

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Waiver of Administrative Regulation Requirements for Preschool Programs in Response to COVID-19

**Date:** August 2020

**Action Requested:** ☐ Review ☐ Action/Consent ☒ Action/Discussion

**Held In:** ☒ Full Board ☐ Curriculum, Instruction and Assessment ☐ Operations

### SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on providing operational flexibility to school districts and ensure continued success of students through the waiver of identified provisions of certain Kentucky Board of Education (KBE) administrative regulations related to preschool the 2020-2021 school year.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends temporary waiver of the deadlines or specific regulatory provisions as set forth more fully below for the 2020-2021 fiscal year.

### APPLICABLE STATUTE OR REGULATION:

KRS 156:160; KRS 157.3175; 704 KAR 3:410; 704 KAR 3:015

### BACKGROUND:

#### *Existing Policy:*

In response to the emergency created by the Novel Coronavirus (COVID-19), all Kentucky public school districts closed schools to in-person classes beginning the week of March 16, 2020. On March 18, 2020, Governor Beshear entered EO 2020-243 which encouraged all Kentucky citizens to take feasible measures to engage in appropriate social distancing as recommended by the Centers for Disease Control and Prevention (CDC) and Kentucky Department of Public Health. Furthermore, EO 2020-243 ordered the Kentucky Department of Education (KDE) to take steps to ensure appropriate social distancing, including permitting educational requirements to be satisfied through online courses, to the extent practicable. On June 24, 2020, Governor Beshear and the Kentucky Department for Public Health (DPH) released the Healthy at School guidance to assist districts with reopening schools safely in the fall. The guidance covered multiple areas, such as mask-wearing, social-distancing, health screening and sanitation. School districts are finalizing their own reopening plans based on this guidance, along with other guidance provided by the KDE and DPH.

#### *Summary of Issue:*

KRS 156.160 provides the KBE with the authority to promulgate administrative regulations. The same statute specifically speaks to the KBE waiving administrative regulations it promulgates.

In response to concerns raised about the implementation of the state-funded preschool program, the KDE is seeking the temporary waiver of preschool regulations at this time.

#### Locally Designed Preschool Program

704 KAR 3:410, Locally Designed Preschool Program, requires school districts to operate a standard preschool program schedule, either four or five days a week single session (half day), or four days a week double session (full day). However, a district may adopt a locally designed program with the Commissioner of Education's approval. Given the current state of emergency, it is not practical for every school district to submit a locally designed preschool program in compliance with regulation. Preschool plans must align with district plans to reopen schools, as well as address contingencies and remain flexible as new information becomes available.

**Therefore, the Commissioner recommends temporary waiver of 704 KAR 3:410 Section 6(1)(c) for the 2020-2021 school year.**

#### Parent Volunteers in Preschool Classrooms

704 KAR 3:410, Parent Volunteers in Preschool Classrooms, requires school districts to provide parents with specific opportunities to participate in the classroom as volunteers or observers. While parent engagement plays a critical role in child development, opportunities to volunteer in the classroom may not be possible in districts opting to deliver services online during the pandemic. **Therefore, the Commissioner recommends temporary waiver of 704 KAR 3:410 Section 6(5)(a) for the 2020-2021 school year.**

#### Home Visits

704 KAR 3:410, Home Visits, sets forth the requirements for state-funded preschool programs for four-year-old children. The regulation specifically requires at least two home visits per child each year. While home visits are an excellent opportunity for preschool staff to provide guidance and support to students and families in their home, these visits are not practical given the current state of emergency. **Therefore, the Commissioner recommends temporary waiver of 704 KAR 3:410, Sections 6(5)(e) and 7(3)(c) for the 2020-2021 school year.**

#### Child Development and Health Screening

704 KAR 3:410, Child Development and Health Screening, requires school districts to complete child development and health screening within 30 school days of enrollment. However, the process may take longer to complete if health clinics are closed intermittently during the pandemic. **Therefore, the Commissioner recommends temporary waiver of 704 KAR 3:410, Section 6 (7) (d) for the 2020-2021 school year.**

#### Kentucky Preschool All STARS

704 KAR 3:015, Kentucky Preschool All STARS, provides preschool program sites with a STARS level certification renewable every three years. Some preschool program sites currently are in the three-year renewal cycle. All STARS renewal requires certain steps by preschool program sites and the KDE that may involve in-person appearance. Furthermore, preschool programs may be closed to in-person services. **Therefore, the Commissioner recommends temporary waiver of 704 KAR 3:015, Section 5, and permission for the KDE to establish alternative renewal timelines for preschool program sites subject to renewal through July**

**31, 2021.**

*Budget Impact:*

There will be no budget impact to the KDE or school districts as a result of temporary suspension of these regulations.

**CONTACT PERSON(S):**

Gretta Hylton, Associate Commissioner  
Office of Special Education and Early Learning  
Email: gretta.hylton@education.ky.gov  
(502) 564-4970



---

**Interim Commissioner of Education**

Category: <input type="checkbox"/> District Innovation <input type="checkbox"/> Strengthening Educators <input type="checkbox"/> Family/Community Involvement <input checked="" type="checkbox"/> Student/Family Supports <input type="checkbox"/> Student Interventions <input checked="" type="checkbox"/> Coursework Completion <input type="checkbox"/> Accountability Reporting
---