

CHAPTER 16
STATEWIDE VOLUNTARY PRESCHOOL PROGRAM

281—16.1(256C) Purpose. Statewide voluntary preschool programs are established to create high-quality early learning environments for four-year-old children whose families choose to access such programs. The purpose of the program is to provide an opportunity for all young children in the state to enter school ready to learn by expanding voluntary access to quality preschool curricula for all children who are four years old. These rules set forth the procedures and conditions under which state funds shall be made available to assist local school districts in the implementation of voluntary preschool programs.

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281—16.2(256C) Definitions.

“Applicant” means a school district applying to become an approved local program. Only public school districts in Iowa may apply for state funds under this chapter.

“Approved local program” means a school district’s voluntary preschool program approved by the department of education to provide high-quality preschool instruction for eligible children.

“Assessment” means a systematic ongoing procedure for obtaining information from observations, interviews, portfolios, and tests that can be used to make judgments about the strengths and needs of individual children and plan appropriate instruction.

“Base year” means the same as defined in Iowa Code section 257.2.

“Budget year” means the same as defined in Iowa Code section 257.2.

“Community empowerment area board” means a citizen-led board in local communities with broad representation to lead collaborative efforts involving education, health, and human service programs and services for young children and their families in the geographic area.

“Comprehensive services” means the provision of quality, developmentally appropriate early learning experiences consistent with age-relevant abilities or milestones; extended day child care services; developmental screenings, including health, hearing, and vision screenings; transportation; and family education and support services.

“Curriculum” means a research-based or evidence-based written framework that is comprehensive, addresses the needs of the whole child, and provides a guide for decision making about content, instructional methods, and assessment.

“Department” means the department of education.

“Developmentally appropriate” means practices that are based upon knowledge of how children develop and learn and that are responsive to the individual child’s learning strengths, interests, and needs.

“Director” means the director of the department of education.

“Early childhood special education” or *“ECSE”* means special education and related services for those individuals younger than six years of age as described in 281—Chapter 41.

“Eligible child” means a child who is a resident of Iowa and is four years of age on or before September 15 of the school year. If space and funding are available, a school district approved to participate in the preschool program may enroll a child who is younger or older than four years of age in the preschool program; however, the child shall not be counted for state funding purposes.

“Family education and support” means any developmentally appropriate activity or information, provided either formally or informally to parents, that supports the success of children and their families to reach desired results.

“Include” means that the items named are not all of the possible items that are covered, whether like or unlike the ones named.

“Individuals with Disabilities Education Act” or *“IDEA”* refers to 20 U.S.C. §1401 et seq., formerly the Education of the Handicapped Act (EHA). The federal regulations implementing IDEA are found at 34 CFR Parts 300 and 303.

“Para-educator” means a certified educational assistant as defined in Iowa Code section 272.1(6) and licensed under 282—Chapter 22.

“Prekindergarten program” means an education program offered by a school district or by an accredited nonpublic school as defined in 281—subrule 12.5(1).

“Preschool budget enrollment” means the figure that is equal to 60 percent of the actual enrollment of eligible students who receive preschool program services provided by a school district approved to participate in the preschool program by the date provided in Iowa Code section 257.6.

“Preschool foundation aid” means the product of the regular program state cost per pupil for the budget year multiplied by the school district’s preschool budget enrollment. Preschool foundation aid is based on enrollment of eligible students in the school district’s approved program regardless of whether an eligible student is a resident of the school district of enrollment.

“Preschool program” means the statewide voluntary preschool program for four-year-old children created in Iowa Code chapter 256C.

“Program standards” means the expectations for the characteristics or quality of early childhood settings, centers, and schools approved by the department. Approved program standards include National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria, Head Start Program Performance Standards, the Iowa Quality Preschool Program Standards (QPPS) and Criteria, or other approved program standards as determined by the department.

“Regular program state cost per pupil” means the same as described in Iowa Code section 257.9.

“School district” means the same as defined in Iowa Code section 257.2.

“Staff member” means an individual who implements preschool activities under the direct supervision of a teacher. Staff members include para-educators, teacher aides and teacher associates. All staff members shall meet the program standards defined herein.

“Teacher” means an individual who holds a valid practitioner’s license issued by the board of educational examiners under Iowa Code chapter 272 and holds an endorsement from the board of educational examiners that includes prekindergarten or kindergarten. There is no requirement that the teacher be an employee of the applicant district; the teacher may be employed by a private provider or other public agency with which the district has entered into an agreement or contract under Iowa Code chapter 28E.

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281—16.3(256C) Preschool program standards. Approved program standards include Head Start Program Performance Standards, Iowa Quality Preschool Program Standards and Criteria, or the National Association for the Education of Young Children Program Standards and Accreditation Criteria. All approved local preschool programs shall adopt preschool program standards and, in addition, shall meet the following requirements:

16.3(1) Personnel. A minimum of one teacher shall be present with eligible children during the voluntary preschool program instructional time.

16.3(2) Ratio of staff to children. There must be at least one teacher present in a classroom during the instructional time described in subrule 16.3(4). A minimum of one staff member and one teacher shall be present when 11 to 20 children are present. Staff members and teachers shall have reasonable line-of-sight supervision of all children.

16.3(3) Maximum class size. There shall be no more than 20 children per classroom.

16.3(4) Instructional time. Eligible children shall receive from the teacher at least ten hours per week of intentional instruction individualized to meet the needs of the child and directly related to the program’s curriculum, such time to be exclusive of recess.

16.3(5) Child learning standards. The preschool program shall demonstrate how the curriculum, assessment, staff development, and instructional strategies are aligned to the Iowa Early Learning Standards. The teacher shall provide instruction on the skills and knowledge included in the Iowa Early Learning Standards.

16.3(6) Curriculum. The preschool program shall adopt a research-based or evidence-based curriculum.

16.3(7) Assessment. The preschool program shall adopt a research-based or evidence-based assessment to provide information on children’s learning and development.

16.3(8) Staff development. The district shall make available to any teacher of a statewide voluntary preschool program who is not employed by the district staff development that the district offers to the district's personnel to maintain the skills appropriate to the teacher's role. Career development for school district preschool teachers shall be addressed in the school district's career development plan implemented in accordance with Iowa Code section 284.6. The school district shall ensure that staff members for the program are provided appropriate staff development in early childhood education.

16.3(9) Space. The preschool program shall provide adequate and appropriate space and facilities in accordance with program standards.

16.3(10) Materials. The preschool program shall provide instructional materials and supplies consistent with the program standards and Iowa Early Learning Standards.

16.3(11) Meals. The preschool program shall provide adequate and appropriate meals or snacks in accordance with program standards.

16.3(12) Parent involvement. The preschool program shall involve families through at least one home visit by the licensed teacher of the child, one family night, and at least two family-teacher conferences per year. Family involvement may include volunteering in the classroom, orientation to the preschool program, parent education, general communications, or other activities.

16.3(13) Integration of other preschool programs. The preschool program shall make provisions for the integration of children from other state and federally funded preschool programs including Head Start, IDEA, Title I, shared visions, and community empowerment.

16.3(14) Comprehensive services. The preschool program may collaborate with other agencies for the provision of the following:

- a. Quality, developmentally appropriate early learning experiences;
- b. Extended day child care;
- c. Transportation;
- d. Developmental screening, including health, hearing, and vision screening;
- e. Referral to other agencies providing health insurance, health care, immunizations, nutrition services, and mental health and oral health services; and
- f. Family education and support.

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281—16.4(256C) Collaboration requirements.

16.4(1) Teacher requirements. The teacher shall collaborate with other agencies, organizations, and boards in the community to further the program's capacity to meet the diverse needs of eligible children and their families. The teacher shall assist families in identifying and accessing available resources such as those described in subrule 16.3(14).

16.4(2) Program requirements. Preschool programs shall collaborate with participating families, early care providers, and community partners, including community empowerment area boards, Head Start programs, shared visions, and other programs provided under the auspices of the child development coordinating council; licensed child care centers; registered child development homes; area education agencies; child care resource and referral services provided under Iowa Code section 237A.26; early childhood special education programs; services funded by Title I of the federal Elementary and Secondary Education Act of 1965; and family support programs, to make available resources, including those described in subrule 16.3(14), required to meet the needs of the child. Preschool programs shall collaborate to ensure that children receiving care from other approved child care arrangements can participate in the voluntary preschool program with minimal disruptions to the child.

16.4(3) District requirements. The school district shall submit a collaborative application that demonstrates the involvement of multiple community stakeholders, including, as applicable, parents; other school districts; accredited nonpublic schools and faith-based representatives; the area education agency; the community empowerment area board; representatives of business, Head Start programs, shared visions and other programs provided under the auspices of the child development coordinating council; center-based and home-based providers of child care services, human services, public health, and economic development programs.

The methods by which such collaboration may be demonstrated include providing documentation of the development and maintenance of collaboration with community providers and other community stakeholders, evidence of a public hearing, collaboration agreements addressing operational procedures and other critical measures or assurances. The collaboration agreements between a school district and community-based providers of services may include four-year-old children who are enrolled in a child care center or child development home licensed or registered under Iowa Code chapter 237A, or in an existing public or private preschool program provided by the school district's local preschool program. [ARC 7787B, IAB 5/20/09, effective 6/24/09]

281—16.5(256C) Applications for funding. All applications shall be submitted on forms provided by the department, and shall address the requirements found in rules 281—16.3(256C), 281—16.4(256C), and 281—16.13(256C). Applicants shall submit a plan describing how they will fully meet the program standards within one year of the funding award. Points shall be awarded based on the applicant's provision of the following information:

1. Preschool program summary;
2. Research documentation;
3. Identification and documentation of local population;
4. Needs assessment of local programs providing services;
5. Evidence of collaboration with local agencies to provide comprehensive services; and
6. Letters of community support.

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281—16.6(256C) Application process.

16.6(1) Request for applications.

a. The department shall announce the commencement of the application period through public notice on the department's Web site and the department's regular monthly electronic publication.

b. Applications for preschool program funding shall be available on the department's Web site and otherwise distributed by the department upon request.

c. All applications shall be submitted to the department in accordance with instructions accompanying the applications.

16.6(2) Application process.

a. Applications that do not contain the specified information or that are not received by the specified date shall not be considered.

b. The department shall have the final discretion to award funds.

16.6(3) Notification of applicants. The department shall notify all applicants within 45 days following the due date for receipt of applications whether their requests shall be funded. The department shall provide to each successful applicant a contract to be signed by an official with authority to bind the applicant and to be returned to the department prior to the distribution of any funds under this program. [ARC 7787B, IAB 5/20/09, effective 6/24/09]

281—16.7(256C) Award contracts. Funds for applications approved by the department shall be awarded through a contract entered into by the department and the approved local program. [ARC 7787B, IAB 5/20/09, effective 6/24/09]

281—16.8(256C) Contract termination.

16.8(1) Termination for convenience. The contract may be terminated in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the future expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The applicant shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible.

16.8(2) Termination for cause. The contract may be terminated in whole or in part at any time before the date of completion whenever it is determined by the department that the applicant has failed to

comply substantially with the conditions of the contract. The applicant shall be notified in writing by the department of the reasons for the termination and the effective date. The applicant shall not incur new obligations for the terminated portion after the effective date of termination and shall cancel as many outstanding obligations as possible.

The department shall administer preschool program grants contingent upon availability of funding. If there is a lack of funds necessary to fulfill the fiscal responsibility of the preschool program grants, the contracts shall be terminated or renegotiated. The department may terminate or renegotiate a contract upon 30 days' notice when there is a reduction of funds by executive order.

The contract may be terminated in whole or in part by June 30 of the current fiscal year in the event that the applicant has not attained the program standards.

16.8(3) *Responsibility of applicant at termination.* Within 45 days of the termination, the applicant shall supply the department with a financial statement detailing all costs incurred up to the effective date of the termination. If the applicant expends moneys for other than specified budget items approved by the department, the applicant shall return moneys for unapproved expenditures.

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281—16.9(256C) Criteria for applications for funding. For the fiscal years in the period beginning July 1, 2007, and ending June 30, 2011, if the number of requests from school districts for initial participation in the preschool program exceeds the funding made available for the preschool program, the department shall utilize all of the following selection criteria in selecting the school districts that will be approved to participate in the preschool program:

16.9(1) Priority shall be given to school districts that have a high percentage of children in poverty, and such children shall receive first priority for the programs. Poverty shall be measured by the percentage of the elementary students in the applicant district who qualify for free or reduced price meals.

16.9(2) Priority shall be given to school districts that do not have existing preschool programming within the school district boundaries.

16.9(3) Consideration shall be given to school districts with established, high-quality community partnerships for the delivery of preschool program services that are seeking to expand access.

16.9(4) Consideration shall be given to the size of school districts in large, medium, and small categories in order for there to be equitable statewide distribution of preschool program services.

16.9(5) Only those applicants that certify the following assurances shall be considered for funding:

a. That the applicant has or will have an appropriately licensed teacher available for the program by October 1 of the school year for which funding is sought.

b. That the applicant has or will have sufficient numbers of staff available for the program by October 1 of the school year for which funding is sought.

c. That the applicant's program is or will be operational by October 1 of the school year for which funding is sought.

d. That, during the instructional time described in subrule 16.3(4), instruction shall be delivered in accordance with the applicant's curriculum and with the child learning standards described in subrule 16.3(5).

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281—16.10(256C) Appeal of application denial or termination. Any applicant may appeal to the director of the department the denial of a properly submitted preschool program funding application or the unilateral termination of an approved application. The jurisdictional criteria and procedures found in 281—Chapter 7 shall be applicable to any appeal of denial or termination.

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281—16.11(256C) Finance.

16.11(1) *Preschool foundation aid amounts to districts.*

a. For the initial school year for which a school district approved to participate in the preschool program receives that approval and implements the preschool program, the funding for the preschool

foundation aid payable to that school district shall be paid from the appropriation made for that school year in accordance with Iowa Code section 256C.6. For that school year, the preschool foundation aid payable to the school district is the product of the regular program state cost per pupil for the school year multiplied by 60 percent of the school district's eligible student enrollment on a specific date in the school year determined by rule. An eligible child is not required to be a resident of the district in which the child is enrolled voluntarily in the approved local program.

b. For budget years subsequent to the initial school year for which a school district approved to participate in the preschool program receives that approval and implements the preschool program, the funding for the preschool foundation aid payable to that school district shall be paid from the appropriation made in accordance with Iowa Code section 257.16, except that an eligible child is not required to be a resident of the district in which the child is enrolled voluntarily in the approved local program.

c. Continuation of a school district's participation in the preschool program for a second or subsequent budget year is subject to the approval of the department based upon the school district's compliance with the accountability requirements in rule 281—16.3(256C) and the department's on-site review of the school district's implementation of the preschool program. The department shall follow the procedure set forth in subrule 16.13(3) if a district is found to be noncompliant with one or more of the accountability requirements.

16.11(2) *Aid payments.* Preschool foundation aid shall be paid as part of the state aid payments made to school districts in accordance with Iowa Code section 257.16, except that an eligible child is not required to be a resident of the district in which the child is enrolled voluntarily in the approved local program.

16.11(3) *Commingling prohibited.* No state funding received under this program shall be commingled with other state aid payments made under Iowa Code section 257.16. All state funding received under this program shall be accounted for by the applicant district separately from other state aid payments.

16.11(4) *Restriction on supplanting.* State funding received under this program shall be used to supplement, not supplant, other public funding received by the applicant district as the result of the participation of any eligible children if the program is funded from another state or federal source such as Head Start, shared visions, state child care assistance, or community empowerment. This restriction is applicable only for costs related to instructional time as described in subrule 16.3(4).

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281—16.12(256C) *Transportation.* Children participating in preschool in an approved local program under Iowa Code chapter 256C may be provided transportation services. However, transportation services provided to such children are not eligible for reimbursement under this chapter.

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281—16.13(256C) *Accountability requirements.* An approved local program shall meet the program requirements for increased school readiness specified in rule 281—16.3(256C). The program requirements are minimum standards. The department encourages approved local programs to exceed the minimum standards as programs work toward ongoing improvement.

16.13(1) *Annual reports.* Each approved local program shall provide on forms provided by the department an annual report to the department regarding program requirements. Failure to submit an annual report by the date specified therein shall result in suspension of financial payments to the applicant until such time as the report is received by the department.

16.13(2) *Performance measures.* The approved local program shall collect data on all of the following:

- a.* The number of eligible children participating in the preschool program.
- b.* The number of eligible children participating in a program that meets the requirements of NAEYC, Head Start, or Iowa Quality Preschool Program Standards and Criteria.
- c.* The curriculum.
- d.* The assessment as defined in rule 281—16.2(256C).

- e. The number of teachers.
- f. The kindergarten literacy assessment as defined in Iowa Code section 279.60.

16.13(3) Noncompliance with program requirements. If the department determines that a participating district does not meet one or more of the accountability requirements provided in rule 281—16.3(256C), the department shall inform the school district of appropriate actions that shall be taken by the school district. The school district shall submit an action plan that is approved by the department and contains reasonable timelines for coming into compliance. The department shall facilitate technical assistance when requested. If the department determines that the school district is not taking the necessary actions in a timely manner, the director of the department may terminate the school district's contract as provided in subrule 16.8(2), second unnumbered paragraph. Until such time as the school district's contract is terminated, the school district may continue to participate in the statewide voluntary preschool program.

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281—16.14(256C) Monitoring. The department shall develop a monitoring system based on the annual reporting requirements and performance measures described in rule 281—16.13(256C) to be implemented no later than one year after funding is first provided under this chapter. The monitoring system shall ensure that programs meet the provisions herein requiring a properly licensed teacher and adoption of program standards and shall be designed to follow the academic progress of children who voluntarily participate in the statewide preschool program as the children progress through elementary and secondary grade levels. If feasible, it is the intent of the department to include postsecondary monitoring of such children.

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281—16.15(256C) Open enrollment not applicable. Iowa's open enrollment statute (Iowa Code section 282.18) is not applicable for the parent or guardian of an eligible child who desires to access an approved program in a school district not of the child's residence. Approved programs are open to all eligible Iowa children, regardless of a child's district of residence. Accordingly, it is neither necessary for a parent or guardian to file an open enrollment application, nor will open enrollment applications for approved preschool programs be allowed.

Participation by a child in an approved program under these rules does not provide "good cause," as defined in Iowa Code section 282.18(4) "b," for the child's parent or guardian to file for open enrollment after the deadlines specified in Iowa Code section 282.18, subsections 2 and 4, by claiming continuous enrollment in the receiving district. (See also 281—subrule 17.8(7).)

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