

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

704 KAR 3:015, Kentucky All STARS for Preschool Programs (Second Reading)

Commissioner's Recommendation:

The Commissioner recommends approval of this administrative regulation in order to ensure state-funded preschool participation in Kentucky's quality-based graduated early childhood rating system.

Rationale:

To ensure state-funded preschool participation in Kentucky's quality-based graduated early childhood rating system.

Action Question:

Should the Kentucky Board of Education approve administrative regulation 704 KAR 3:015, Kentucky All STARS for Preschool Programs?

Applicable Statute or Regulation:

KRS 156.160, KRS 199.8943

History/Background:

Existing Policy: During the 2015 legislative session, House Bill 234 established mandatory participation requirements for public preschool programs in a quality-based graduated early childhood rating system. The quality rating system, also known as Kentucky All STARS, was developed through the Governor's Office of Early Childhood (GOEC) in consultation with multiple early childhood shareholders, including the GOEC, the Cabinet for Health and Family Services (CHFS), and the Kentucky Department of Education (KDE).

After the February 2018 first reading of 704 KAR 3:015, the KDE withheld this administrative regulation from a second reading in April 2018 to ensure alignment with 922 KAR 2:270, a CHFS administrative regulation governing Kentucky All STARS for licensed child-care centers and certified family child-care homes. The CHFS completed an emergency filing of the child care regulation in April 2018.

Another reason for delay was the anticipated passage of Senate Bill 96 during the 2018 legislative session, clarifying agency roles for the KDE and CHFS to promulgate administrative regulations implementing a quality-based graduated early childhood rating system. As amended, KRS 199.8943 establishes KDE's statutory authority to implement Kentucky All STARS for public preschool sites.

Summary: This administrative regulation establishes the process for ensuring public preschool participation in the Kentucky All STARS quality rating system.

- Section 1 defines terms used in the administrative regulation. Since the first reading in February 2018, the definition of “*environment observation*” was changed to “*environment assessment*” in this section. Also, the definition of “*Kentucky All STARS Rating System*” was linked to 922 KAR 2:270, the regulation governing child care participation in Kentucky All STARS.
- Section 2 requires state-funded preschool sites to achieve at least a level three rating in Kentucky All STARS.
- Section 3 requires the KDE to use criteria developed in consultation with the CHFS and GOEC to determine a preschool site's quality rating level. Since the first reading in February 2018, the language requiring the KDE to use criteria developed with the CHFS and GOEC was replaced with language requiring preschool sites to complete an environment assessment and achieve the minimum total points in each domain as set forth in 922 KAR 2:270 for each STARS level.
- Section 4 requires preschool sites to verify performance annually with the KDE to ensure STARS quality is maintained during the three year certification period.
- Section 5 outlines the Kentucky All STARS renewal process for a preschool site.
- Section 6 identifies potential conditions requiring a reevaluation of a preschool site's certification.
- Section 7 provides the actions the KDE may take if a program site does not meet regulatory requirements for the state-funded preschool program.
- Section 8 outlines the appeal process for preschool sites when the KDE revokes or takes other action against a site's STAR certification. Since the first reading in February 2018, the language outlining the appeal process was clarified with language requiring preschool sites appealing KDE's action to submit a written request to the commissioner of education who must respond in writing to the request in 30 days. The preschool site's request must be signed by the superintendent and approved by the local school board.
- Section 9 incorporates by reference the Kentucky All STARS Rating System. Since the first reading in February 2018, this language was removed from the regulation.

Budget Impact: The KDE anticipates the actions required by this administrative regulation will be absorbed by existing structures and procedures designed for monitoring preschool program quality and compliance.

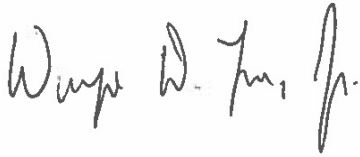
Groups Consulted and Brief Summary of Responses:

- Local Superintendents Advisory Council (LSAC)
- Early Childhood Advisory Council (ECAC)
- Cabinet for Health and Family Services (CHFS)
- Governor's Office of Early Childhood (GOEC)
- Office of Education Accountability (OEA)

The LSAC will review this regulation for a second time at their May 29, 2018 meeting.

Contact Person:

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A handwritten signature in black ink, appearing to read "Wayne D. Thomas, Jr." with a stylized flourish at the end.

Interim Commissioner of Education

Date:

June 2018