



## **THE ABC'S OF PRESCHOOL FACILITIES IN NEW JERSEY** *A Primer*

Currently, approximately 70% of three and four year old children in New Jersey's 31 poorest school districts attend state-funded preschool programs in subcontracting community providers or Head Start facilities. Regardless of the quality of these programs, many of these facilities have issues in meeting quality standards for educational adequacy. The following outlines this dilemma which impacts thousands of preschoolers in those districts:

### **THE COURT CASE:**

- The 1998 Supreme Court Case of Abbott v. Burke (Abbott V) required New Jersey's poorest school districts to implement high quality, intensive early childhood programs for their three and four year old population. Abbott v. Burke 153 NJ 480 (1998);
- Abbott V also ordered the State of New Jersey to provide educationally adequate facilities, including preschool facilities, in the Abbott school districts.
- The Supreme Court authorized the "cooperation with or the use of existing early childhood and day-care programs in the community" to implement these preschool programs. Abbott V at 508.

### **THE LEGISLATION:**

- In July 2000, the New Jersey Legislature passed the Educational Facilities Construction and Financing Act (EFCFA), which provided funding for construction and renovations of schools in Abbott districts. N.J.S.A. 18A:7G. In an attempt to comply with the Abbott V decision, construction and renovation for both public and provider preschools was included in the legislation. N.J.S.A. 18A:7G-5(s);
- Under the facilities legislation, no community provider can receive funding for construction or renovation unless they are included in the local district's Long Range Facilities Plan (LRFP). N.J.S.A. 18A:7G-5(s)
- A school district has the option of including community providers in their LRFP, only if they own their buildings. N.J.S.A. 18A:7G-3
- Prior to the passage of EFCFA, Abbott school districts had recently assessed their school facilities and developed their LRFPs. Since the collaboration between school districts and community based programs was just beginning, the assessment of community facilities was not addressed.

### **THE STANDARDS:**

- Preschool facilities standards were adopted by the State Board of Education in May 2004. The standards list preschool facilities requirements, including minimum square footage, bathroom and window requirements, natural light and outdoor play space. N.J.A.C. 6A:26-6.4

## THE PROBLEMS:

- While most districts rely heavily on community providers and Head Start to house their preschool programs, they are under no obligation to include any of the owner-operated providers in their LRFPs. As a result, most are not.
- Preschool classrooms housed in leased facilities are prohibited from applying for school construction funds to improve or expand their buildings. In the 2003-2004 school year, 66% of the Abbott providers leased their facilities. (*Rice, C., Ponessa, J. (2004) Planning for Quality: Ensuring the Educational Adequacy for All Abbott Preschool Facilities. Newark, NJ: Association for Children of New Jersey/Education Law Center.*)
- Currently, a few districts have completed a facilities assessment of their community based programs. Other districts are planning to complete such an assessment, as required, as part of their facilities planning process.
- The preschool facilities standards only apply to the design and construction of new facilities or additions to existing facilities.

## THE RESULTS:

- The availability of preschool facilities funding as interpreted by the Department of Education (DOE) and the Schools Construction Corporation (SCC) has limited the opportunities and the potential development of facilities projects outside the public schools.
- The facilities housing 70% of Abbott preschoolers either are barred from receiving state funding (facilities that are leased) or have no real access to that funding (facilities that are owner operated), according to the Schools Construction Corporation (SCC).
- While the DOE will require both new LRFPs to include completed preschool community provider facilities surveys and to enter the findings into the LRFP website, there is no mechanism to address facilities needs identified by the surveys. *2005 LRF P Preliminary Guidelines (January 2005)* at <http://www.nj.gov/njded/facilities/rfp/guidelines.pdf>.
- Facilities currently housing Abbott preschoolers that cannot or do not intend to renovate or expand their building are not required to meet educationally adequate standards.

## THE SOLUTION:

An assessment of provider facilities is only a first step to better understanding the "educational adequacy" of the Abbott preschool facilities. However, such an assessment has little value without the financial assistance to address their needs. Facilities funding for preschool classrooms outside the public schools is difficult and requires creative solutions and alternative funding mechanisms developed by school districts, the state and all stakeholders working together. More options for correcting deficiencies and upgrading providers' buildings are necessary. Additional funding options must be explored by the State to support upgrading eligible providers/ buildings. Without such creative solutions, our youngest citizens could be housed in inadequate facilities for an indefinite period of time.

Through the legislative requirement to study the adequacy of State funds authorized under the EFCFA in meeting the school facilities needs of our public schools, the School Construction Review Commission is the appropriate forum to discuss the broader preschool facilities issues plaguing Abbott providers.

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