

1 (b) *Findings.* --

2 (1) Among other positive outcomes, early childhood education
3 programs have been determined to:

4 (A) Improve overall readiness when children enter school;

5 (B) Decrease behavioral problems;

6 (C) Improve student attendance;

7 (D) Increase scores on achievement tests;

8 (E) Decrease the percentage of students repeating a grade; and

9 (F) Decrease the number of students placed in special
10 education programs;

11 (2) Quality early childhood education programs improve school
12 performance and low-quality early childhood education programs may
13 have negative effects, especially for at-risk children;

14 (3) West Virginia has the lowest percentage of its adult
15 population twenty-five years of age or older with a bachelor's
16 degree and the education level of parents is a strong indicator of
17 how their children will perform in school;

18 (4) During the 2006-2007 school year, West Virginia ranked
19 thirty-ninth among the fifty states in the percentage of school
20 children eligible for free and reduced lunches and this percentage
21 is a strong indicator of how the children will perform in school;

22 (5) For the school year 2008-2009, thirteen thousand one
23 hundred thirty-five students were enrolled in prekindergarten, a
24 number equal to approximately sixty-three percent of the number of

1 students enrolled in kindergarten;

2 (6) Excluding projected increases due to increases in
3 enrollment in the early childhood education program, projections
4 indicate that total student enrollment in West Virginia will
5 decline by one percent, or by approximately two thousand seven
6 hundred four students, by the school year 2012-2013;

7 (7) In part, because of the dynamics of the state aid formula,
8 county boards will continue to enroll four-year old students to
9 offset the declining enrollments;

10 (8) West Virginia has a comprehensive kindergarten program for
11 five-year olds, but the program was established in a manner that
12 resulted in unequal implementation among the counties which helped
13 create deficit financial situations for several county boards;

14 (9) Expansion of current efforts to implement a comprehensive
15 early childhood education program should avoid the problems
16 encountered in kindergarten implementation;

17 (10) Because of the dynamics of the state aid formula,
18 counties experiencing growth are at a disadvantage in implementing
19 comprehensive early childhood education programs; and

20 (11) West Virginia citizens will benefit from the
21 establishment of quality comprehensive early childhood education
22 programs.

23 (c) Beginning no later than the school year 2012-2013, and
24 continuing thereafter, county boards shall provide early childhood

1 education programs for all children who have attained the age of
2 four prior to September 1 of the school year in which the pupil
3 enters the early childhood education program.

4 (d) The program shall meet the following criteria:

5 (1) It shall be voluntary, except, upon enrollment, the
6 provisions of section one, article eight of this chapter apply to
7 an enrolled student; and

8 (2) It may be for fewer than five days per week and may be
9 less than full day.

10 (e) Enrollment of students in Head Start, in any other program
11 approved by the state superintendent as provided in subsection (k)
12 of this section shall be counted toward satisfying the requirement
13 of subsection (c) of this section.

14 (f) For the purposes of implementation financing, all counties
15 are encouraged to make use of funds from existing sources,
16 including:

17 (1) Federal funds provided under the Elementary and Secondary
18 Education Act pursuant to 20 U.S.C. §6301, *et seq.*;

19 (2) Federal funds provided for Head Start pursuant to 42
20 U.S.C. §9831, *et seq.*;

21 (3) Federal funds for temporary assistance to needy families
22 pursuant to 42 U.S.C. §601, *et seq.*;

23 (4) Funds provided by the School Building Authority pursuant
24 to article nine-d of this chapter;

1 (5) In the case of counties with declining enrollments, funds
2 from the state aid formula above the amount indicated for the
3 number of students actually enrolled in any school year; and

4 (6) Any other public or private funds.

5 (g) Each county board shall develop a plan for implementing
6 the program required by this section. The plan shall include the
7 following elements:

8 (1) An analysis of the demographics of the county related to
9 early childhood education program implementation;

10 (2) An analysis of facility and personnel needs;

11 (3) Financial requirements for implementation and potential
12 sources of funding to assist implementation;

13 (4) Details of how the county board will cooperate and
14 collaborate with other early childhood education programs
15 including, but not limited to, Head Start, to maximize federal and
16 other sources of revenue;

17 (5) Specific time lines for implementation; and

18 (6) Any other items the state board may require by policy.

19 (h) A county board shall submit its plan to the Secretary of
20 the Department of Health and Human Resources. The secretary shall
21 approve the plan if the following conditions are met:

22 (1) The county board has maximized the use of federal and
23 other available funds for early childhood programs;

24 (2) The county board has provided for the maximum

1 implementation of Head Start programs and other public and private
2 programs approved by the state superintendent pursuant to the terms
3 of ~~subsection (k)~~ of this section; and

4 (3) If the Secretary of the Department of Health and Human
5 Resources finds that the county board has not met one or more of
6 the requirements of this subsection, but that the county board has
7 acted in good faith and the failure to comply was not the primary
8 fault of the county board, then the secretary shall approve the
9 plan. Any denial by the secretary may be appealed to the circuit
10 court of the county in which the county board is located.

11 (i) The county board shall submit its plan for approval to the
12 state board. The state board shall approve the plan if the county
13 board has complied substantially with the requirements of
14 subsection (g) of this section and has obtained the approval
15 required in subsection (h) of this section.

16 (j) Every county board shall submit its plan for reapproval by
17 the Secretary of the Department of Health and Human Resources and
18 by the state board at least every two years after the initial
19 approval of the plan and until full implementation of the early
20 childhood education program in the county. As part of the
21 submission, the county board shall provide a detailed statement of
22 the progress made in implementing its plan. The standards and
23 procedures provided for the original approval of the plan apply to
24 any reapproval.

1 (k) A county board may not increase the total number of
2 students enrolled in the county in an early childhood program until
3 its program is approved by the Secretary of the Department of
4 Health and Human Resources and the state board.

5 (l) After full implementation of the early childhood education
6 program in the county, nothing in this section or in any previous
7 plan approved under this section prohibits a county board at its
8 sole discretion from accepting additional students for enrollment
9 in its early childhood education program subject to space
10 available.

11 ~~(l)~~ (m) The state board annually may grant a county board a
12 waiver for total or partial implementation if the state board finds
13 that all of the following conditions exist:

14 (1) The county board is unable to comply either because:

15 (A) It does not have sufficient facilities available; or

16 (B) It does not and has not had available funds sufficient to
17 implement the program;

18 (2) The county has not experienced a decline in enrollment at
19 least equal to the total number of students to be enrolled; and

20 (3) Other agencies of government have not made sufficient
21 funds or facilities available to assist in implementation.

22 Any county board seeking a waiver shall apply with the
23 supporting data to meet the criteria for which they are eligible on
24 or before March 25 for the following school year. The state

1 superintendent shall grant or deny the requested waiver on or
2 before April 15 of that same year.

3 ~~(m)~~ (n) The provisions of subsections (b), (c) and (d),
4 section eighteen of this article relating to kindergarten apply to
5 early childhood education programs in the same manner in which they
6 apply to kindergarten programs.

7 ~~(n)~~ (o) Annually, the state board shall report to the
8 Legislative Oversight Commission on Education Accountability on the
9 progress of implementation of this section.

10 ~~(o)~~ (p) Except as required by federal law or regulation, no
11 county board may enroll students who will be less than four years
12 of age prior to September 1 for the year they enter school.

13 ~~(p)~~ (q) Neither the state board nor the state department may
14 provide any funds to any county board for the purpose of
15 implementing this section unless the county board has a plan
16 approved pursuant to subsections (h), (i) and (j) of this section.

17 ~~(q)~~ (r) The state board shall promulgate a rule in accordance
18 with the provisions of article three-b, chapter twenty-nine-a of
19 this code for the purposes of implementing the provisions of this
20 section. The state board shall consult with the Secretary of the
21 Department of Health and Human Resources in the preparation of the
22 rule. The rule shall contain the following:

23 (1) Standards for curriculum;

24 (2) Standards for preparing students;

- 1 (3) Attendance requirements;
- 2 (4) Standards for personnel; and
- 3 (5) Any other terms necessary to implement the provisions of
- 4 this section.

5 ~~(r)~~ (s) The rule shall include the following elements relating
6 to curriculum standards:

7 (1) A requirement that the curriculum be designed to address
8 the developmental needs of four-year old children, consistent with
9 prevailing research on how children learn;

10 (2) A requirement that the curriculum be designed to achieve
11 long-range goals for the social, emotional, physical and academic
12 development of young children;

13 (3) A method for including a broad range of content that is
14 relevant, engaging and meaningful to young children;

15 (4) A requirement that the curriculum incorporate a wide
16 variety of learning experiences, materials and equipment, and
17 instructional strategies to respond to differences in prior
18 experience, maturation rates and learning styles that young
19 children bring to the classroom;

20 (5) A requirement that the curriculum be designed to build on
21 what children already know in order to consolidate their learning
22 and foster their acquisition of new concepts and skills;

23 (6) A requirement that the curriculum meet the recognized
24 standards of the relevant subject matter disciplines;

1 (7) A requirement that the curriculum engage children actively
2 in the learning process and provide them with opportunities to make
3 meaningful choices;

4 (8) A requirement that the curriculum emphasize the
5 development of thinking, reasoning, decisionmaking and problem-
6 solving skills;

7 (9) A set of clear guidelines for communicating with parents
8 and involving them in decisions about the instructional needs of
9 their children; and

10 (10) A systematic plan for evaluating program success in
11 meeting the needs of young children and for helping them to be
12 ready to succeed in school.

13 ~~(s)~~ (t) The secretary and the state superintendent shall
14 submit a report to the Legislative Oversight Commission on
15 Education Accountability and the Joint Committee on Government and
16 Finance which addresses, at a minimum, the following issues:

17 (1) A summary of the approved county plans for providing the
18 early childhood education programs pursuant to this section;

19 (2) An analysis of the total cost to the state and county
20 boards of implementing the plans;

21 (3) A separate analysis of the impact of the plans on counties
22 with increasing enrollment; and

23 (4) An analysis of the effect of the programs on the
24 maximization of the use of federal funds for early childhood

1 programs.

2 The intent of this subsection is to enable the Legislature to
3 proceed in a fiscally responsible manner, make any necessary
4 program improvements based on reported information prior to
5 implementation of the early childhood education programs.

6 ~~(t)~~ (u) After the school year 2012-2013, on or before July 1
7 of each year, each county board shall report the following
8 information to the Secretary of the Department of Health and Human
9 Resources and the state superintendent:

10 (1) Documentation indicating the extent to which county boards
11 are maximizing resources by using the existing capacity of
12 community-based programs, including, but not limited to, Head Start
13 and child care; and

14 (2) For those county boards that are including eligible
15 children attending approved, contracted community-based programs in
16 their net enrollment for the purposes of calculating state aid
17 pursuant to article nine-a of this chapter, documentation that the
18 county board is equitably distributing funding for all children
19 regardless of setting.

NOTE: The purpose of this bill is to allow counties that have fully implemented early childhood education programs in the county to accept additional students for enrollment in its program subject to space available.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.