

EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: 2525 West Virginia's Universal Access to a Quality Early Education System

Background: In 2002, the Legislature passed W. Va. Code §18-5-44 which required the West Virginia Board of Education to fully implement a voluntary pre-k system by 2012-13 for all four year olds and to adopt a policy to govern the quality of classrooms included in the West Virginia Pre-k System. As the system moves toward full implementation, policy changes are needed to assure high quality programming for all WV Pre-k children.

Proposals: Changes to the policy are included as follows:

- In the definition section (126-28-3) the number of minimum/maximum hours of operation for a WV Pre-k classroom was delineated and there was a change in the language regarding the enrollment of five year olds into pre-k instead of kindergarten.
- In the collaboration section (126-28-6) new guidelines for the county team process, how to address necessary changes to the plan for approval, cross programmatic training, and the universal application and enrollment process were added.
- The former section seven was deleted since it is language directly quoted from the law and did not need to be repeated.
- The personnel standards section (126-28-7) removed the permit process description for community partners and added language for the newly developed West Virginia Community Program Permanent Authorization. Also, a requirement was included that beginning 2012-13, all new hires in community programs must have BA degrees.
- Section eight outlines the health and safety requirements (126-28-8) with new language regarding the HealthCheck protocol for standardization of screenings and physicals and more flexible guidelines for children's rest time.
- The standards for preparing students section (126-28-9) added language requiring classrooms to be adequately equipped to appropriately implement the chosen curricular framework.
- Section 12, Inclusive Environments (126-28-12) reflects the newly adopted language in WVBE Policy 2419.
- The staff development and training section (126-28-13) now includes language to support collaborative training based on the results of the ECERS-R continuous quality improvement plan.
- The financing section (126-28-15) clarifies processes for working with community partners to offer the WV Pre-k classroom at no cost to parents.
- Section 16 (126-28-16) on program evaluation has new language in regard to the how counties use the Early Childhood Environmental Rating Scale for program evaluation as required in the W.Va. Code §18-5-44.

Impact: The changes to the policy will increase the quality of the WV Pre-k classrooms through clarification and strengthening language regarding teacher qualifications, program evaluations, health screening protocols, financing, eligibility and programmatic hours.

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TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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 15, 2005~~

1.4. Effective Date. - - ~~August 14, 2005~~ - July 1, 2008 unless noted

1.5. Repeal of former rule. ~~This is a revision of WV rule amends W. Va. 126CSR28, West Virginia Board of Education Policy 2525, West Virginia's Universal Access to Early Education System (hereinafter Policy 2525), filed January 13, 2003 July 14, 2005 and effective February 12, 2003 August 14, 2005.~~

§126-28-2. Guidelines.

2.1. WV Pre-k classrooms shall:

2.1.1. be voluntary ~~and based on the choice of the parent or guardian.~~

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

2.1.3. ~~utilize developmentally appropriate curriculum and a learning approach based on scientific research about how children learn~~ deliver content through the chosen approved curricular framework and the West Virginia Early Learning Standards Framework W. Va. 126CSR440, WVBE Policy 2520.15, Early Learning Standards Framework Content Standards and Learning Criteria for West Virginia Pre-kindergarten (hereinafter the WVLSF).

2.1.4. ~~provide the building blocks for literacy~~

2.1.5. view children within the context of their family.

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2.1.65. utilize state approved ~~curricula~~ curricular frameworks and assessments to inform and individualize instruction that are compatible with the state approved curricula, as tools for measuring the child's progress on the continuum of development and individualizing educational opportunities.

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

2.1.87. 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.

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

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

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

2.1.121. maximize existing community, state and federal resources.

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

2.1.143. take place in safe and healthy environments.

2.1.154. be inclusive of all children.

§126-28-3. Definitions.

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

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

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3.3. *Approved funding sources* means any funds used directly to support WV Pre-k classrooms for eligible children including West Virginia State Aid Funding Formula, Head Start funds, Even Start funds, Temporary Assistance to Needy Families, Child Care Development Funds, funds under the Elementary and Secondary Education Act (No Child Left Behind), ~~parent contributions~~, funds provided by the School Building Authority of West Virginia, funds under the Public Law 108-446, Individuals with Disabilities Education Improvement Act of 2004, and any other private or public funds.

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

3.5. *Collaborative setting* means a classroom of WV Pre-k children whose services are supported by two or more partners ~~and~~ for the benefit of all the children enrolled in the collaborative classroom. The partnership shall include at a minimum the LEA and ~~Head Start or child care or another~~ a community early childhood provider.

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

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

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

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

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3.10. *Developmentally appropriate* means early childhood programming, curricula, and activities that address the stages of each child's cognitive, physical, social/emotional, and cultural development and utilizes a balanced approach of both child initiated and teacher directed instruction. Children should be actively engaged in hands-on, interactive activities for learning for a substantial portion of the day.

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

3.12. *Eligible child* shall mean any child, regardless of ability, who is four prior to September 1 of the year he/she is to enroll or whose enrollment is mandated under state and/or federal law. Three year old children can be included in collaborative classrooms if they meet the eligibility requirements of this policy or, in a collaborative classroom, the guidelines for enrollment of the collaborative community partner. ~~If it is in the best interest of the child, as determined by mutual agreement between the teacher and parent/guardian the child may remain in the program for longer than one year. Because WV Pre-k is designed to prepare children to be successful in kindergarten, Children may not be excluded based on developmental delays including toilet training. Children who are five prior to September 1 shall be enrolled in kindergarten, instead of WV Pre-k, unless the Individual Education Program (hereinafter IEP) committee of an eligible child with special needs deems placement to be appropriate. The WV Pre-k classroom shall not accept children who are otherwise eligible to be enrolled in a kindergarten program without appropriate intervention/assessment documentation in place as determined by a team whose membership includes a practicing pre-k teacher, the child's kindergarten teacher, a behavior support professional, and the child's parent(s)/guardian. the teacher and parent deem kindergarten placement for that child not in the best interest of the child. For children who have been enrolled in a WV Pre-k classroom, determination to provide the child with an additional year of pre-k will be documented through the county/classroom assessments of the child using the county/classroom adopted comprehensive assessment system. In a WV Pre-k classroom, children that present issues of concern shall be referred for possible evaluation and possible additional supports. The child may remain in the program for longer than one year if the decision is in the best interest of the child and based on curricular assessment data, as determined by~~ with mutual agreement between the teacher and parent/guardian.

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

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

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

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

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

3.148. *Minimum-Program availability* means offering each preschool class a minimum of ~~12~~ 16 hours per week and a maximum of 28 hours per week during the school year calendar for no less than 108 instructional days per school year.

~~3.16 Procedure manual~~ refers to the manual WV Pre k classroom faculty, administrators, and staff shall use for implementing the requirements of this policy. A representative from Head Start and WVDHHR will provide input into the development of the procedure manual in order to ensure proper consideration for child care licensing and Head Start Performance Standards.

3.179. *Responsible adult* means a parent, staff member, or other adult whom the parent has designated to drop off or pick up the child.

3.1820. *Staff/child Staff: child ratio* means a fraction in which the numerator is relationship which describes the number of children one qualified staff member or substitute, and the denominator is the maximum number of children that the qualified staff member is permitted to supervise.

3.1921. *Staff member* means any paid personnel, including substitutes, and student teachers.

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

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

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

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

~~3.22. Use zone~~ means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment is expected to land.

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

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

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

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

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

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

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

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

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

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

§126-28-5. Attendance.

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

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

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

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

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

~~6.12. The West Virginia Department of Education (hereinafter WVDE), in collaboration with the West Virginia Department of Human Resources (hereinafter WVDHHR), has the responsibility of convening a committee to review the quality and content of the county plans by representatives from the WVDE, WVDHHR, and the Head Start Collaboration Office. Three people will be appointed to represent the WVDE. Additionally, the WVDE will request that the Secretary of WVDHHR appoint three people and the Head Start State Collaboration Director appoint three people to participate on this review committee. The committee will make recommendations to the Secretary of WVDHHR and the WVBE West Virginia Board of Education (hereinafter WVBE) regarding approval of the county collaborative plans. Participation on the committee by WVDHHR and Head Start State Collaboration Office will ensure the (1) maximization of federal and other available funds and (2) maximization of Head Start programs and other public and private programs approved by the State Superintendent of Schools.~~

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

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

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

6.23.3. A county wide joint application and enrollment process for children is utilized.

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

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6.23.5. All approved participating programs are included or represented.

6.24. Once the county plans are reviewed by the collaborative review committee and the signature of the Secretary of WVDHHR is secured, a list of the county plans and the recommendations of the review committee will be submitted to the WVBE for approval. If a county plan is not approved, it will be returned to the county board of education with an explanation and instructions for re-submission. The County Superintendent and LEA plan county contact shall share this information with the county early childhood collaborative team and superintendent upon receipt. The changes to the plan shall be signed by all core partners of the county early childhood collaborative team prior to resubmission. Final approval or non approval of all submitted county plans shall be determined at the July board meeting of the WVBE for the school year that begins in August of the same year.

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

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

6.57. In order to support counties in the effort to maximize existing resources by 2012-2013 or by full implementation, no less than 50% of the classrooms for eligible children must be provided through contractual agreements with community programs, including but not limited to Head Start and child care, unless the county collaborative team can document that those programs do not exist in that county, can never meet the mandates of this policy, or choose not to participate. Counties shall explore all feasible supports to enable community partners to meet the requirements of this policy, including providing certified teachers in community programs, before determining that programs cannot meet the mandates. This may not be construed to mean that counties will provide education services in public school settings only and contract out support services but rather that 50% of the classrooms for eligible children must be contracted with qualifying providers in collaborative settings. This ratio of community to public school providers can only be decreased with the written permission of both the WVBE and the

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Secretary of WVDHHR. When the county school system includes the eligible children attending in an approved, contracted community program in the count for the school aid funding formula, a portion of the money generated by the formula must be used through the contractual agreement to insure that the requirements of this policy are met and adhered to for the length of the contract. Counties shall phase in classrooms incrementally to meet the requirement for universality by 2012-13. In an instance when the LEA is the Head Start grantee, those settings are considered part of the mandate for collaboration; however, the collaboration does not fulfill these requirements for collaboration with community partners if those partners are available.

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

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

~~6.8. Development of the county plan through the county collaborative planning team must utilize an existing early childhood collaborative unless there is no such collaborative in that county.~~

6.910. Any member of the county collaboration team that will provide services to eligible children in that county must follow all rules and regulations as outlined in this policy. ~~In collaborative classrooms where community partners have regulations such as head Start Performance Standards or WVDHHR Day Care Licensing, these regulations shall apply in addition to WVBE Policy 2525. The contract/agreement between the collaborative partners to ensure that the staff and administrators receive professional development related to the policies and regulations of all the collaborative partners. The contract/agreement between the collaborating agencies must address how the collaborative will assure compliance with all applicable regulations and standards. It is the responsibility of the collaborative partners to ensure that the staff and administrators receive professional development related to the policies and regulations of all the collaborative partners.~~

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

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

6.10~~1~~. The county collaborative plan must include documentation by each participating partner of his or her role in the development of the county collaborative plan.

6.11~~2~~. The LEA must submit a request with the county collaborative plan to complete the determination process for universality for the following year.

6.12~~3~~. Once a county collaborative plan is approved, in order to receive funding through the West Virginia State Aid Funding Formula, the LEA must submit the contract and budget for each collaborative classroom in that county to the WVDE Early Childhood Coordinator ~~by July 15~~ no later than August 1 of that year. Budgets will be submitted both in an EXCEL format and in paper form with the contractual partners' signatures.

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

~~§126-28-7. Waivers.~~

~~7.1. The WVBE may grant a county board a waiver from full implementation of WV Pre-k in a county if the WVBE finds that all of the following conditions are met:~~

~~7.1.1. the county does not have sufficient facilities available; or~~

~~7.1.2. the county does not have and has not had available funds sufficient to implement the program; and~~

~~7.1.3. the county has not experienced a decline in enrollment at least equal to the total number of students to be enrolled; and~~

~~7.1.4. other agencies have not made sufficient funds or facilities available to assist in implementation.~~

~~7.2. A county seeking a waiver must apply with the supporting data to meet the criteria for which they are eligible on or before March 25 for the following school year.~~

~~7.3. The State Superintendent of Schools shall notify the county that the requested waiver was denied or granted on or before April 15 of that same year.~~

§126-28-87. Personnel Standards.

~~8.1. Teachers must hold a qualifying certification/endorsement, specifically, a teaching certification/endorsement in early education, elementary education with a Pre k/K endorsement, Preschool Special Needs or birth through pre-kindergarten.~~

~~8.2. A Full Time Permit shall be issued and valid for one school year and shall expire on June 30. An educator employed on or after the first day of January may be issued a Permit valid until June 30 of the following year. All requirements for the Professional Teaching Certificate must be completed within five years of the original issuance of the Full Time Permit. See WV 126CSR136, WVBE Policy 5202 Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification, Section 15. A Full-Time Permit will be issued for the following:~~

~~8.2.1. persons with degrees in elementary education, child and family studies with an emphasis on early childhood education, or child development and have 25% of the required coursework for one of the qualifying certifications as defined by the higher education institution in which they are enrolled, or~~

~~8.2.2. persons with a Board of Regents degree with a specialization in early childhood/child development who are employed by a community program and have 25% of the required coursework for one of the qualifying certifications as defined by the higher education institution in which they are enrolled, or~~

~~8.2.3. persons with an Associate's Degree in child development/early childhood or occupational development with an emphasis on child development/early childhood and one year of early education teaching experience who are employed by a community program and have 25% of the required coursework for one of the qualifying certifications as defined by the higher education institution in which they are enrolled.~~

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

7.2. Teachers employed in a WV Pre-k classroom operated by a community program should hold a Professional Teaching Certificate endorsed in Early Education, Preschool Education, or Preschool Special Needs; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.6 Renewal of the Temporary Authorization for Community Programs.

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

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

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

7.7. Effective school year 2013-2014, all new hires for community programs that employ the teacher for the WV Pre-k classroom shall require the teacher to hold a BA in early childhood, child development, or Preschool Special Education or RBA with an emphasis in early childhood or child development. Community program teachers hired as the WV Pre-k classroom teacher

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prior to 2013-2014 may qualify as the teacher of the WV Pre-k community classroom if they hold a Permanent Authorization for Community Programs or a Temporary Authorization for Community Programs and meet all of the requirements for a Permanent Authorization for Community Programs by 2014-2015.

8.37.4.8. Persons who are employed to meet the staff/child ratios but are not certified teachers such as aides, assistants, or paraprofessionals must meet the criteria set forth in the WV S.T.A.R.S. career pathway level II. Level II is defined as persons who are at least 18 years old with a high school diploma or equivalent and one years 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.

7.9. This section becomes effective 30 days from the filing date of this policy by the WVBE.

§126-28-98. Regulation of Facilities—Health and Safety Requirements

98.1. Recognizing that all children within the WV Pre-k System shall ~~should~~ 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 followed be adhered to in addition to any existing rules and regulations based on funding sources for individual programs. ~~Public school e~~ Classrooms in public schools will be monitored as a part of the Office of Education Performance Audit ~~county~~ auditing process in addition to daily supervision by county and school level administrators to assure all health and safety requirements are met. Collaborative classrooms ~~Classrooms operated by or in collaboration with Head Start~~ will also be monitored for compliance with the Head Start Performance Standards in partnership with local and federal Head Start personnel. ~~WV Pre-k classrooms shall use the Procedure Manual to ensure compliance with this section of the policy.~~ Classrooms operated by or in collaboration with licensed child care ~~or private preschool programs must also meet the child care licensing standards, be licensed~~ under WVDHHR Day Care Licensing, W.Va. 78CSR1.

98.2. WV Pre-k classrooms shall limit classroom size to no more than twenty children per classroom. Ratios shall be maintained at one ~~adult~~ staff member: ten children with one adult being a certified teacher or teacher holding a Permanent Authorization for Community Programs at naptime when the allowable ratio is 1 staff member: 20 children . Teacher caseloads, when no children with IEPs are enrolled in the classroom, shall not exceed 30 children. Caseloads for teachers of classrooms with children who have IEPs shall meet the requirements of ,WVBE Policy 2419. ~~Exceptions to the staff/child ratio may cover groups of children who participate in WV Pre-k classrooms and participate in a naptime program. At least one staff member is in the classroom supervising the children. An additional staff member must be readily available at all times.~~

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98.3 Prior to or during the first week of employment in a WV Pre-k classroom, an orientation for new staff will be provided that includes a review of: WVBE Policies 2525 and ~~the WV 126CSR440 2520.15 Early Learning Standards Framework Content Standards and Learning Criteria for West Virginia Pre-kindergarten (WVELSF)~~; 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.

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

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

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

~~98.7. All children entering an approved participating WV Pre k program shall be screened for impairments or delays in hearing, vision, speech, language, development, and dental health. Programs shall adhere to the deadlines as prescribed by their primary funding source (providing 51% or more of the funding for that year). Programs operated by the county board of education shall adhere to W. Va. Code §18-5-17.~~

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

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

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

98.2210. Staff members shall ~~adopt~~ utilize universal precautions when exposed to blood and body fluids that might contain blood, as specified in the West Virginia Board of Education Policy 2423 – Communicable Disease Control (126CSR51).

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

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

98.103. 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:

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

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

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

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

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

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

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

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

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

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

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

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

98.114.8. permitting a child to discipline other children;

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

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

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

98.125.1. the definition of child abuse and neglect, and

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

98.136. 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.

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

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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.

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

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

98.1720. 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.

~~98.1821. A WV Pre-k classroom shall meet the rest needs of the pre-k children through~~
The Pre-K classroom shall provide an opportunity for a child to nap or rest. If the program operates for more than four hours per day a regular rest period shall be scheduled and utilized when the child desires or exhibits the need to rest. Programs operating for less than four hours daily shall assure that children have access to rest areas as necessary. These rest or nap areas shall be set up to reduce distraction or disturbance from other activities. Appropriate sleeping equipment shall be provided by the program. Children are not allowed to sleep on the floor or in a sleeping bag or on linens without mats or cots.

~~9.18.1. provision of a designated area where a child can sit quietly or lie down to rest;~~

~~9.18.2. establishment of a schedule for children who are in WV Pre-k programming for more than four daytime hours that includes a regular nap period of at least one hour each day for the child who sleeps, and an opportunity for rest and quiet play in a designated part of the room for children who do not nap. Children who are not napping should be engaged with quiet materials or activities such as books, quiet table toys, or computers.~~

~~98.18.321.1. Provisions of Appropriate sleeping equipment shall be provided by the program that does not allow children to sleep on the floor or in a sleeping bag or on linens alone.~~

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

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WVELSF. Programs operating less than four hours per day must have 30 minutes of daily outdoor activity, weather permitting

~~9.203. A WV Pre-k classroom shall have on file upon enrollment a record of a health assessment signed by the child's licensed health care provider that includes any special required instructions for the WV Pre-k classroom, including:~~

~~9.203.1. a description of any allergy, current health problem or condition that may affect the child's adaptation to care, including abnormal results of screening tests, for vision, hearing, tuberculosis, or lead poisoning;~~

~~9.203.2. prescribed daily medications and any potential side effect, and~~

~~9.203.3. the child's health history, including, as applicable, information about a serious illness or significant communicable disease, an injury that required medical attention or hospitalization, a previous surgery, or a history of prematurity.~~

~~9.21. Child illness in the WV Pre-k System classroom shall be observed by staff daily and staff shall watch for changes that may indicate injury, infestation or illness, and record any observed changes in the child's file and notify the family.~~

~~9.22. Staff members shall adopt universal precautions when exposed to blood and body fluids that might contain blood.~~

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

98.234.1. when hands are contaminated with body fluids;

98.234.2. before preparing, handling or serving food, or setting the table;

98.234.3. after toileting, handling diapers or assisting a child with toilet use;

98.234.4. before and after eating meals or snacks;

98.234.5. after handling pets or other animals;

98.234.6. before giving medication;

98.234.7. after playing outdoors;

98.234.8. after handling garbage; and

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98.234.9. after removing protective gloves used for any purpose.

98.245. 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.

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

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

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

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

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

98.256.4. if it is attached to a building, that the barrier or fence provides at least two (2) exits from the play area, including one (1) exit that is at a distance from the building;

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

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

98.267. 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.

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

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

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

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

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

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

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

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

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

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

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

98.289.2. ~~when passive media is used~~; that staff members are available to support the use of it by discussing what is viewed with the child;

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

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

98.2930. A WV Pre-k classroom shall ensure that products containing potentially hazardous chemicals, such as identified poisons, medications, certain cleaning supplies, and non toxic art supplies. These items should be stored in a locked cabinet away from food and in their original containers. These chemicals shall be used according to manufacturers' instructions, and in a manner that will not contaminate play surfaces or articles.

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

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

§126-28-109. Standards for Preparing Students.

~~109.1.~~ The WV Pre-k classroom must implement ~~the Policy 2520.15,~~ the WVELSF, which is aligned with Head Start Outcomes Framework and the kindergarten content standards and objectives. The content standards and objectives for programs serving eligible children are written to reflect a developmental continuum that enhances successful transition into kindergarten. Children shall be assessed on their individual developmental progress along the developmental continuum.

~~109.2.~~ When a WV Pre-k System classroom opens, it shall be equipped as required by the chosen curricular framework.

§126-28-110. Curriculum and Assessment.

~~110.1.~~ Only comprehensive curricula systems and comprehensive assessment systems that are included on the approved list shall be used by WV Pre-k classrooms including classrooms that serve children with identified special needs.

~~110.2.~~ Selection and use of supplemental materials/curricula enhancement, that address core content areas such as language and literacy acquisition or numeracy, must be based on scientifically based research and support the philosophy and techniques of the comprehensive curriculum and the requirements of this section. Teaching strategies such as worksheets, extended periods of sitting, seat work at desks or tables, flashcards, prescribed sequence of content, content areas taught in isolation, requiring all children to be working on the same skill, lack of individualization, or a high level of teacher directed instruction are not allowed as a part of the supplemental curricula.

~~110.3.~~ Comprehensive curricula systems, curriculum enhancements and comprehensive assessment systems will be approved following a process similar to the process established by the West Virginia Department of Education, including, preschool special education, for adoption of instructional materials using the Partners Implementing an Early Care Education System (hereinafter PIECES) Advisory Council and appropriate subcommittees.

~~110.4.~~ A comprehensive curricula system must ~~at a minimum~~ meet the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~a. integrating curriculum and assessment that benefits the child.~~

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

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

~~a. assuring children's health and safety.~~

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

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

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

~~e. supplying a sufficient quantity and variety of appropriate materials.~~

~~f. rotating the availability of materials.~~

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

~~h. introducing children to the unfamiliar.~~

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

~~a. promoting consistency in schedules and routines and facilitating smooth transitions.~~

~~b. supporting continuity between home and school.~~

~~c. encouraging children's participation in routines to develop responsibility and independence.~~

~~d. recognizing the integral role of adults during routine times.~~

~~e. allowing for flexibility and adaptations for individual children.~~

~~f. supporting positive health and nutrition practices.~~

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

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

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

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

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

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

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

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

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- ~~e. demonstrating the child's overall strengths and progress.~~
- ~~d. encouraging self evaluation by the child.~~
- ~~e. relying on demonstrated performance of real, not contrived, activities.~~
- ~~f. utilizing a variety of tools and processes.~~
- ~~g. allowing for differences in learning style and rate.~~
- ~~h. incorporating a mechanism for sharing with and feedback from the parents/guardians.~~
- ~~i. including the parent/guardian as collaborative partners.~~

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

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

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

~~10.6.~~ Classroom design and program implementation for eligible children must exclude the use of student desks, work sheets, long periods of sitting, use of shaming to discipline,

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withholding of food or bathroom privileges, or any other practice that is not appropriate for the ages/stages of the children or is harmful psychologically or physically.

§126-28-121. Transition and Continuity.

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

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

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

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

121.1.4. a county system for transferring assessment data, including but not limited to portfolios, for each child who has participated in a eligible program to the kindergarten teacher to assist the kindergarten teacher in identifying areas of development and areas for growth to meet the individual needs of each child.

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

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

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

§126-28-132. Inclusive Environments.

132.1. 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.

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

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

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

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

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

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

12.5. Placement in separate settings designed for students with disabilities should only be used when a child's IEP cannot be implemented in a less restrictive environment as determined by the IEP team and documented through multiple formal and informal assessment process.

§126-28-143. Staff Development and Training.

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

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

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

~~14.3. Every WV Pre k teacher and assisting staff including aides, assistants, and paraprofessionals, must complete a total of 30 hours of training based on the comprehensive curriculum and assessment systems and the Policy 2520.15, the WV ELSF, over a 24 month period and provided by the employer or made accessible through the professional development section of the county collaborative plan. Thirty hours is the minimum. Teachers and assisting staff may choose to take a college credit bearing course based on the West Virginia curriculum/assessment standards in lieu of this requirement.~~

§126-28-154. Program Oversight.

154.1. 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.

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

~~15.3. On or before December 1, 2004, and each year thereafter, the WVBE shall report to the Legislative Oversight Commission on Educational Accountability.~~

§126-28-165. Financing.

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

~~16.2. If programs are a part of the collaborative county plan and provide education services to eligible children that can be counted in the county school aid funding formula, those services must be provided at no cost to the parent/guardian of the children. . In collaborative settings, WV Pre k is considered an enhancement to the program and parents shall not be charged additional costs for the enhanced services. All instructional activities, such as field trips, will be at no additional cost to the parents/guardians.~~

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

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

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

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

15.5+6.2. If community programs are a part of the collaborative county plan and provide education services to eligible children that can be counted in the county school aid funding formula, those services, including all instructional activities and field trips, must be provided at no cost to the parent/guardian of the children. In collaborative settings, WV Pre-k is considered an enhancement to the program and parents shall not be charged additional costs for the enhanced services. All instructional activities, such as field trips, will be at no additional cost to the parents/guardians.

15.5.1 In child care, pre-k is both an enhancement to the regular program and substitute during the designated pre-kindergarten hours. Since pre-k under this policy is part of a free public education, parents/guardians shall not be charged additional costs for the enhancement and shall be offered a reduction in a child care tuition during the designated pre-kindergarten hours.

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

§126-28-176. Program Evaluation for Quality Improvement.

17.1. Beginning with the school year 2004 which, all participating classrooms shall use the Early Childhood Environment Rating Scale Revised (hereinafter ECERS-R, Harms, Clifford, and Cryer, 1998) as a guidance tool to evaluate the programs success in meeting the needs of the children. The results of the evaluation will be submitted annually using the ECERS-R Annual Development Form (ADF) by July 15 to the WVDE, Coordinator of Early Childhood, Building 6, Room 722, 1900 Kanawha Boulevard, East, Charleston, WV 25305-0330. Areas identified for improvement will be addressed in the subsequent year's county collaborative plan. Failure to submit the ADF could negatively affect the approval of the county plan.

17.2. The ECERS-R ADF that is sent to the WVDE Early Childhood Coordinator shall be performed by trained collaborative teams that include at least one program/county administrator or outside evaluators. The ECERS-R shall not be completed by someone with direct supervision responsibilities for the classroom or by the teacher of that classroom for purposes of submitting

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~~the ADF to the WVDE. The purpose of the program evaluation is to identify program strengths and areas of enhancement, to support continuing quality improvement. Results of the program evaluation will be discussed with teacher(s). Teachers will have the opportunity to comment on evaluation results. The ECERS-R is not an evaluation of the teacher for performance purposes, or an assessment of the development of individual student, but rather an assessment of the program. Public school teachers shall continue to be evaluated according to WV 120CSR142 WVBE Policy 5310 Performance Evaluation of School Personnel.~~

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

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

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

176.4. When a county has fully implemented their county collaborative plan and all eligible children in that county have access to a WV Pre-k classroom that meets all of the quality requirements as outlined in this policy, the county board of education is required to annually submit a report that includes: a copy of the ECERS-R ADF, a summary of the WV Pre-k services provided in the county, the number of WV Pre-k children with identified special education

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needs, the staff development opportunities provided through the county collaborative plan and the number of staff who participated in those staff development opportunities, and number of children who transitioned into kindergarten and other information as required by the WVDE to the WVDE Early Childhood Coordinator by July 15.

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

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 2525 West Virginia's Universal Access to Early Education System FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	see below		see below		
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER					
2. ESTIMATED TOTAL REVENUES					

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):
The cost of implementing universal access to early education programs in West Virginia is estimated to be \$85 million.

DATE
5/10/07

AGENCY
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE
Stan L. Rane

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POLICY 2525: West Virginia's Universal Access to a Quality Early Education System

COMMENT PERIOD ENDS: June 11, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2525: West Virginia's Universal Access to a Quality Early Education System. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

- | | | |
|-------------------------------------------------------|----------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS

§126-28-1. General.

§126-28--2. Guidelines.

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§126-28-3. Definitions.

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

§126-28-5. Attendance.

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

§126-28-7. Personnel Standards.

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

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

§126-28-10. Curriculum and Assessment.

§126-28-11. Transition and Continuity.

§126-28-12. Inclusive Environments.

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

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§126-28-14. Program Oversight.

§126-28-15. Financing.

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

Please direct all comments to:

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