

Rule-Making Cover Sheet

MAPA-1

TO: Secretary of State
ATTN: Administrative Procedure Officer,
State House Station 101, Augusta, Maine 04333.

1. Agency: Education
2. Agency umbrella and unit number: 05-071
(2 digit umbrella # and 3 digit unit #)
3. Title of rule: Basic Approval Standards: Public Preschool Programs
4. Chapter number assigned to the rule Chapter 124
(must be 3 digits or less)
5. Date(s)/method(s) of notice: September 24, 2014 Secretary of State newspaper notice
6. Date(s)/place(s) of hearing(s): October 14, 2014, Room 500 Cross State Office Building, 1-3PM
7. Type: new rule partial amendment(s) of existing rule
 suspension of existing rule repeal of rule emergency rule
 repeal and replace: complete replacement of existing chapter, with former version simultaneously repealed.
8. Name/phone of agency contact person: Joanne C. Holmes, 624-6669
9. If a major substantive rule under Title 5, c. 375, sub-CII-A, check one of the following
 Provisional adoption (prior to Legislative review) Final adoption
 emergency adoption of major-substantive rule

10. Certification Statement: I, Rachelle Tome hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by

Department of Education on 12/23/2014
(name of agency) (date)

I further certify that all portions of this rule are adopted in compliance with the requirements of the Maine Administrative Procedure Act.

Signature: Rachelle Tome
(original signature, personally signed by the head of agency)

Printed name & title: Rachelle Tome, Acting Commissioner

11. Approved as to form and legality by the Attorney General on 12/23/2014
(date)

Signature Sarah Forster
(original signature, personally signed by an Assistant Attorney General)

Printed Name: Sarah Forster, AAG

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Education

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Joanne C. Holmes
23 SHS
Augusta, Maine
624-6669

CHAPTER NUMBER AND RULE TITLE: Chapter 124: Basic Approval Standards: Public Preschool Programs

STATUTORY AUTHORITY: 20-A MRSA §405(3)(E), 20-A MRSA §4502(5), and Public Law 581

DATE AND PLACE OF PUBLIC HEARING: October 14, 2014

COMMENT DEADLINE: October 25, 2014

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

This rule establishes school approval standards governing the school administrative units which operate public preschool programs and adopts procedures for ascertaining compliance with all applicable legal requirements, as authorized by Title 20-A, Maine Revised Statutes, chapter 206.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

This rule establishes the substantive school approval standards pertaining to school administrative units which operate a public preschool program. Its intent is to provide a framework for planning and growth with local flexibility as influenced by local conditions. This rule establishes procedures for monitoring of school administrative units which operate a public preschool program by which the Commissioner or his designee will determine compliance with applicable standards and methods of enforcement for ensuring compliance.

FISCAL IMPACT OF THE RULE: None

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

Notice of Agency Rule-making Proposal

DETAILED BASIS STATEMENT / SUMMARY:

This rule establishes the substantive school approval standards pertaining to school administrative units which operate a public preschool program. Its intent is to provide a framework for planning and growth with local flexibility as influenced by local conditions. This rule establishes procedures for monitoring of school administrative units which operate a public preschool program by which the Commissioner or his designee will determine compliance with applicable standards and methods of enforcement for ensuring compliance.

Administrative Procedure Act

CHECKLIST

Agency: Education

Chapter Number and Title of Rule: Chapter 124: Basic Approval Standards: Public
Preschool Programs

PROPOSED RULE:

1. Was this rule listed on the last regulatory agenda? No
2. Date of notification of: Anyone on mailing list September 18, 2014
Any trade, industry or professional group _____
Any trade publications _____
3. Date Notice of Rulemaking Proposal (MAPA-3) sent to Secretary of State: September 12th, 2014
4. Date Fact Sheet sent to Executive Director of Legislative Council: September 12th, 2014
5. Date of publication in Secretary of State's rule-making ad.: September 24th, 2014
6. Date of hearing(s): October 14, 2014 7. Comment deadline: October 25, 2014

ADOPTED RULE:

8. Was comment deadline extended or comment period reopened? No
If yes, date of second notice publication in Secretary of State's rule-making ad: _____
9. Is adopted rule consistent with what was proposed? Yes
(If not, please address the changes in the comments and responses section of your filing.)
10. Is the person signing the Certification Statement (MAPA-1, #9) authorized to do so as stated in your statutes or in 5 MRSA, c.71? Yes
11. Was the rule adopted within 120 days of the comment deadline? Yes
12. Was the rule approved and signed by the Office of the Attorney General within 150 days of the comment deadline? Yes
13. Is a Basis Statement included? Yes Is a copy of the Fact Sheet included? Yes
Are comments, with names and organizations, and your responses included? Yes

Notice of Agency Rule-making Adoption

AGENCY: Education

CHAPTER NUMBER AND TITLE: Chapter 12⁴ : Basic Approval Standards: Public Preschool Programs

ADOPTED RULE NUMBER: 20xx.xxx
(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:

This rule establishes school approval standards governing the school administrative units which operate public preschool programs and adopts procedures for ascertaining compliance with all applicable legal requirements, as authorized by Title 20-A, Maine Revised Statutes, chapter 206.

EFFECTIVE DATE:

(TO BE FILLED IN BY SECRETARY OF STATE)

AGENCY CONTACT PERSON:

AGENCY NAME: Joanne C. Holmes
ADDRESS: 23 SHS
 Augusta, Maine 04333
TELEPHONE: 624-6669

Please approve bottom portion of this form and
 assign appropriate AdvantageME number.

APPROVED FOR PAYMENT *Bachelle Jome* DATE: 12-23-14
Authorized signature

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
010	90A	1095	01			

Approval of Rulemaking Activity
Prepared by the Office of the Secretary of State

Pursuant to Executive Order 20 FY 11/12, "An Order Establishing Comprehensive Rulemaking Oversight", issued by the Governor on August 24, 2011, all Administrative Procedure Act (APA) proposals and specified adoptions must be approved by the Governor's Office before the APA filing will be accepted by the Office of the Secretary of State. "Specified adoptions" are emergency adoptions, and adoptions with changes from the already approved proposed rule text.

A copy of this form, signed by the appropriate staff member of the Governor's Office, must be filed with each filing presented to the Secretary of State's office.

Agency: Education

Name of contact person for this filing: Jaci Holmes

Phone number: 207- 624-6669

E-mail address: jaci.holmes@maine.gov

Chapter number and rule title: Chapter 124: Basic School Approval Standards: Public
Preschool Programs

Statutory authority: 20-A MRSA §4271(4)

Type of rulemaking activity (*check one*):

Routine technical

- Proposal
- Adoption
- Emergency adoption

Major substantive

(as defined in 5 MRSA ch. 375 sub-ch. 2-A)

- Proposal
- Provisional adoption
- Final adoption
- Emergency adoption

Is this rulemaking activity being submitted to comply with changes in State and / or Federal law? Yes (If yes, please provide statutory reference Yes, 20-A MRSA §4271(4))

Authorization by the Governor's Office

Authorization to proceed with the requested rulemaking activity referenced above is hereby granted on 12/23/14
(date)

Signature: *Tom Desjardin*
(Original signature, personally signed by authorized staff of Governor's Office)

Printed name/Title: Tom Desjardin, Senior Policy Advisor

Chapter 124: BASIC APPROVAL STANDARDS: PUBLIC PRESCHOOL PROGRAMS

SUMMARY: This rule establishes school approval standards governing the school administrative units which are implementing public preschool programs and adopts procedures for ascertaining compliance with all applicable legal requirements, as authorized by Title 20-A, Maine Revised Statutes, Chapters 203 and 206. By July 1, 2017, all preschool programs must comply with the program standards contained in this rule. Any new public preschool programs implemented for the 2015-2016 school year must be approved prior to opening.

Section 1. GENERAL OBJECTIVES

- 1.01 This rule establishes the substantive school approval standards pertaining to school administrative units which operate a public preschool program. Its intent is to provide a framework for planning and growth with local flexibility as influenced by local conditions. This rule establishes procedures for comprehensive reviews of school administrative units which operate a public preschool program by which the Commissioner will determine compliance with applicable standards and methods of enforcement for ensuring compliance.
- 1.02 School administrative units may operate a public preschool program or provide for children to participate in such programs in accordance with 20-A §4271 and shall meet all school approval requirements of Title 20-A, Maine Revised Statutes (20-A MRSA), other statutes, and rules applicable to the operation of public preschool programs, and the requirements of this rule.

Section 2. DEFINITIONS

- 2.01 Administrator: "Administrator" means any person certified by the Commissioner as an administrator and employed by a school administrative unit in an administrative capacity.
- 2.02 Assessment: "Assessment" means an educational instrument or activity designed to gather information on a child's knowledge and skill to make instructional decisions.
- 2.03 Commissioner: "Commissioner" means the Commissioner of the Maine Department of Education or a designee.

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- 2.04 Curriculum: "Curriculum" means the school administrative unit's written document that includes the learning expectations for all children for all domains of development as indicated in the Early Learning and Development Standards. The curriculum shall reflect continuous, sequential and specific instruction aligned with the ELDS.
- 2.05 Department: "Department" means the Maine Department of Education.
- 2.07 Early Learning and Development Standards (ELDS): "Early Learning and Development Standards" means what should children know and be able to do at kindergarten entry.
- 2.08 Elementary school: "Elementary school" means that portion of a school that provides instruction in any combination of grades pre-kindergarten through grade 8.
- 2.09 Essential Programs and Services: "Essential Programs and Services" means those programs and services, as defined by the State Board of Education or adopted by the Legislature, that a school administrative unit offers for each student to have the opportunity to meet the content standards of the system of Early Learning and Development Standards/Learning Results.
- 2.10 Instructional day: "Instructional day" means a school day during which both students and teachers are present, either in a school or in another setting.
- 2.11 Instructional time: "Instructional time" means that portion of a school day devoted to the teaching-learning process, but not including extra-curricular activities, or recess. Time spent on organized field trips related to school studies may be considered instructional time, but the instructional time counted for extended field trips shall not exceed a normal school day for each day of the field trip.
- 2.12 Kindergarten: "Kindergarten" means a one or two-year instructional program aligned with the system of Learning Results, immediately prior to grade one.
- 2.13 Parent: "Parent" means the parent or legal guardian of a student.
- 2.14 Provisional Approval: "Provisional Approval" means an approval for a specified period of time during which a school administrative unit must take corrective action to the public preschool program to comply with this rule.
- 2.15 Public Preschool Program: "Public Preschool Program" means a program offered by a public school that provides instruction of children who are four years of age by October 15th.
- 2.16 School: "School" means an individual attendance center within a school administrative unit including any combination of grades pre-kindergarten through

12. In this rule, an educational program located in or operated by a juvenile correctional facility, an educational program located in the unorganized territories and operated by the Department of Education, the Maine School of Science and Mathematics, and the Maine Educational Center for the Deaf and Hard of Hearing shall be considered schools.
- 2.17 School administrative unit: "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, "school administrative unit" means the state-approved unit of school administration and includes only the following:
- A. A municipal school unit;
 - B. A regional school unit formed pursuant to chapter 103-A;
 - C. An alternative organizational structure as approved by the commissioner and approved by the voters;
 - D. A school administrative district that does not provide public education for the entire span of kindergarten to grade 12 that has not reorganized as a regional school unit pursuant to chapter 103-A;
 - E. A community school district that has not reorganized as a regional school unit pursuant to chapter 103-A;
 - F. A municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit pursuant to chapter 103-A;
 - G. A municipal school unit, school administrative district, community school district, regional school unit or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure approved by the commissioner; and
 - H. A public charter school authorized under chapter 112 by an entity other than a local school board.
- 2.18 School calendar: "School calendar" means the schedule of school days adopted in advance of the school year by the school board.
- 2.19 School day: "School day" means a day in which school is in operation as an instructional day and/or a teacher in-service day.

- 2.20 School personnel: "School personnel" means individuals employed by a school administrative unit or under contract with the unit to provide services to the children enrolled in the schools of the unit.
- 2.21 School year: "School year" means the total number of school days in a year as established by the school administrative unit.
- 2.22 Screening. "Screening: means utilizing a standard or norm-referenced screening tool designed and validated to identify a child's level of performance overall in developmental areas (i.e., cognition, fine motor, gross motor, communication, self-help/adaptive, and gross motor skills). The screening is a brief check (10-15 minutes) of the child's development and is not diagnostic or confirming in content.
- 2.23 Student records: "Student records" means those records that are directly related to a student and are maintained by a school or a party acting for the school.
- 2.24 Teacher: "Teacher" means any person who is regularly employed for the instruction of students in a school and who is certified by the Commissioner for this position.
- 2.25 Teacher in-service day: "Teacher in-service day" means a school day during which a majority of teachers and professional staff report for work, but students are not present for instruction. These days may include days devoted to in-service educational programs, administrative meetings, parent-teacher conferences, record-keeping duties, curriculum preparation, and other similar activities related to the operation of school programs, and may take place in a school in the school administrative unit.

Section 3. CLASS SIZE

- 3.01 Maximum class size: 16 children

Section 4. CURRICULUM AND COMPREHENSIVE ASSESSMENT SYSTEM

- 4.01 Each school administrative unit shall have an evidence-based written curriculum aligned with the Early Learning and Development Standards. The school administrative unit shall inform parents and students of the curriculum, instructional expectations, and assessment system.
- 4.02 Public preschool programs must demonstrate curriculum practice that aligns with the Maine Early Learning and Development Standards and is appropriate for the age and developmental level of the students. Teachers must organize space and

select materials in all content and developmental areas to stimulate exploration, experimentation, discovery and conceptual learning.

- A. A variety of activity areas are offered every session including, but not limited to: block building, dramatic play, writing, art, music, science, math, literacy, sand/water play, manipulatives, gross motor activities and mealtime routines , which allows teachers to eat with children.
- B. Equipment, materials and furnishings are available and are accessible to all children, including children with disabilities.
- C. A daily schedule is posted that includes:
 - (1) Opportunities for individual, small group and whole group activities. The amount of time spent in large group, teacher-directed activity is limited to short periods of time – 10-20 minutes depending on the time of the year.
 - (2) Opportunities for physical movement, fresh air and access to drinking water are provided to the children.
 - (3) Opportunity for rest in a full-day program (more than 5 hours) is provided for the children. Cots or mats are provided for each child.
 - (4) The schedule and program activities minimize the transitions that children make from one classroom space to another, including school “specials” especially during the first half of the school year. Most special supports or therapies are provided in-class to minimize transitions for children with disabilities.
 - (5) Program development and services to any and all English learners are overseen by an English as a Second Language-endorsed teacher.

4.03 Screening and Assessment

- A. Screening
 - (1) All children must be screened using a valid and reliable research-based tool within the first 30 days of the school year (or prior to school entry) which includes: early language and literacy/numeracy/cognitive; gross and fine motor; personal/social; social/emotional development- to identify those who may be in need of additional assessment or to determine eligibility for special education services unless the child has an existing Individualized Education Program-IEP). All children must receive a hearing,

vision, and health screening upon entry to the public preschool program. The health screening must include information pertaining to oral health and lead poisoning awareness. If hearing, vision, and health screening has been done in the public preschool, the screenings do not have to be redone in kindergarten, unless there is a concern.

- (2) Each preschool program shall develop a written Child Find referral policy consistent with the State of Maine Unified Special Education Rules 05-071 Chapter 101 Section IV. 2(D)(E).
- (3) Administration of a home language survey is undertaken to identify possible English learners.

B. Assessment

Programs provide periodic and ongoing research based assessment of children's learning and development that:

- (1) Documents each child's interests, needs and progress to help plan instruction, relying mostly on demonstrated performance of authentic activities.
- (2) Includes: children's work samples, observations, anecdotal notes, checklists and inventories, parent conference notes, photographs, video, health screening reports and referral records for support services.
- (3) Communicates with families regularly to ensure connection between home and school, including providing interpreters and translators, as needed.
- (4) Aligns with the Early Learning and Development Standards and are used to inform curriculum and instruction.
- (5) Is informed by family culture, experiences, children's abilities and disabilities, and home language.
- (6) Is used in settings familiar to the children.
- (7) Informs activities to support planning for individual children.

4.04 Child Development Reporting

Parents shall have the opportunity to meet individually with their child's teacher about their child's development at least twice during each school year using the research based assessment (providing interpreters and translators as needed).

Section 5. INSTRUCTIONAL TIME

5.01 School Year

A school administrative unit shall make provision for the maintenance of all its schools for at least 180 school days. At least 175 school days shall be used for instruction. In meeting the requirement of a 180-day school year, no more than 5 days may be used for in-service education for teachers, administrative meetings, parent-teacher conferences, records' days and similar activities.

5.02 Public Preschool Instructional Time

Instructional time for public preschool program shall be a minimum of 10 hours per week for 35 weeks and shall not include rest time. Public preschool programs shall schedule within the 175 school days that the school administrative unit has designated as instructional time, but does not have to use all days, allowing flexibility as to numbers of days per week.

Extended public preschool program Day: A school administrative unit is encouraged to schedule public preschool for more than 10 hours per week to improve child outcomes and to reduce the risk of later school failure.

Section 6. SCHOOL ADMINISTRATIVE UNIT ORGANIZATION AND SCHOOL SIZE

6.01 Personnel Ratios

A. Classroom student-teacher ratios

- (1) Maximum adult to child ratio is 1 adult to 8 children
- (2) Ratios include, at a minimum, one teacher holding appropriate teacher certification from the Maine Department of Education (as per current statute) and a support staff with a minimum of an Educational Technician Authorization II from the Maine DOE. These ratios are maintained during both indoor and outdoor activities and during mealtimes.

Section 7. QUALITY OF EDUCATION PERSONNEL

7.01 Specific Requirements

- A. Teacher degree requirement: Teachers must hold (as per current statute) the required Maine DOE Early Childhood 081 (B-5) endorsement.
- B. Assistant teacher requirements: An assistant teacher must hold (as per current statute), at a minimum, an Educational Technician II Authorization from the Maine DOE who obtains a Level 4 status on the Maine Roads to Quality Registry within 3 years.
- C. All preschool staff must join the Maine Roads to Quality Registry.

Section 8. NUTRITION

8.01 General Requirements

The program shall serve well-balanced meals and/or snack that follow the U.S. Department of Agriculture guidelines in all programs.

8.02 Specific Requirements

- A. The program shall serve at least one meal and/or snacks at regularly established times. Meals and snacks are not more than three hours apart.
- B. Each child is given sufficient time at mealtimes and snacks to eat at a reasonable, leisurely rate.
- C. Classroom ratios will be maintained during mealtimes.
- D. Meals and or snacks are culturally responsive to participating families.
- E. The meal and snack time offers opportunities for interactions between adults and children.

Section 9. SCHOOL FACILITIES

9.01 Indoor: Minimum requirement shall be 35 square feet per child. Areas not to be calculated as usable space include but are not limited to: hallways, lockers, cubbies, door swings, closets, supply cabinets, corridors, bathrooms, teacher spaces, food preparation areas and offices.

- A. All classroom spaces must be accessible to all children, including children with disabilities.

- B. There shall be a water source in the classroom for hand washing, and drinking water is readily available to children throughout the day.
 - C. The indoor environment shall be designed so staff can supervise children by sight and sound at all times. Supervision for short intervals by sound is permissible, as long as teachers check frequently on children who are out of sight (e.g., independent toileting).
 - D. Toilets, accessible for use by all participating children, must be within 40 feet of the indoor areas that children use. It is preferable to have them within the classroom.
 - E. Electrical outlets in public preschool classrooms shall be protected by safety caps, plugs or other means.
 - F. Natural light must be present in any classroom used for four-year-old program activities.
 - G. Easily accessible and individual space shall be made available for children's outside clothing and personal possessions.
- 9.02 Outdoor: The program must have access to an outdoor play area with at least 75 square feet of usable space per child and with equipment of a size suitable to the age and needs of four-year-old children as dictated by the National Safety Standards for playgrounds in public schools.
- A. The outdoor play area must be protected by fences or natural barriers.
 - B. Surfaces used under climbers, swings and at the bottom of slides are energy-absorbing materials such as mulch, sand or bark. Concrete or asphalt shall not be used.
 - C. Outdoor play areas provide both shade and sun.
 - D. There are established protocols for emergencies.
 - E. The playground areas and equipment are accessible to all children.
 - F. Preschool classrooms schedule outdoor time by themselves, with other preschool classrooms, or with kindergarten children.

Section 10. FAMILY ENGAGEMENT

- 10.01 Programs identify how they will engage in a process of partnership-building with families to establish mutual trust and to identify child strengths, goals, and necessary services and supports.
- 10.02 Programs have written policies and procedures that demonstrate intentional practices designed to foster strong reciprocal relationships with families, including, but not limited to: application information, family orientation, parent conferences, parent education-specifically around literacy and numeracy, newsletters, PTA participation, home visits, family events, program evaluations, and these policies and procedures are to be translated in a language understandable to parents/guardians.

Section 11. COMMUNITY ENGAGEMENT

Programs establish relationships with community-based learning resources and agencies, such as libraries, arts education programs, and family literacy programs.

Section 12. COORDINATED PUBLIC PRESCHOOL PROGRAMS

- 12.01 Any school administrative unit that wishes to develop an early childhood program for children 4 years of age must submit a public preschool program implementation plan for children 4 years of age for submission to and approval by the department. Evaluation of the proposal must include consideration of at least the following factors:
 - A. Demonstrated coordination with other early childhood programs in the community to maximize resources;
 - B. Consideration of the extended child care needs of working parents; and
 - C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community. [20-A MRSA §4502(9)]
 - D. Demonstrated coordination with Child Development Services.
- 12.02 Schools offering a public preschool program in partnership with a community agency must submit a Memorandum of Understanding (MOU), signed by all involved parties, on a yearly basis. The elements of the MOU shall, at a minimum, include:
 - A. Roles and responsibilities of each of the partners;

- B. A budget, including the amount of resources that each partner will provide for the implementation of the plan;
- C. Describe the organizational capacity and the existing infrastructure of the SAU and the partners to deliver a high quality program;
- D. The methods and processes for making different types of decisions (e.g., policy, operational);
- E. How the partners will coordinate, but not supplant, the delivery of the public preschool program with existing services for preschool –aged children including, if applicable, programs and services supported through Title I of ESEA, the Head Start Act, and Child Care Development Block Grant;
- F. How the partners will coordinate with Child Development Services (under Part B, Section 619 of IDEA) regional site to ensure access for CDS for conducting its statutory obligations under IDEA and Maine law /regulations; and
- G. A description of the responsibilities and process of sharing child records that meets Section 16 of this chapter.

12.03 Beginning with 2015-16 school year the Commissioner may provide start-up funding as set forth in 20-A MRSA §4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as required by 20-A MRSA §4502(9).

Section 13 TRANSITION

- 13.01 Enrollment transition into the public preschool program. Public preschool programs will have a process for enrollment transition from home and or other early childhood programs. The process will involve parents/legal guardians, including parental consent for transition of the pertinent educational records.
- 13.02 Public preschool to kindergarten transition. Public preschool program will have a process to provide transition between four-year-old programs and the kindergarten program. This includes links, by the elementary school, with other area Head Start and early childhood programs serving young children who will be entering kindergarten. The process will involve parents/legal guardians, including parental consent for transition of pertinent educational records.

Section 14 TRANSPORTATION

14.01 If a school transports public preschool children, it is recommended that the standard of care offered to public preschool students meet the standard of care as defined by "Guideline for the Safe Transportation of Preschool Age Children in School Buses," which is provided by the National Highway Transportation Safety Agency, as follows:

- A. Children should be in a child safety restraint system appropriate for the age, weight and height of the student.
- B. There should be at least one aide on board the bus to assist with loading, unloading, correct securement and behavior/emotional support.
- C. There will be training, communication and operational policy items for drivers, aides, parents, students and routes.

NOTE 1: Head Start children must be in a child safety restraint system and have an aide to assist. This is a federal requirement.

NOTE 2: Pursuant to 20-A MRSA §5401(3-A) school administrative units are not required to provide transportation for public preschool children.

Section 15. RECORDS AND REPORTS

If the public preschool program operates within the school administrative unit (SAU), the SAU addresses these provisions within the basic school approval.

If the public preschool program operates in an external facility and/or under a contract with the SAU, the contract between the SAU and the contractor must address the provisions of this section.

15.01 Student Records

Each school board shall adopt a policy in accordance with the Family Education Rights and Privacy Act (FERPA) that establishes the procedure for changing a student record by adding or removing items, and for controlling access to records.

- A. Each school administrative unit shall maintain accurate and up-to-date education records on each enrolled student. Education records shall be defined as in FERPA and shall include academic records, disciplinary records, and other information including directory information.
 - (1) Academic records include information relating to the student's educational performance including student performance on the local assessment system and on other assessments as may be required for an individual student.

- (2) Disciplinary records include, but are not limited to, a record of suspensions and expulsions, and other violations of the Student Code of Conduct adopted by the school board.
- B. Records shall be entrusted to designated personnel who shall be knowledgeable about the confidentiality provisions applicable to the records. All records shall be safeguarded from unauthorized access. Either student records will be kept in fireproof storage at the school or a duplicate set will be kept off site.
- C. Upon request of the parent or school officials, a student's education records, including special education records, shall be forwarded to any school in which the student is enrolled or is intending to enroll. The school administrative unit shall notify parents that all records, including disciplinary records, must be sent to a school administrative unit to which a student applies for transfer.
- D. Parental Access Rights: Confidentiality

Each school administrative unit shall adopt a policy describing the access rights of parents, students, and educational personnel to student records and the applicable confidentiality rights of parents and students. Student records shall be made available to the parents, or to the student of majority age, for inspection and copying.

A copy of the policy shall be posted in each school and parents shall be notified annually of the policy. The school administrative unit shall maintain records in accordance with the Family Education Rights and Privacy Act (FERPA).

Section 16. PUBLIC PRESCHOOL APPROVAL

16.01 Approval Procedures

- A. A school administrative unit shall obtain approval from the Commissioner prior to opening a new public preschool program. All new public preschool programs implemented in the 2015-16 school year must be approved prior to opening. By July 1, 2017 all public preschool programs implemented before 2015-16 must comply with programs standards contained in this rule. The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.

- B. A school administrative unit seeking approval status for any public preschool program shall make this intention known to the Commissioner in writing at least nine months prior to the school year. School units that have received school construction approval from the State Board of Education shall be deemed to have met this notice requirement.
- C. An Implementation Plan for initial approval status shall be made on forms provided by the Commissioner and available on the Maine Department of Education Public Preschool website. The superintendent of the school administrative unit is responsible for supplying all information necessary for a determination that the school is entitled to approval. The implementation plan application form must be signed by the superintendent of the school administrative unit in which the school is located, certifying that the form contains information that is accurate at the time of reporting. Prior to receiving approval from the Commissioner, the facility shall be approved for safety by the State Fire Marshal or local municipal fire department official, and certified as sanitary by the Department of Health and Human Services (DHHS).
- D. Two months prior to the initial opening the applicant school must arrange for an on-site inspection by a representative of the Commissioner.
- E. Approval status shall be awarded when the Commissioner determines that the school is likely to comply with all approval standards.
- F. Upon obtaining approval by the Commissioner, the school administrative unit shall be entitled to operate the public preschool program and to receive state subsidy aid to which it is otherwise entitled.
- G. Six weeks after student occupancy, representatives of the Commissioner shall visit the public preschool program while it is in session to determine if all applicable school approval standards are being met. If school approval standards are not being met, approval status shall continue until compliance is demonstrated or until the end of the school year, whichever is the earlier date.

16.02 Provisional Approval

- A. Any public preschool program that is determined by the Commissioner not to comply with applicable school approval standards shall be placed on provisional approval. Failure to submit School Approval Reports, other than financial reports, in a timely manner, in accordance with Section 15.05 of this rule, shall result in provisional approval status. Failure to submit financial reports in a timely manner shall result in a withholding of state subsidy in accordance with Section 16.03.B.

- B. When placing a school on provisional approval status the Commissioner shall take the following action:
- (1) The Commissioner shall notify, in writing, the superintendent responsible for any public preschool programs placed on provisional approval status and shall include a statement of the reasons for provisional approval status.
 - (2) Representatives of the Commissioner shall meet with the superintendent and shall determine a reasonable deadline for achieving compliance with school approval standards.
 - (3) A school or school administrative unit on provisional approval status shall be required to file with the Commissioner an acceptable written plan of corrective action.
 - (4) Failure to file a required plan of corrective action shall result in enforcement action by the Commissioner, pursuant to Section 16.03 of this rule.
- C. The Commissioner shall restore full approval status upon the Commissioner's determination of compliance with school approval standards.

16.03 Enforcement Measures

A. Notice of Failure to Comply

The Commissioner shall give written notice of pending enforcement action to the superintendent of any school or school administrative unit that fails to comply with school approval standards by the established deadlines in statute or in the plan of corrective action established in Section 16.02.B.(3). Such notice shall include a statement of the laws and regulations with which the school or school administrative unit fails to comply. School administrative units failing to comply with school approval standards shall be given notice and the opportunity for a hearing.

B. Penalties

The Commissioner may impose the following penalties on school administrative units until compliance is achieved:

- (1) Withhold state subsidy and other state funds from school administrative unit;

- (2) Refer the matter to the Attorney General, who may seek injunctive relief to enjoin activities not in compliance with the governing statute or seek any other remedy authorized by law; or
- (3) Employ other penalties authorized in statute or authorized or required by federal law.

Section 17. PRESCHOOL PROGRAM MONITORING

- 17.01 Public preschool programs, including partnerships, will complete the electronic Public Preschool Program Annual Report online and submit to the Maine Department of Education no later than 30 days after the end of the school year.
- 17.02 Each public preschool program, including partnerships, will receive a site visit by the Department no less than once every three years.
- 17.03 The review will utilize observational instruments, implemented by qualified individuals with demonstrated reliability, that assess:
 - A. Compliance with the program standards,
 - B. Classroom quality, and
 - C. Multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement.
- 17.04 The results of this classroom evaluation will be shared with the teacher and principal and a plan for training and technical assistance will be developed.

STATUTORY AUTHORITY: 20-A MRS §4271(4)

EFFECTIVE DATE:

Summary of Comments/Responses

Department of Education

Adopted Maine Department of Education Reg. 124 Basic School Approval; Public Preschool Programs

A public hearing on the proposed Department of Education Regulation 124, entitled Basic School Approval: Public Preschool Programs, was held on November 17, 2014. At the hearing, five (5) individuals commented on the proposed regulation.

The deadline for submission of written comments was December 5, 2014. Twenty-four (24) sets of written comments were submitted by that date. Written comments were received from the following:

1. Gary Rosenthal, Superintendent of Schools, Winthrop Public Schools
2. Karen Toothaker, Preschool Teacher, Manchester Elementary School
3. Mission: Readiness Military Leaders for Kids
4. Fight Crime Invest in Kids Maine
5. Ready Nation Maine
6. James D. Hodgkin, Superintendent of Schools, RSU #4
7. Doug Orville, Head Start Director, Chair of the Head Start Directors Association
8. Joe Mattos, Superintendent Islesboro, representing Maine School Superintendents Association
9. Linda Lavia, University of Maine Farmington, Adjunct staff
10. Rita Thurlow, Maine Children's Alliance
11. Lori Moses, Catherine Morrill Day Nursery
12. Linda Labas, Center for Community Inclusion, University of Maine
13. Scott Richardson, Superintendent, MSAD #70
14. Dr. Janet J. Morse, Assistant Superintendent/Dir of Instruction
15. Heidi F. LeBlanc, Penquis Child Development
16. Kathryn Colfer, Child and Family Services Dir., KVCAP and Educare Central Maine
17. James Stoneton, Superintendent, AOS 47
18. Victoria Grotton, Public Preschool Teacher, Glenburn School
19. Colleen J. Quint, Interim Executive Director, Educate Maine
20. Betsy Webb, Superintendent, Bangor School Department
21. Jill Adams, Executive Director, MADSEC
22. Dewey Meteer
23. Margaret Copeland
24. Rita Furlow, Maine Children's Alliance

GENERAL

1. **Comment (#2):** Commenter states the standards appear to be developmentally appropriate for this age group and appreciated the work involved in developing the document.
Response: No change made as a result of this comment.
2. **Comment (#3,#5, #15):** Commenter Supports the Department's proposed rules that implement the goals of LD 1530 and which also includes provisions to ensure that Maine's preschool program meets all 10 of the national Institute for Early Education Research (NIEER). Further the commenter supports the changes addressing maximum class size, teacher: child ratio, monitoring site visits, and the recommendation that a healthy meal/snack be served each day to preschool students.
Response: No change made as result of this comment.
3. **Comment (#4):** Commenter supports the proposed preschool program regulations which focus on both quality and access. The commenter encourages the Department of Education to continue the collection and analysis of data so that our teachers and communities can monitor the progress of our youngest learners and adjust quality improvements as needed.
Response: The Department intends to continue to refine the early childhood components of the State Longitudinal Data System to allow monitoring of progress. No change made as the result of this comment.
4. **Comment (#7):** Commenter supports the proposed program regulation which will help to achieve the outcome of all children entering kindergarten prepared to learn. In particular the commenter appreciates the alignment of licensure requirements for early childhood programs with those of the public preschool programs. The Commenter believes, and research supports, a key to achieving this outcome for Maine's children is high-quality preschool experiences. The primary components of such high-quality experiences are:
 - Teachers with degrees in early childhood education
 - Research-based curriculum built upon early learning standards
 - Developmentally appropriate classroom practices
 - On-going developmental assessments of each child
 - Teacher to child ratios of 1:10 or less
 - Total group size per classroom of 20 or less
 - Teacher planning time
 - On-going teacher professional development
 - Research-based teacher and program quality assessments
 - Monitoring of programs for regulatory compliance
 - Health screenings and referrals for children
 - Daily nutrition
 - Health and safety measures

- Parent and family engagement
- Transition planning for children and families

Response: No change made as a result of these comments.

5. **Comment (#8):** Commenter understands that most of the proposed rule is suggested practice for preschool programs, but cannot support these as requirements.

Response: The intent with these regulations is to move from recommended practices to consistent implementation of program standards across the state, so that all children enrolled in the programs can have the benefit of the same baseline standards.

6. **Comment(#10):** Commenter commends the Department for the work that it undertook with the stakeholder group to fine tune the original recommendations. The regulations serve as a means of accountability and ensure consistency. In particular the ratios were supported by the stakeholder group.

Response: No change made as a result of these comments.

7. **Comment (#11):** Commenter is in support of Chapter 124. Schools should have to comply with the same standards as community based programs.

Response: That is the intent of these regulations to have a common baseline of program standards. No change made as a result of this comment.

8. **Comment (#12, #15):** Commenter states “As state prekindergarten programs expand, these settings play an increasingly important role as part of a larger array of early childhood programs. To support quality early childhood experiences, all programs need an established set of standards that provide criteria for supporting learning experiences that promote positive child outcomes. Having standards that align with other public and private early childhood programs supports state system building efforts and eliminates duplicative and burdensome requirements. The Chapter 124 standards do just that. They provide schools with a similar set of standards that govern other Maine early childhood programs. Like other programs that serve young children and their families, these standards provide a platform of health, safety and educational indicators that allow for quality educational experiences. Research on early education says that quality is based on a combination of both structural indicators such as; the square footage required for each child, the maximum number of children in a classroom, the adult-child ratio and the arrangement, type and accessibility of the learning environment and materials, as well as, process indicators that address interactions, curriculum and instruction.”

Response: No change made as a result of this comment.

9. **Comment (#7):** Commenter does not support the appeal for grandfathering of already existing programs that would not be in compliance with the new rules.

Commenter strongly believes that all public preschool programs should be required to come into compliance.

Response: As noted in Section 6 under Comment #1 The Department has added language to Section 16.01(A) which states “The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.”

10. **Comment (#16):** Commenter feels “these rules have the potential of aligning quality early care and education services throughout this great state. If stakeholders embrace a community based approach that maximizes state, federal and local resources, as well as system alignment, Maine's children will win. The requirement that all stakeholders adhere to the same rule will certainly solidify the educational continuum.”

Response: No change made as a result of this comment.

11. **Comment (#19):** Commenter states that questions of both access and quality are ones addressed in Chapter 124: Basic Approval Standards: Public Preschool Programs. Commenter supports the core elements of these standards, as we believe they will lead to successful programs for schools, and positive experiences for students. Chief among these elements are:

- The requirement of an evidence-based curriculum that aligns with the Maine Early Learning & Development Standards;
- An environment that stimulates exploration, experimentation, discovery and conceptual learning;
- Use of developmental screenings with appropriate referrals;
- Low student-teacher ratios in the classroom;
- Attention to nutrition, health and safety; and
- Expectation of positive and regular engagement with families and community.

Commenter knows that the Department will monitor these programs as they develop, and that the collection of data will, over time, help us understand both the immediate and the long-term impacts. Commenter shares the Department’s commitment to ensuring that all learning opportunities provided to Maine’s students – including preschool – are of the highest quality. Our students deserve no less.

Response: No change made as a result of this comment.

12. **Comment (#21):** Commenter is concerned that the rules are being proposed without having collected information as to whether the current programs meet the standards.

Response: The Maine Educational Policy Research Institute (MEPRI) has undertaken two surveys, one with superintendents and one with preschool teachers, to gather information on SAU capacity to have public preschool

programs and to determine where SAUs are with regard to the standards. No change made as a result of this comment.

13. **Comment (#21):** Commenter questions the ability of the Maine Department of Education to do site visits and monitoring. “It would be absolutely wonderful if the DOE is able to do this as well as to offer technical support to the preschool programs.”

Response: The Department intends to fill a joint monitoring position and has three part time coaches who are providing technical assistance. No change made as a result of this comment.

14. **Comment (#22):** Commenter strongly supports the proposed regulation Chapter 124. Standards for public school pre-K that are on a par with those for other early childhood programs in Maine have been needed for a long time. Chapter 124 would ensure that children who attend pre-K will be in settings comparable to other quality programs in Maine.

Research has shown that to achieve a positive return on investment in early childhood programs, several factors must be in place, including: a quality, evidence-based curriculum; being full-time; and involvement and education of parents. One regulation by itself cannot accomplish everything, but the proposed Chapter 124 definitely moves Maine closer to a higher return on investment of taxpayer dollars by requiring evidence-based curricula, by recommending that instructional hours be greater than the weekly, mandated minimum of 10 hours, by requiring parent involvement, and by trying to reduce the number of transitions that children experience in their days. Chapter 124’s emphasis on community collaboration will also help in this regard. All the stakeholders that contributed to Chapter 124 should be commended for their work.

Response: No change made as a result of this comment.

SECTION 1. GENERAL OBJECTIVES

SECTION 2. DEFINITIONS

1. **Comment (#21):** Commenter recommends two revisions to definitions and one clarification: a) Page 2. (2.11) the definition of “instruction time” does not include lunchtime; this is in conflict with page 5 (Section 4.02.A.) which addresses mealtime routines as an activity to be offered as part of the curriculum, b) Page 2. (2.13) the definition of “Parent” does not need to include the student is of the age of majority. MADSEC would suggest using the definition; “Parent” means a parent, guardian or legal guardian that is in 20-A., and c) Page 3. (2.17.H.) MADSEC would ask for clarification as to whether a Public Charter School authorized under Chapter 112 by an entity other than a local school district, will be required to follow these rules.

Response: a) The definition has deleted the term “lunchtime”. b)The phrase “or the student if of majority age” has been deleted. c) Given the provision at 20-A

MRSA §2412(5(D) a public charter school authorized will not be required to follow these rules.

2. **Comment (#22):** Commenter feels that requiring that the curriculum description of how the ELDS will be achieved by describing intended instructional content would provide a more specific picture of what the SAU will provide.
Response: A sentence has been added comparable to that in the Chapter 125 definition that states “the curriculum shall reflect continuous, sequential and specific instruction aligned with the Early Learning and Development Standards.”
3. **Comment (#24):** Commenter suggests adding to or amending the definition at 2.04 regarding curriculum to articulate what evidence based curriculum is.
Response: Section 4.01 reflects that each SAU shall have an evidence based curriculum. This is a recognized term in the field. No change made as a result of this comment.
4. **Comment (#24):** Commenter suggest refining the ELDS definition to reflect that they describe what children should know from birth to kindergarten entry.
Response: Maine ELDS are for children ages 3-5. No change made as a result of this comment.
5. **Comment (#24):** Commenter suggests adding a new definition of professional development, and social and emotional consultation services.
Response: These would be substantive changes to the rule as proposed. The Department will consider these items in a subsequent rulemaking. No change made as a result of these comments.

SECTION 3. CLASS SIZE

1. **Comment (#8, #13, #20, #23):** Commenters feel some school administrative units now or in the future cannot/ could not comply with the requirement of a maximum class size of 16.
Response: The Department has added language to Section 16.01(A) which states “The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.”
2. **Comment (#11):** Commenter, while supporting the standards, is concerned with the group size that may have the unintended consequence of increased cost for community based programs that partner with public schools.
Response: This class size is intended to provide a supportive, interactive environment with two adults conducive for learning. The Department will monitor the implementation of this standard in partnered programs. No change made as a result of this comment.

3. **Comment (#18):** Commenter indicates that the current class size is 10 with one adult.

Response: Section 16.01(A) states that “By July 1, 2017 all public preschool programs implemented before 2015-1016 must comply with the standards contained in this rule. The Department has added language to Section 16.01(A) which states “The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.”

4. **Comment (#24):** Commenter appreciates the class size that is in accordance with the National Association for the Education of Young Children accreditation process.

Response: No change made as a result of this comment.

SECTION 4. CURRICULUM AND COMPREHENSIVE ASSESSMENT SYSTEM

1. **Comment(#11):** Commenter supports evidence based curriculum and agrees that the curriculum needs to be aligned with the Early Learning and Development Standards, and is concerned that without proper resources and oversight it may be difficult to implement effectively.

Response: The Department has supported professional development in evidence based curriculum and intends to do so in the future. The early childhood coaches are providing technical assistance in several evidence based curriculums. The Department feels it is very important that the public preschool curriculum be aligned with the k-3 curriculums in the school administrative units. No change made as a result of this comment.

2. **Comment (#20):** Commenter is concerned about transitioning to specials in Section 4 (C) (4).

Response: The section suggests minimizing the transitions that children make, recognizing the children’s developmental age particularly in the beginning of the year. No change made as a result of this comment.

3. **Comment (#21):** Commenter does not believe it is necessary for each preschool program to develop their own Child Find Policy. It would more appropriate to use the SAU childfind policy.

Response: The cross reference to the State of Maine Unified Special Education Rules Chapter 101 Section IV. 2 (D)(E) is to an SAU policy. No change made as a result of this comment.

4. **Comment (#21):** Commenter feels the statement at 4.03. B (3) might be better in Section 10 Family Engagement.

Response: This addresses communication about assessment, which is the content of this section. No change made as a result of this comment.

5. **Comment (#22):** Commenter suggest at 4.03.A (1) states that “All children must receive a valid and reliable research-based screening tool...” The intent was likely that children be screened.

Response: 4.03A(1) has been revised to delete the word “receive” and replace with “ be screened using” and delete the word “screening” before “tool”.

6. **Comment (#24):** Commenter recommends that parent interviews be included as part of the list of documents/products in Section 4.03 B.

Response: This section is about the research based assessment of the child’s learning. No change made as a result of this comment.

7. **Comment (#24):** Commenter suggests including language that would require the provision of social and emotional consultation services.

Response: This would be a substantive change. The Department will consider this in a subsequent rulemaking. No change made as a result of this comment.

SECTION 5. INSTRUCTIONAL TIME

1. **Comment (#17):** Commenter raise concerns about the fact that their district currently runs two 3 hour sessions five days a week and does not want to lengthen the school day.

Response: Section 5.02 “encourages the lengthening of the school day”. It does not require the lengthening. No change made as a result of this comment.

2. **Comment (#24):** Commenter urges increasing the minimal number of instructional hours from 10-20 hours per week.

Response: This would be a substantive change. The Department will consider this in a subsequent rulemaking. No change made as a result of this comment.

SECTION 6. SCHOOL ADMINISTRATIVE UNIT ORGANIZATION AND SCHOOL SIZE

1. **Comment (#8, #13, #14):** Commenters feel some school administrative units now or in the future cannot/ could not comply with the maximum adult to child ratio of 1 adult to 8 children.

Response: The Department has added language to Section 16.01(A) which states “The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.”

- Comment (#9):** Commenter feels the ratios are necessary at 1:8, as children are coming into the programs with some significant challenges and need a supportive environment that can help them adjust with adult supports. Larger number and ratios would challenge the capacity to meet the needs for supportive adult interactions.

Response: No change made as a result of this comment.

- Comment (#24):** Commenter supports the teacher child ratios, but notes that language does not state a minimum class size.

Response: There is not a minimum. Ratios will need to be addressed consistent with the regulation if class size is less than 16. No change made as a result of this comment.

SECTION 7. QUALITY OF EDUCATION PERSONNEL

- Comment (#2):** Commenter questions the purpose of 7.01-C All preschool staff must join the Maine Roads to Quality Registry.

Response: The purpose is to have all the public preschool teachers be included in the Registry with all other early childhood professionals. No change made as a result of this comment.

- Comment (#13):** Commenter notes that 7.01 requires the teacher to have an endorsement in Early Childhood 081 (B-5). This is problematic for public schools that operate a PK-12 school system. Commenter's district usually wants to hire K-8 certified teachers who can work across the grade spans as needed.

Response: An endorsement in Early Childhood 081 is required. A teacher with a K-8 certification will need to apply for a conditional certification. No change made as a result of this comment.

- Comment (#20):** Commenter was concerned that all staff must join the Maine Roads to Quality (MRTQ) Registry.

Response: The intent is to have the MRTQ Registry reflect all teachers in the Early Childhood field. No change made as a result of this comment.

- Comment (#21):** Commenter in 7.01.B. believes that the term "assistant teacher" should not be used.

Response: The individual is functioning as an assistant teacher. No change made as a result of this comment.

- Comment (#21):** Commenter does not believe that all preschool staff should be required to join the Maine Roads to Quality Registry. Whose responsibility will it be to monitor this in the SAU? This goes beyond Maine Department of Education certification. Would this mean that all personnel who work with any child in the

preschool program have to register, i.e. speech pathologists, OTs, the principal of the school, etc?

Response: See response to comment #1 above. Only the teachers would need to be in the Registry. The SAU will report on the registered staff in the Annual Online Report. No change made as a result of this comment.

6. **Comment (#24):** Commenter suggests adding requirements for professional development plan and for public preschool teacher instructional leader.

Response: This would be a substantive change. The Department will consider this in a subsequent rulemaking. No change made as a result of this comment.

SECTION 8. NUTRITION

1. **Comment (#18):** Commenter questioned whether schools could receive compensation for providing well-balanced meals.

Response: The school administrative unit can apply for the breakfast and lunch program through the School Nutrition program and the Department. No change made as a result of this comment.

2. **Comment (#20):** Commenter is concerned about requiring the same ratios with staff eating with children, as teacher contracts allow 20 min duty free lunch breaks, which would require the hiring of additional staff.

Response: Many districts use alternative staff within the school to provide ratio coverage during lunch. No change made as a result of this comment.

SECTION 9. SCHOOL FACILITIES

1. **Comment (#6, #8, #14):** Commenter is concerned that their current spaces do not meet the proposed guidelines and the class sizes would need to be reduced to meet the proposed guideline. Suggestion was made that current programs be required to provide an implementation strategy of how the SAU would become compliant and by when.

Response: The Department has added language to Section 16.01(A) which states “The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.”

2. **Comment (#18):** Commenter does not have a water source in her classroom.

Response: A portable sink could be placed in the classroom. No change made as a result of this comment.

3. **Comment (#18):** Commenter does not have a bathroom in the classroom and the closest bathroom is more than 40 feet away.

Response: Section 16.01(A) states that “By July 1, 2017 all public preschool programs implemented before 2015-1016 must comply with the standards

contained in this rule. The Department has added language to Section 16.01(A) which states “The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.”

4. **Comment (#20):** Commenter concerned about additional fencing appearing to be required around the playground area.

Response: If there are natural barriers, such as berms, lines of trees, or stone walls for example these could meet the requirement for safety suggested in section 9.02(A). No change made as a result of this comment.

SECTION 10. FAMILY ENGAGEMENT

1. **Comment (#15):** Commenter feels that parental involvement is critical in the educational success of children and is pleased that the Standards present requirements for maintaining family involvement in the preschool program.

Response: No change made as a result of this comment.

2. **Comment (#18):** Commenter asked if home visits are required.

Response: The intent is practices that will establish strong reciprocal relationships. It will be up to the school administrative unit as to what practices will be undertaken. No change made as a result of this comment.

SECTION 11. COMMUNITY ENGAGEMENT

1. **Comment (#18):** Commenter asked what the intent was for this provision.

Response: Individual school administrative units can establish what will be beneficial relationships with community learning resources that are in their area. No change made as a result of this comment.

SECTION 12. COORDINATED PUBLIC PRESCHOOL PROGRAMS

1. **Comment (#11):** Commenter would support continued focus on collaborative partnerships in public preschool programs.

Response: State statute requires collaboration amongst early childhood providers in the development and implementation of programs, so the focus will continue. No change made as a result of this comment.

2. **Comment (#18):** Commenter asked what this provision meant and felt that the funds for CDS should be allocated to the public schools..

Response: This section reflects the current statutory language that requests that as a new program is established that consideration be given to demonstration of coordination with other early childhood programs to maximize resources,

consideration of extended day for parents, public notice of consideration of new programs, and coordination with Child Development Services. Under state statute the CDS System is responsible for the provision of special education and related services to eligible children ages 3-5. No change made as a result of this comment.

3. **Comment (#24):** Commenter recommends language that school administrative units are allowed to contract with Head Start and licensed child care.
Response: SAUs are already permitted to enter into partnerships or contracts. No change made as a result of this comment.
4. **Comment (#24):** Commenter would like to have additional details about the application for start up.
Response: Funds have not been allocated for start up at this time. An application exists and is used by SAUs who are planning to establish or expand preschool programs. No change made as a result of this comment.

SECTION 13. TRANSITION

1. **Comment (#18):** Commenter wanted an explanation of “process for enrollment transition from home or other early childhood program.”
Response: The intent of this regulatory provision is to with parental consent to share information about the child in prior early childhood programs, which could include assessment information. No change made as a result of this comment.
2. **Comment (#21):** Commenter suggests that the requirements for enrollment of preschool students and the transfer of student educational records for public preschool students, be the same as those for all public school students.
Response: The language of the regulation reflects public preschool programs will have a process., which could be the same as those for all public school children. It will be a local determination. No change made as a result of this comment.

SECTION 14. TRANSPORTATION

1. **Comment (#1):** Commenter indicates that Section 14 Transportation states " There should be at least one aide on board the bus to assist with loading, unloading, correct securement and behavioral/emotional support." This would have a significant impact on the cost of transportation for our preschool programs. The SAU has 6 morning runs, 2 mid-day runs and 6 afternoon runs. All of these runs may have preschool students on board requiring an aide if these rules are approved as written. SAU is concerned that this significant cost increase may lead to the elimination of all preschool transportation. Providing transportation is critical in reaching the students that really need to access preschool and the available related services. We currently have 18 Head Start eligible students

attending our public preschool programs. Loss of transportation will likely reduce the number of students accessing our programs impacting their readiness for Kindergarten.

Response: Section 14.01 reflects that “if a school transports public preschool children , it is recommended that the standard of care offered to public preschool students meet the standard of care as defined by “Guideline for the Safe Transportation of Preschool Children in School Busses”... Please note that the regulatory language above says “recommended”, not required. The specific statement by the commenter uses the verb “should”. It would be best practice to follow items A,B, and C of Section 14.01, but it is not stated as required. However if a Head Start child id being transported on a school bus, those children must be in child safety restraint system and have an aide to assist. This is a federal requirement. An additional NOTE has been added “Head Start children must be in child safety restraint system and have an aide to assist. This is a federal requirement.”

2. **Comment (#6, #14, #17, #20), #21:** Commenter is concerned that requiring Ed Techs and harnesses on the buses in the RSU’s fleet would be a financial hardship.

Response: See Response #1 directly above.

SECTION 15. RECORDS AND REPORTS

1. **Comment (#21):** Commenter requests the deletion of “the policy shall be posted in each school” in Section 15.01D.

Response: This is verbatim language from the Chapter 125 regulation and was done so for comparability. No change made as a result of this comment.

SECTION 16. PUBLIC PRESCHOOL APPROVAL

1. **Comment (#18):** Commenter questioned whether the 16.01 D-G provisions applied to new programs.
Response: The approval process is for new programs. No change made as a result of this comment.
2. **Comment (#21):** Commenter questions if it is the intent to have any new programs for this coming school year.
Response: Yes, there are school administrative units that are planning new programs and are aware of the proposed regulations. No change made as a result of this comment.
3. **Comment (#21):** Commenter with regard to 16.01.C. believes that if the Preschool Program is going to be located in a current public school building there should be no requirement for safety approval from State Fire Marshall or local

municipal fire department official or to be certified as sanitary by the Department of DHHS other than what is currently required by the public school.

Response: This is a requirement of schools in Chapter 125. No change made as a result of this comment.

4. **Comment (#24):** Commenter urges the Department to consider language regarding licensing of a facility outside of the public school.

Response: These programs do need to have appropriate licensure in accordance with DHHS. No change made as a result of this comment.

SECTION 17. PRESCHOOL PROGRAM MONITORING

1. **Comment (#18):** Commenter questioned what information would be asked for.
Response: The Annual Online Report will be developed by the Department and will include data related to the program standards. No change made as a result of this comment.
2. **Comment (#24):** Commenter suggests adding the sentence to 17.02 “ Each new public preschool program, including partnerships, will receive a site visit by the Department in its first year of operation.”
Response: See Section 16.01 G “Six weeks after student occupancy representatives of the Commissioner shall visit the public preschool program while it is in session.” No change made as a result of this comment.