occupational development with an emphasis in child

development/early childhood, have a minimum overall grade point average of 2.5 for all college/university coursework attempted, and meet additional requirements to be eligible for a Temporary Authorization for Community Programs as specified in Policy 5202.

16.2. Early Childhood Classroom Assistant Teacher Authorization

16.2.a. Any person previously employed and newly employed as an aid/assistant in a WV Pre-K classroom (refer to W. Va. Code §18-5-44m), including those employed by the county board of education and collaborating Head Start and child care programs, shall hold the position of either Early Childhood Classroom Assistant Teacher Temporary Authorization or Early Childhood Classroom Assistant Teacher Permanent Authorization, as specified in Policy 5202.

16.2.b. Conditions of the initial Early Childhood Classroom Assistant Teacher-Temporary Authorization:

16.2.b.1. The applicant for authorization must hold a minimum of a high school diploma, Testing Assessing Secondary Completion (TASC), or degree if applicable, through an accredited institution of higher education as defined in Policy 5202.

16.2.b.2. Submission of commitment, verifying the applicant's agreement to complete coursework, approved by the WVDE, in the areas of preschool special education, child development, and early childhood language and literacy as defined in Policy 5202.

16.2.b.3. Applicants employed by the county board of education must meet the formal state academic assessment requirements as defined in Policy 5202, pursuant to W. Va. Code §18A-4-8e, or hold a valid or expired Initial Professional or Professional Teaching Certificate or its equivalent, as a condition of hire. Applicants employed by a collaborating child care or Head Start program are not required to meet the formal state academic assessment requirements.

16.2.b.4. Complete the application process for Early Childhood Classroom Assistant Teacher Authorization as described in Policy 5202, Section 12.

16.2.b.5. Applicants must select an authorization pathway when completing the initial Early Childhood Classroom Assistant Teacher-Temporary Authorization. Authorization pathways include Child Development Associate (CDA), West Virginia Apprenticeship for Child Development Specialists (ACDS), or WVDE-approved course work.

16.2.c. Conditions for Renewal of the Early Childhood Classroom Assistant Teacher-Temporary Authorization:

16.2.c.1. The initial Early Childhood Classroom Assistant Teacher-Temporary Authorization is valid for one school year and may be renewed twice in accordance with WVBE Policy 5202.

16.2.c.2. Any Early Childhood Classroom Assistant Teachers employed in a WV Pre-K classroom collaborating with Head Start must complete required coursework of the Early Childhood Classroom Assistant Teacher authorization pathway within two years upon hire in accordance with Head Start regulations.

16.2.d. Conditions of the Early Childhood Classroom Assistant Teacher-Permanent Authorization:

16.2.d.1. A first-time applicant for Early Childhood Classroom Assistant Teacher-Permanent Authorization must provide verification of state competency exam for applicants employed by a county board of education and must hold a minimum of a high school diploma, TASC, or degree if applicable, through an accredited institution of higher education as defined in Policy 5202.

16.2.d.2. Demonstrate completion of the minimum coursework requirements to meet or exceed the requirements for a child development associate. Equivalency is determined as the Child Development Associate (CDA), West Virginia Apprenticeship for Child Development Specialists (ACDS), or WVDE-approved course work.

16.2.e. Any Early Childhood Classroom Assistant Teacher employed in a collaborative setting with Head Start must complete coursework required to obtain permanent authorization in accordance with Head Start regulations.

§126-28-17. Staff Training.

17.1. An orientation for new staff in a WV Pre-K classroom will be provided within the first 30 days of employment that includes a review of: 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; 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 for new employees and W. Va. 64CSR7, WVDHHR Reportable Disease, Events and Conditions Rule.

17.2. All county WV Pre-K staff, including teachers and teacher assistants/aides/paraprofessionals, shall participate in 15 hours of professional learning annually, based on needs determined in the county continuous quality improvement process. The county collaborative early childhood team should utilize county program assessment data, along with other professional learning needs assessment data and the West Virginia Core Knowledge and Competencies for Early Care and Education Professionals when developing WV Pre-K staff development plans.

17.3. Professional learning 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 and maintain a continuous quality improvement process, (CQI process), which includes an annual plan for collecting and analyzing program assessment data to establish school readiness goals, assuring children have the best available resources

prior to entering first grade. The Continuous Quality Improvement (CQI) Process Guidance Manual is available to assist county collaborative early childhood teams in the selection of observational measurements, as well as provide information about the CQI process. The CQI process must minimally include annual program data results to determine intentional, sustained, and standards-focused professional learning opportunities and recommendations for county strategic plans. Annual data results must include:

18.1.a. County aggregated child outcome data; and

18.1.b. Classroom observation data from a research-based instrument.

18.2. The West Virginia Universal Pre-K Health and Safety Checklist must be completed annually in each WV Pre-K classroom within the first forty-five days of school for students. Results from each West Virginia Universal Pre-K Health and Safety Checklist must be electronically housed in an online platform provided by the WVDE.

18.3. Current research illustrates that coaching in early childhood programs is a high-yields practice that can produce more long-term quality outcomes than traditional professional learning alone. Head Start Performance Standards require research-based, coordinated coaching strategies for education staff. Therefore, for classrooms collaborative with Head Start, it is required that county collaborative early childhood teams implement a research-based universal pre-k coaching model that utilizes educator self-assessments and data to identify strengths and areas of needed support, as part of the CQI process. Further, it is recommended that all WV Pre-K classrooms include an effective pre-k coaching model as part of the CQI process to best support the individualized professional learning needs of education staff. Effective coaching models are inclusive of the following components:

18.3.a. coaches who have an early childhood background;

18.3.b. ongoing supports for coaches in implementation of the adopted coaching model;

18.3.c. alignment with the continuous quality improvement process to positively impact instructional strategies; and

18.3.d. a collaborative partnership between the coach and coachee, rather than a punitive process for educator.

18.4. The county board of education, in collaboration with county collaborative partners, is required to submit WV Pre-K program data to the WVDE Office of Early Learning annually. The WVDE Office of Early & Elementary Learning will compile the information and provide a summary report to the Secretary of WVDHHR and the State Superintendent of Schools. The WV Pre-K program data will include at a minimum:

18.4.a. program data verification, including classroom information, submitted annually by October 15;

18.4.b. a comprehensive WV Pre-K fiscal report submitted annually by October 15; and

18.4.c. verification of the annual collaborative contracts and budgets signed and filed at the local county board of education, noting collaborative WV Pre-K classrooms for the upcoming school year to continue to document maximization of resources through the collaborative model, submitted prior to the first day of children's attendance;

18.5. The WVDE, in collaboration with the WVDHHR and Head Start State Collaboration Office, will conduct a WV Pre-K Program Review at a minimum of once every three years.

18.5.a. The program review will consist of a desktop review, site-visits, and county collaborative team interviews. The purpose of the program review is to ensure counties continue to implement WV Pre-K programs in alignment with policy and to assist with each county's continuous quality improvement process within 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.

18.5.b. A summary of the WV Pre-K Program Reviews will be provided annually to the WVBE.

18.6. The WVDE shall develop and institute a system of longitudinal, evidence-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 benefit on both county and state level and improve the quality of programming available for eligible children.

§126-28-19. Finance.

19.1. Each county board of education shall enroll WV Pre-K children in community classrooms and generate funding through the school aid funding formula. Funding generated through community classrooms should be invested into those programs providing quality early education services and local infrastructure to support WV Pre-K classrooms. Guidance is provided by the WV Pre-K Steering Team on collaborating with community programs and includes information on funding, contracts, and budgets.

19.2. The county board of education 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.

19.3. 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 county board of education.

19.3.a. In child care, WV Pre-K is an enhancement to the regular program during the designated WV Pre-K hours. Since WV Pre-K under this policy is part of a free public education, parents/guardians shall only be charged for those hours outside the WV Pre-K designated time.

19.4. In addition to the resources provided to a WV 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 Child Care Development Fund monies supporting eligible children.

§126-28-20. Program Oversight.

20.1. County boards of education have direct responsibility for all WV Pre-K classrooms in their county. Local program oversight for contracted community programs must be defined in the contracts between the community program and the county board of education. These include, but are not limited to, staff evaluation and discipline, which must be specified within collaborative agreements of each participating WV Pre-K program.

20.2. Collaborative Head Start classrooms will 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 will be licensed under W. Va. 78CSR1, WVDHS Child Care Centers 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. Definitions.

21.1. Active media. Materials that the child can control while participating in an activity such as taking pictures with cameras, making audio or video recordings or working with technology.

21.2. Adequate supervision. 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. 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, Child Care Development Funds, funds under the Every Student Succeeds Act (ESSA), 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. Public school preschool, preschool special education, and any community provider that contracts with the county board of education including, but not limited to, child care, 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 verified Universal Pre-K program data. 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 contract. The legally binding agreement made between the county board of education and approved early childhood community program to delineate roles, responsibilities, and resources of each partner to meet or exceed program requirements for implementation of WV Universal Pre-K and community partner regulations.

21.6. Collaborative setting. A classroom of WV Pre-K children operated jointly by a community program and county board of education or by a community program with resource support from the state through the county board of education.

21.7. Continuous Quality Improvement Process. The ongoing program assessment process implemented by county teams utilizing classroom observations and aggregated child outcome data to make informed decisions for program improvement.

21.8. Contracted community program. Any provider of early childhood services that meets all of the requirements of this policy and has a collaborative contract with the county school system to operate a WV Pre-K classroom.

21.9. Core knowledge and core competencies for early care and education professionals. The sets of skills and knowledge that represent common standards of satisfactory practice in the early childhood field as defined in WV STARS Core Knowledge and Core Competencies for Early Care and Education Professionals.

21.10. Developmentally appropriate. 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.

21.11. Direct supervision. The physical presence of a qualified staff member is in the same room, area, or vehicle with the child or group of children, visually monitoring the interactions of the children.

21.12. HealthCheck. 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.

21.13. Passive media. Materials the child cannot control while participating in an activity such as watching television, DVDs, or device streamed content.

21.14. School readiness goals. Programmatic goals based on data collection and analysis over time as part of the continuous quality improvement process to support the growth and development of children.

21.15. Staff-to-child ratio. A relationship which describes the number of children qualified staff members or substitutes are permitted to supervise.

21.16. Staff member. Any paid personnel, including substitutes.

21.17. Universal access. 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.

21.18. Universal application. An enrollment form that must be used for all classrooms identified as part of the county's WV Pre-K system to determine placement and enrollment of eligible children.

21.19. Universal precautions. 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.

21.20. Usable space. The actual indoor classroom areas that are utilized for children's activities. Usable space includes all areas of the classroom that children may access. Usable space excludes areas that children do not access such as staff areas, staff-only furniture, storage spaces, or adjacent offices.

21.21. Verified universal pre-k program data. County pre-k information that illustrates the program structure, including classroom location, collaborative partners, operation information, and available support services, such as meals and transportation. Each county Pre-K Coordinator is required to complete WV Pre-K program data verification by October 15 annually.

21.22. West Virginia Universal Pre-K Instructional Day. The duration of time that pre-k children are present at school. This includes all required elements of the daily schedule.

21.23. West Virginia Early Learning Reporting System: Pre-K, or ELRS: Pre-K,. The section of the Early Learning Reporting System (ELRS) web-based platform utilized for housing and reporting WV Universal Pre-K program and formative assessment data. The ELRS: Pre-K is a located within a secured site that requires registration and account login by all users.

§126-28-22. Severability.

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