

1 AN ACT relating to early childhood programs.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 199.894 is amended to read as follows:

4 As used in KRS 199.892 to 199.896, unless the context otherwise requires:

5 (1) "Cabinet" means the Cabinet for Health and Family Services;

6 (2) **"Child Care and Development Fund" has the same meaning as in 45 C.F.R. sec.**
7 **98.2;**

8 **(3) "Child Care Assistance Program" means Kentucky's child-care subsidy program**
9 **providing families who meet state eligibility requirements with financial**
10 **resources to find and afford quality child care**~~["Secretary" means secretary for~~
11 ~~health and family services];~~

12 ~~(4)(3)~~ **(4)** "Child-care center" means any child-care center that provides full- or part-
13 time care, day or night, to four (4) or more children in a nonresidential setting who
14 are not the children, grandchildren, nieces, nephews, or children in legal custody of
15 the operator. "Child-care center" shall not include any child-care facility operated
16 by a religious organization while religious services are being conducted, or a youth
17 development agency. For the purposes of this section, "youth development agency"
18 means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which
19 operates continuously throughout the year as an outside-school-hours center for
20 youth who are six (6) years of age or older, and for which there are no fee or
21 scheduled-care arrangements with the parent or guardian of the youth served;

22 ~~(5)(4)~~ **(5)** "Department" means the Department for Community Based Services;~~and~~

23 ~~(6)(5)~~ **(6)** "Family child-care home" means a private home that is the primary residence
24 of an individual who provides full or part-time care day or night for six (6) or fewer
25 children who are not the children, siblings, stepchildren, grandchildren, nieces,
26 nephews, or children in legal custody of the provider; **and**

27 **(7) "Secretary" means the secretary of the cabinet.**

1 ➔ SECTION 2. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED
2 TO READ AS FOLLOWS:

3 (1) To the extent permitted by federal law or regulation applicants for the Child Care
4 Assistance Program operated by the cabinet utilizing federal funds under the
5 Child Care and Development Fund in accordance with 45 C.F.R. pt. 98, shall
6 qualify to participate in the program and shall not have to meet income
7 guidelines to be eligible at application and recertification if the child:

8 (a) Has a parent who is incarcerated or has been incarcerated in the last twelve
9 (12) months;

10 (b) Has a parent who is in inpatient substance use recovery or has been in
11 inpatient substance use recovery in the last twelve (12) months;

12 (c) Lives with a grandparent or other family member other than a biological or
13 adoptive mother or father;

14 (d) Is in foster care;

15 (e) Lives in a household where the first language is not English; or

16 (f) Is referred for placement by First Steps, Kentucky's Early Intervention
17 System within the Cabinet for Health and Family Services.

18 (2) The cabinet shall promulgate administrative regulations in accordance with KRS
19 Chapter 13A to implement this section.

20 ➔ Section 3. KRS 157.3175 is amended to read as follows:

21 (1) As used in this section:

22 (a) "At risk of educational failure" means any child who is three (3) or four (4)
23 years of age by August 1 and:

24 1. Has a parent who is incarcerated or has been incarcerated in the last
25 twelve (12) months;

26 2. Has a parent who is in inpatient substance use recovery or has been in
27 inpatient substance use recovery in the last twelve (12) months;

1 3. Lives with a grandparent or other family member other than a
2 biological or adoptive mother or father;

3 4. Is in foster care;

4 5. Lives in a household where the first language is not English;

5 6. Is eligible for free lunch based on the Federal School Lunch Program
6 eligibility guidelines; or

7 7. Is referred for placement by First Steps, Kentucky's Early Intervention
8 System within the Cabinet for Health and Family Services; and

9 (b) "Developmentally appropriate preschool education program" means a
10 program which focuses on the physical, intellectual, social, and emotional
11 development of young children, and helps children with their interpersonal
12 and socialization skills.

13 (2) Each local school district shall ensure that a half-day developmentally
14 appropriate ~~half-day~~ preschool education program is provided for each child
15 who is at risk of educational failure ~~and who is four (4) years of age :~~

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

17 ~~(b) By August 1, for 2017 or any year thereafter}.~~

18 (3) All other four (4) year old children who are not at risk of educational failure and
19 do not meet the guidelines in subsection (7)(a) of this section shall be served to the
20 extent placements are available.

21 (4) The Kentucky Board of Education, upon the recommendation of the chief state
22 school officer, shall adopt administrative regulations establishing the guidelines for
23 the program. Administrative regulations shall establish eligibility criteria, program
24 guidelines, and standards for personnel.

25 ~~[(2) "Developmentally appropriate preschool program" means a program which focuses~~
26 ~~on the physical, intellectual, social, and emotional development of young children.~~
27 ~~The preschool program shall help children with their interpersonal and socialization~~

1 ~~skills.~~

2 ~~(5)(3)~~ Funds appropriated by the General Assembly for the **developmentally**
3 **appropriate** preschool education programs shall be granted to local school districts
4 according to a grant allotment system approved by the Kentucky Board of
5 Education. Children who are at risk **of educational failure as defined in subsection**
6 **(1)(a) of this section** shall be identified **by the local school district**~~[based on the~~
7 ~~Federal School Lunch Program eligibility criteria for free lunch]~~. Appropriations
8 shall be separate from all other funds appropriated to the Department of Education
9 and shall be administered in accordance with applicable federal and state statutes
10 and administrative regulations. Eligible local school districts shall receive funds
11 based on the average number of preschool children being served on December 1
12 and March 1 of the prior academic year who are appropriately identified as:

- 13 (a) Three (3) and four (4) years of age with disabilities **in accordance with**
14 **subsection (7)(a) of this section**; and
15 (b) **Three (3) and** four (4) years of age identified as at risk of educational failure
16 **as defined in subsection (1)(a) of this section**.

17 **(6)** Local school districts may develop cooperative arrangements with other school
18 districts or organizations in accordance with KRS 157.280 **to provide a**
19 **developmentally appropriate preschool education program**.

20 ~~(7)(4)~~ A child shall be eligible for a free and **developmentally** appropriate preschool
21 education **program** and related services if:

- 22 (a) 1. The child has been identified as a child with a disability in accordance
23 with the Individuals with Disabilities Education Act, 20 U.S.C.
24 **sec.**~~[secs.]~~ 1400 et seq.; or
25 2. The child has been identified in accordance with the definitions and
26 procedures for exceptional children and youth in accordance with KRS
27 157.200(1)(a) to (m); and

- 1 (b) The child is three (3) or four (4) years of age ~~[-~~
2 1. ~~By October 1, for any year before 2017; or~~
3 2. ~~]by August 1[, for 2017 or any year thereafter].~~

4 ~~(8)~~~~(5)~~ The chief state school officer shall receive and review proposals from local
5 school districts for grants to operate or oversee the operation of developmentally
6 appropriate preschool education programs. Districts may submit proposals for
7 implementing new services, enhancing existing preschool education services, or
8 contracting for services. In designing a local early childhood education program,
9 each district shall work with existing preschool programs to avoid duplication of
10 programs and services, to avoid supplanting federal funds, and to maximize Head
11 Start funds in order to serve as many four (4) year old children as possible.

12 ~~(9)~~~~(6)~~ Each program proposal shall include, at a minimum:

- 13 (a) A description of the process conducted by the district to ensure that the
14 parents or guardians of all eligible participants have been made aware of the
15 program and of their right to participate;
16 (b) A description of the planned educational programming and related services;
17 (c) The estimated number of children participating in the program;
18 (d) Strategies for involving children with disabilities;
19 (e) Estimated ratio of staff to children with the maximum being one (1) adult for
20 each ten (10) children;
21 (f) The estimated percentage of children participating in the program who are at
22 risk of educational failure;
23 (g) Information on the training and qualifications of program staff and
24 documentation that the staff meet required standards;
25 (h) A budget and per-child expenditure estimate;
26 (i) A plan to facilitate active parental involvement in the preschool program,
27 including provisions for complementary parent education when appropriate;

- 1 (j) Facilities and equipment which are appropriate for young children;
- 2 (k) The days of the week and hours of a day during which the program shall
- 3 operate;
- 4 (l) A plan for coordinating the program with existing medical and social services,
- 5 including a child development and health screening component;
- 6 (m) Assurances that participants shall receive breakfast or lunch;
- 7 (n) Program sites which meet state and local licensure requirements;
- 8 (o) A plan for coordinating program philosophy and activities with the local
- 9 district's primary school program;
- 10 (p) An evaluation component; and
- 11 (q) Certification from the local Head Start director that the Head Start program is
- 12 fully utilized pursuant to subsection ~~(8)~~(4) of this section.
- 13 ~~(10)~~(7) If the superintendent and local Head Start director are unable to reach an
- 14 agreement on whether a Head Start program is fully utilized, the superintendent or
- 15 local Head Start director shall notify the chief state school officer. The local Head
- 16 Start director shall provide the chief state school officer all information relevant to
- 17 the utilization of the Head Start program. Within thirty (30) days of notification
- 18 from the superintendent or local Head Start director, the chief state school officer
- 19 shall make a determination of whether a Head Start program is fully utilized and
- 20 may execute the certification required by subsection ~~(9)~~(6)(q) of this section on
- 21 behalf of the local Head Start director.
- 22 ~~(11)~~(8) Programs shall reflect an equitable geographic distribution representative of
- 23 all areas of the Commonwealth.