

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendments to 704 KAR 3:410

Date: October 2025

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

Held In: ☒ Full Board ☐ State Schools ☐ United We Learn

SUMMARY OF ISSUE BEFORE THE BOARD:

To act on the request to certify with amendments the following regulation:

704 KAR 3:410. Preschool education programs for four (4) year old children.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the amendments to 704 KAR 3:410.

APPLICABLE STATUTE OR REGULATION:

Relates to: KRS 65.250, 156.160, 157.3175, 158.032(3), 158.120, 214.034, 34 C.F.R. Part 99
Statutory Authority: KRS 156.070, 156.160, 157.3175

BACKGROUND:

Existing Policy:

KRS 156.160 authorizes the Kentucky Board of Education (KBE) to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service and operational performance. KRS 157.3175 authorizes preschool education programs for 4-year-old children who are at risk of educational failure and authorizes administrative regulations to be promulgated to establish eligibility criteria, program guidelines, and standards for personnel. 704 KAR 3:410 establishes the criteria for the preschool education program for 4-year-old children who are at risk of educational failure, including procedures for a grant allocation system, eligibility criteria for children to be served, guidelines for program operation, and standards for personnel.

Summary of Issue:

To avoid expiration, KRS 13A.3104(1)(a) requires a review of the regulation in its entirety for compliance with current law governing the subject matter of the administrative regulation. Upon review of 704 KAR 3:410, amendments were identified to conform to current statutory requirements, as well as amendments to provide clarity about implementation of the preschool education program.

Section 1: Adding two definitions.

Section 2: Adding eligibility criteria to conform with current statute.

Section 3: Adding a citation for clarity and alignment with current statute.

Section 4: Amending subsection (4) for clarity.

Section 5: Adding language to ensure eligible children are not placed on waiting lists, updating documentation required upon enrollment to align with current statutory requirements, and adding a provision to allow for unenrollment, maintaining eligibility, when families have not engaged with the program after 16 consecutive school days.

Section 6: Adding a program description to allow for full-day, four-day-a-week programs, adding language to ensure locally-designed programs are approved by the Commissioner of Education prior to initial implementation and before the program is amended, adding language to require adequate time for preparation between double-sessions, adding statutory references for classified lunch and rest times and certified duty-free lunch times, adding that written policies are required to ensure staff assignments and class ratios are maintained and based on the needs of the children being served in the program, adding flexibility for family (formerly home) visits to take place at the home or secondary location and be virtual if requested by the family, and adding that child development screeners shall be valid and reliable. Section 6 was split into two sections.

New Section 7, Learning Environment (formerly part of Section 5): Adding a requirement to integrate an evidence-based social and emotional supplemental curriculum to address challenging behaviors and promote social and emotional development, adding that curriculum must be evidence-based and aligned with the domains of Kentucky's Early Childhood Standards, and adding language to ensure the implementation of developmentally appropriate instructional practices in early literacy and numeracy.

Section 8 (formerly Section 7): Adding a reference to KAR Chapter 16 regarding certification requirements of lead teachers, removing processes that were in effect before 2002-2003, clarifying that "grandfathered" teachers hired before 2002-2003 shall not serve as lead teachers after initial employment is terminated.

Section 9 (formerly Section 8): Clarifying that children are supervised during arrival and departure and that districts transporting preschool children shall ensure hand-to-hand release to parents, guardians, or authorized persons.

Section 10 (formerly Section 9): Clarifying that the Department of Education shall evaluate the effectiveness of the statewide preschool program and local school district adherence to 704 KAR 3:410.

Budget Impact:

Fiscal impacts are not anticipated for the Kentucky Department of Education (KDE). Local school districts may need to examine current screeners, assessments, and curriculum.

Currently, most districts report using valid and reliable screeners and assessments and evidence-based curriculum.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Office of Special Education and Early Learning consulted with multiple offices in the KDE: Finance and Operations, Continuous Improvement and Support, Education Technology, Teaching and Learning, Educator Licensure and Effectiveness, and Legal Services.

This regulation will be presented to the Local Superintendents Advisory Council at its September 23 meeting. A summary of feedback received by the council will be provided to the KBE prior to its October 2025 meeting.

CONTACT PERSON(S):

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Commissioner of Education

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