

## Summary

The Department of Education is proposing to readopt with amendments N.J.A.C. 6A:13A, Elements of High-Quality Preschool Programs, to continue implementation of high-quality preschool programs for eligible, at-risk three- and four-year-old children in the State, pursuant to P.L. 2007, c. 260. The current rules will expire on December 10, 2009, pursuant to the terms of P.L. 2007, c. 260, the School Funding Reform Act (SFRA), which authorized promulgation of initial rules by Special Adoption and provided for promulgation of subsequent rules by the Commissioner of Education in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Upon readoption, the amended rules are projected to sunset in 2014. The Department is also proposing to repeal N.J.A.C. 6A:8-2.3, Authority for requirement to establish early childhood education programs, and N.J.A.C. 6A:8-3.4, Requirements for early childhood education programs, the rules that governed the Early Childhood Program Aid (ECPA) school districts and recodify many of the requirements as new rules in Chapter 13A. The proposed new rules are included in Subchapter 3 and establish programmatic, fiscal and operational requirements for the former ECPA school districts.

The chapter proposed for readoption with amendments will ensure that State-funded preschool programs in school districts, including those offered by contracted private providers and local Head Start agencies, include the elements essential for the implementation of a high-quality preschool program. The rules proposed for readoption with amendments include new and revised definitions. Obsolete definitions have also been proposed for deletion. The rules proposed for readoption with amendments clarify eligibility, program and fiscal requirements, as well as staffing rules,

for the preschool program. The rules proposed for readoption with amendments establish the parameters for school districts to establish preschool programs according to the rules of this chapter, and include parameters relative to class size and staffing for particular school districts offering kindergarten.

Technical amendments appear throughout the rules proposed for readoption with amendments reflecting the change in name from “New Jersey Preschool Teaching and Learning Expectations: Standards of Quality” to “New Jersey Preschool Teaching and Learning Standards of Quality” and the name “Expectations” to “Preschool Standards.” Technical amendments are also included throughout the rules proposed for readoption to correct for grammar and consistency, to update Code references and website addresses, to clarify acronyms, to include the term “contracting” before “private provider,” as appropriate, and to the terms “school district” and “district board of education,” as appropriate. Amendments are also proposed throughout the chapter to revise the phrase “five-year preschool program plans and annual updates” to “five year preschool program plan and/or annual update,” for consistency, where appropriate.

The Department has provided a 60-day comment period in this notice of proposal, so that it is excepted from the requirements of N.J.A.C. 1:30-3.3(a)5.

The following summarizes the content of each subchapter, noting proposed amendments to the existing rules:

## **Subchapter 1. General Provisions For A High Quality Preschool Program**

### **N.J.A.C. 6A:13A-1.1 Purpose and applicability of rules**

This section sets forth the purpose and applicability of the chapter. These rules are readopted to ensure implementation of high-quality preschool programs pursuant to P.L. 2007, c. 260. No amendments are proposed.

### **N.J.A.C. 6A:13A-1.2 Definitions**

This section defines the terms used throughout this chapter.

An amendment is proposed to the definition of the term “full-day preschool” to establish that preschool is to be considered a specialized program pursuant to N.J.S.A. 18A:39-1. Amendments are proposed throughout this section to revise the name of the “New Jersey Preschool Teaching and Learning Expectations: Standards of Quality,” to “New Jersey Preschool Teaching and Learning Standards of Quality” and “Expectations” to “Preschool Standards,” as applicable. Amendments are proposed to delete definitions for the terms “pull-out program” and “push in program” as the terms are not referenced elsewhere in this chapter. Amendments are proposed to the definitions of the terms “targeted preschool” and “universal preschool” to clarify that these programs are to be considered specialized preschool programs. An amendment is proposed to the definition of the term “transition” to clarify that transition is an organized system of interactions and transactions that takes into account the relationship among home, school and community as the child moves from preschool “to kindergarten” through grade three.

New terms “Early Childhood Program Aid,” “Early Launch to Learning Initiative,” and “Preschool Program Implementation Guidelines” are proposed to be added to this section.

## **Subchapter 2: Eligibility, Enrollment And The Universe**

### **N.J.A.C. 6A:13A-2.1 Eligibility**

This section sets forth requirements for school districts required to provide universal preschool by 2013-2014 and for school districts required to offer targeted preschool by 2013-2014. A new subsection is proposed at N.J.A.C. 6A:13A-2.1(a) to establish that school districts that received preschool expansion aid or education opportunity aid in the 2007-2008 school year and were required to provide universal preschool must also provide free access to full-day preschool for all three- and four- year old children. Current subsection (a) is recodified as subsection (b) and is amended to establish that in “all other” school districts required to provide universal preschool, the district board of education must provide free access to full-day preschool for all three- and four-year-old children “by the 2013-2014 school year.” The second sentence of current subsection (a) is codified as subsection (c) and amended that school districts required to provide targeted preschool must provide free access to full-day preschool “by the 2013-2014 school year” for at risk three- and four-year-old children. Current paragraph (a)1 is recodified as subsection (d). Proposed N.J.A.C. 6A:13A-2.1(e)2 (current paragraph (b)2) is amended to establish that school districts required to provide universal preschool may also offer a part-day program in addition to offering age-

eligible, non-resident children who do not receive preschool education aid a full-day program by charging tuition to the parent or guardian. Proposed N.J.A.C. 6A:13A-2.1(i)2 and 3 (current paragraphs (f)2 and 3) are amended to establish the same requirement as paragraph (e)2 for school districts providing targeted preschool. Amendments are proposed at N.J.A.C. 6A:13A-2.1(f)2, (i)1 and (k)2 (current paragraphs (e)2, (f)1 and (h)2, respectively) to require that the Department approved written agreement must include the transfer of state approved per pupil School Funding Reform Act (SFRA) preschool education aid from the school district of the child's residence to the school district of parental employment, in order for an eligible child of a staff member to be enrolled in that preschool program.

#### **N.J.A.C. 6A:13A-2.2 Enrollment**

This section sets forth the requirement that the format for preschool children's enrollment information will be provided by the Department. No amendments are proposed.

#### **N.J.A.C. 6A:13A-2.3 Universe**

This section describes the Department's methodology for determining the universe of eligible three- and four-year-old children in each school district. The section also requires each school district to document the strategies used to serve at least 90 percent of its universe of eligible three- and four-year-old children. The provisions set forth at N.J.A.C. 6A:13A-2.3(a) and (b) have been revised for grammatical correctness and amended to clarify that updates are required in either the five-year preschool program

plan and/or annual update. A new N.J.A.C. 6A:13A-2.3(f) is proposed to require approval from the Commissioner to use any preschool education aid carry over funds for the school district's preschool program in the subsequent school year and include justification for any expenditure of funds contrary to that approved by the Department in the school districts five-year plan and/or annual update.

### **Subchapter 3: Program Planning**

#### **N.J.A.C. 6A:13A-3.1 Program planning**

This section sets forth the programmatic requirements for various categories of school districts receiving preschool education aid. The early childhood education program requirements proposed for repeal at N.J.A.C. 6A:8-2.3 and 3.4 have been revised and are proposed as new provisions in this section.

An amendment is proposed at N.J.A.C. 6A:13A-3.1(a) to delete the requirement that the 2008-2009 school year will be a planning year for school districts that did not receive any form of preschool aid in the 2007-2008 school year and replace it with an explanation of the circumstances under which school districts will begin to implement preschool expansion and follow the program rules set forth in this chapter, thereby expanding the scope of the planning for preschool. An amendment is also proposed to recodify part of current N.J.A.C. 6A:13A-3.1(a) as new N.J.A.C. 6A:13A-3.1(b) and clarify that school districts, formerly known as ECPA districts, that submitted preschool program plans and received approval from the Commissioner to expand the

preschool program in the 2008-2009 school year, must implement their preschool program plan and adhere to the rules in this chapter. An amendment is proposed to recodify current N.J.A.C. 6A:13A-3.1(b) as subsection (c) and clarify that any other school district formerly known as ECPA that did not receive approval from the Commissioner to expand their preschool program in the 2008-2009 school year must adhere to the specific regulations in paragraphs (c)1 through 11 until it is required to adhere to the other rules of the chapter. An amendment is also proposed at proposed subsection (c) to delete the requirements that the ECPA school districts adhere to the rules found at N.J.A.C. 6A:8 for the 2008-2009 planning year and to the rules found in this chapter for the 2009-2010 school year and beyond as rules found in Chapter 8 and pertaining to early childhood programs are proposed for repeal and the requirement that former ECPA school districts adhere to all of the rules in this chapter is inaccurate at this time. Proposed N.J.A.C. 6A:13A-3.1(c) also establishes the circumstances that must exist before the school district will be required to implement a preschool program pursuant to the provisions of the chapter. New regulations are proposed at N.J.A.C. 6A:13A-3.1(c) to provide: (1) that the district board of education serve at least 75 percent of the universe of four-year-old children prior to any application of preschool education aid to first through third grades; (2) that the district board of education serve all enrolled four-year-old children in a full-day preschool program prior to any application of preschool education aid to first through third grades; (3) that the district implement programming that contain certain delineated program components; (4) that the district demonstrate that the programs are based on a district-wide needs and resource assessment for each school that is a subset of the school district's comprehensive strategic plan; (5) that the district

adhere to preschool program criteria specific to class size and staffing ratios; developmentally appropriateness; alignment to the New Jersey Preschool Teaching and Learning Standards of Quality, the New Jersey Preschool Program Implementation Guidelines and the New Jersey Core Curriculum Content Standards; transition between preschool and kindergarten; coordination with other relevant district programs; and an annual program evaluation; (6) that the district board of education base preschool programs and curricula on student needs, strengths and interests that focus on all aspects of development and curriculum and assessment strategies; (7) that the district board of education ensure that instructional methods and/or strategies are congruent with the cognitive, social, emotional and physical skills of the young child and that instruction is balanced with teacher directed and child-initiated experiences; (8) that the district board of education provide professional development and training specific to preschool education for all early childhood education administrators, teachers and teacher assistants; (9) that the district board of education may contract with private provider and local Head Start agency settings provided that the private provider and/or local Head Start agency program complies with the applicable program requirements including the employment of appropriately licensed and qualified teaching staff; (10) that the district board of education include parent education activities in the preschool program that assist parents in remaining actively involved in their child's educational career; and (11) that the district board of education demonstrate that community health and social service agencies have been included in the planning, operation and fiscal support of the preschool program.

In addition, proposed new N.J.A.C. 6A:13A-3.1(d) establishes the program requirements for full-day kindergarten programs in school districts with high concentrations of low-income students. New N.J.A.C. 6A:13A-3.1(e) sets forth program criteria for school districts that received funds equal to 2007-2008 Early Launch to Learning Initiative awards as well as the timetable for these school districts to adhere to the rules of this chapter. Current N.J.A.C. 6A:13A-3.1(d) is proposed for recodification with amendments as N.J.A.C. 6A:13A-3.1(g) and sets forth the submission dates for the five-year preschool program plans and/or annual update and enrollment data to the Department. Current N.J.A.C. 6A:13A-3.1(e) is proposed for recodification with amendments as N.J.A.C. 6A:13A-3.1(h) and requires the five-year preschool program plan and/or annual update submitted by the district board of education to adhere to Department preschool program and budget planning document guidance for school districts, private providers and local Head Start agencies.

#### **Subchapter 4. Program Staffing**

##### **N.J.A.C. 6A:13A-4.1 Administrative oversight**

This section sets forth the role and responsibilities of in-district preschool administrators and supervisors of preschool programs. An amendment is proposed at N.J.A.C. 6A:13A-4.1(a) for grammatical correctness and to clarify that a dedicated in-district early childhood supervisor is required at a ratio of one for every 750 enrolled preschool children minus those students enrolled in district stand-alone early childhood education buildings. N.J.A.C. 6A:13A-4.1(a) is also amended to establish that the early childhood

supervisor position may, if approved by the Department in the school district's five-year preschool program plan, be contracted for through a county or regional educational services commission when the county or regional educational services commission is approved by the State Board to do so. N.J.A.C. 6A:13A-4.1(a)2i is amended for grammatical correctness and consistency. N.J.A.C. 6A:13A-4.1(a)2vi is amended to clarify that transition initiatives should occur from preschool "to kindergarten" through third grade administrators.

#### **N.J.A.C. 6A:13A-4.2 Master teachers**

This section sets forth the coaching role and responsibilities of the preschool master teacher position. An amendment is proposed at N.J.A.C. 6A:13A-4.2(a) to establish that the school district's option of contracting with a county or regional educational services commission for master teacher services for this position requires Department approval in the school district's five-year preschool program plan and/or annual update. An amendment is also proposed at N.J.A.C. 6A:13A-4.2(b)2 to clarify that the master teacher shall have three to five years experience teaching in "general education" preschool programs. A technical amendment is proposed at N.J.A.C. 6A:13A-4.2(f)1 to revise the term "Expectations" to "Preschool Standards." An amendment is also proposed at N.J.A.C. 6A:13A-4.2(f)3 to delete the term "early childhood" as it is redundant. Technical amendments are proposed at N.J.A.C. 6A:13A-4.2(f)5 for grammatical correctness and to establish that the comprehensive performance-based assessment system that is connected to the comprehensive preschool curriculum must be

included as a part of the five-year preschool program plan and/or annual update, required and approved by the Department.

### **N.J.A.C. 6A:13A-4.3 Instructional staff**

This section describes preschool class size requirements, requirements for an appropriately certified teacher and a teacher assistant who, as N.J.A.C. 6A:13A-4.3(a) is amended, is also required to be appropriately qualified. An amendment is proposed at N.J.A.C. 6A:13A-4.3(a)1 to further describe that the essential elements for the implementation of a high-quality preschool program must be maintained whenever a school district chooses to enroll fewer than 15 children in a preschool classroom. An amendment is proposed at N.J.A.C. 6A:13A-4.3(b) and (c) to clarify that these instructional requirements also apply to teachers currently teaching in classrooms in private provider and local Head Start agencies contracting with the school district to provide a high-quality preschool program. An amendment is also proposed at N.J.A.C. 6A:13A-4.3(c)4 to correct a Code citation.

### **N.J.A.C. 6A:13A-4.4 Intervention and support services**

This section sets forth the role and responsibilities of the preschool intervention and referral team. An amendment is proposed at N.J.A.C. 6A:13A-4.4(a) to establish that contracting with a county or educational services commission for this function requires Department approval in the school district's five-year preschool program plan. An amendment is also proposed at N.J.A.C. 6A:13A-4.4(d)1 to revise the

term “Expectations” to “Preschool Standards.” Technical amendments are proposed at N.J.A.C. 6A:13A-4.4(e) for grammatical correctness and consistency.

#### **N.J.A.C. 6A:13A-4.5 Health and nutrition**

This section sets forth the roles and responsibilities for nurses serving enrolled preschoolers. An amendment is proposed at N.J.A.C. 6A:13A-4.5(a) to clarify that contracting with a county or educational services commission for this function requires Department approval in the school district’s five-year preschool program plan and/or annual update. An amendment is also proposed at N.J.A.C. 6A:13A-4.5(c) to clarify that families eligible for and enrolled in the National School Breakfast program and/or the National School Lunch Program may be charged for reduced-and above-scale meals. An amendment is also proposed at N.J.A.C. 6A:13A-4.5(d) to update the web address to access the United States Department of Agriculture’s dietary guidelines.

#### **N.J.A.C. 6A:13A-4.6 Family and community involvement**

This section describes the coordinated system of social services provided to families of enrolled preschool children. Amendments are proposed at N.J.A.C. 6A:13A-4.6(a), (a)1 and (a)2 for grammatical correctness and consistency and at N.J.A.C. 6A:13A-4.6(b) to clarify that school districts may contract for social services functions with a county or educational services commission after receiving Department approval in the school district’s five-year preschool program plan.

Amendments are proposed at N.J.A.C. 6A:13A-4.6(b)1 for grammatical correctness and to revise the minimum educational requirements for the social worker

function to include a bachelor's degree in social work rather than a Master's degree in social work. The proposed amendment also revises the ratio of children to social worker to 250 preschool children "enrolled at in district settings" to one social worker. An amendment is also proposed at N.J.A.C. 6A:13A-4.6(b)2 for consistency. Amendments are also proposed at N.J.A.C. 6A:13A-4.6(b)3 for grammatical correctness and to establish a minimum of a bachelor's degree in social work or a related field, such as sociology, psychology or education, as the qualification for the preschool community and parent involvement specialist. An amendment is also proposed at N.J.A.C. 6A:13A-4.6(b)3 to establish that school districts with fewer than 750 enrolled preschool children willing to combine this position with another position must include this proposal in the five-year preschool program plan and/or annual updates, as required and approved by the Department. Amendments are proposed at N.J.A.C. 6A:13A-4.6(c)1 for grammatical correctness and to establish that the membership of the Early Childhood Advisory Council should include the local Head Start agency, "if applicable."

**N.J.A.C. 6A:13A-4.7 District board of education-fiscal accountability and integrity of preschool program**

This section describes the requirements for fiscal accountability and integrity for each school district's preschool program. Technical amendments are proposed at N.J.A.C. 6A:13A-4.7(a)1, 3 and 4 for consistency. An amendment is proposed at N.J.A.C. 6A:13A-4.7(a)4 to delete the requirement that the preschool fiscal specialist collaborate with contracting private providers and/or local Head Start agencies, "as applicable," as the term "as applicable" is not necessary. An amendment is also

proposed at N.J.A.C. 6A:13A-4.7(a)4 to provide that the preschool fiscal specialist must collaborate with contracting private providers and/or local Head Start Agencies on “any” corrective action plans in response to the findings from an audit and/or a limited review examination.

## **Subchapter 5. Curriculum And Assessment**

### **N.J.A.C. 6A:13A-5.1 Curriculum**

This section sets forth the requirements for district boards of education in implementing a comprehensive preschool curriculum that is supported by research, aligned with the “Preschool Standards” and linked to the CCCS. The section also requires the school district’s choice of curricula to be approved by the Department as part of the five-year preschool program plan and/or annual update, as required and approved by the Department. Amendments are proposed at N.J.A.C. 6A:13A-5.1(a) and (a)2 for grammatical consistency and correctness and to revise the name of the “Expectations” to “Preschool Standards.”

### **N.J.A.C. 6A:13A-5.2 Assessment**

This section describes the purposes of assessment and the requirement that district boards of education ensure assessment will occur on an ongoing basis. No amendments are proposed.

### **N.J.A.C. 6A:13A-5.3 Screening**

This section sets forth the requirement that district boards of education implement and utilize for appropriate purposes a developmentally-based early childhood screening assessment. No amendments are proposed.

**N.J.A.C. 6A:13A-5.4 Ongoing performance-based assessment of children**

This section sets forth requirements for preschool classroom teachers in implementing ongoing performance-based assessments of children. An amendment is proposed at N.J.A.C. 6A:13A-5.4(a)1 to establish that the comprehensive curriculum must be described in the school district's five-year preschool program plan and/or annual update and approved by the Department.

**N.J.A.C. 6A:13A-5.5 Classroom quality assessment**

This section describes requirements for the school district's use of a reliable classroom quality assessment instrument approved by the Department in the school district's five-year preschool program plan to assess program quality in each in-district, private provider and Head Start agency preschool classroom. An amendment is proposed at N.J.A.C. 6A:13A-5.5(a) to clarify that the school district must begin using the classroom quality assessment instrument in the first year of preschool program implementation and to revise the term "reliable classroom observation instrument" to "reliable classroom quality assessment instrument." An amendment is also proposed at N.J.A.C. 6A:13A-5.5(a) to clarify that the school district must describe the use of the classroom quality instrument in the five-year preschool program plan and/or annual update, required and approved by the Department. An amendment is also proposed at

N.J.A.C. 6A:13A-5.5(a)2 clarifying that the minimum acceptable score is that score established by the district board of education in their preschool program contract for private provider and local Head Start agency classrooms. Technical amendments are made throughout this section for grammatical correctness and consistency.

## **Subchapter 6. Transition**

### **N.J.A.C. 6A:13A-6.1 Transition**

This section describes the requirement that each district board of education must develop and articulate in its five-year preschool program plan a process for transition from program entry to kindergarten through grade three. Technical amendments are proposed at N.J.A.C. 6A:13A-6.1(a) for grammatical correctness and consistency and to clarify that the district board of education must include transition initiatives from program entry to kindergarten through grade three in the required five-year preschool program plan and/or annual update required and approved by the Department. An amendment is proposed at N.J.A.C. 6A:13A-6.1(a)2 to reflect the fact that Department approval is required in N.J.A.C. 6A:13A-6.1(a).

## **Subchapter 7. Facilities**

### **N.J.A.C. 6A:13A-7.1 Space requirements**

This section describes the space requirements for contracted private provider and local Head Start agency preschool classrooms, playground and playground

equipment requirements. The section also requires school districts to engage in systematic, long-range facilities planning to ensure that adequate facilities exist in the community to meet the elements of high-quality preschool established in this chapter. An amendment is proposed at N.J.A.C. 6A:13A-7.1(c) to establish that this rule only applies to contracting private provider and Head Start classrooms and to delete the requirement that this approval be granted through the equivalency and waiver process established at N.J.A.C. 6A:5, Regulatory Equivalency and Waiver, as the waiver process is not required to meet this requirement.

### **Subchapter 8. Program Evaluation**

#### **N.J.A.C. 6A:13A-8.1 Self assessment and validation**

This section describes the self assessment and validation system that each school district must engage in relative to their preschool program. An amendment is proposed at N.J.A.C. 6A:13A-8.1(a) to clarify that the purpose of the self assessment and validation system is to inform the school district of the status of its preschool program, and to relocate the requirement that the self-assessment occurs annually to N.J.A.C. 6A:13A-8.1(a)1. A new N.J.A.C. 6A:13A-8.1(a)2 establishes that a validation visit by a State team will occur at least once every three years. Technical amendments are proposed throughout this section for grammatical correctness and consistency.

### **Subchapter 9. School District Contracts With Private Providers And Local Head Start Agencies For Providing Preschool Services**

### **N.J.A.C. 6A:13A-9.1 Contract**

This section describes the process for school districts to contract with private providers and local Head Start agencies. The section also describes the criteria that each private provider and local Head Start agency must adhere to when contracting with the district board of education for this purpose. An amendment is proposed at N.J.A.C. 6A:13A-9.1(a)2 to clarify that the district board of education may request modifications to the State-approved preschool program “contract” no later than 45 days after the Department’s annual release of the contract for the following school year. A technical amendment is proposed at N.J.A.C. 6A:13A-9.1(b) for grammatical correctness. An amendment is proposed at N.J.A.C. 6A:13A-9.1(d) to clarify that each private provider or local Head Start agency entering into a contractual arrangement with a district board of education “to provide a full-day preschool program pursuant to this chapter” shall be willing and able to meet the certain criteria to be eligible for a contract. A technical amendment is proposed at N.J.A.C. 6A:13A-9.1(d)3 for consistency. An amendment is proposed at N.J.A.C. 6A:13A-9.1(f) to clarify that each private provider and/or local Head Start agency must meet a minimum acceptable score on a “reliable” classroom quality assessment instrument that is “established by the district board of education in their preschool program contract” to determine the eligibility of the private provider and the local Head Start agency to continue to contract with the school district.

### **N.J.A.C. 6A:13A-9.2 Informal dispute resolution process**

This section describes the options available to the district board of education and private provider or local Head Start agency when engaged in a local dispute. A technical amendment is proposed at N.J.A.C. 6A:13A-9.2(a) for consistency.

### **N.J.A.C. 6A:13A-9.3 Renewal or non-renewal of a preschool program contract**

This section sets forth the protocol for the district board of education and the private provider or local Head Start agency to follow for renewal and non-renewal of a preschool program contract. An amendment is proposed at N.J.A.C. 6A:13A-9.3(a)1i to clarify that the school district only needs to notify the Department of Education, Division of Early Childhood Education and the Department of Children and Families, Office of Licensing in writing on or before May 1 of each contract year of its intention to not renew a preschool program contract for an additional one-year term. An amendment is also proposed at N.J.A.C. 6A:13A-9.3(a)1i to establish that any school district notification of non-renewal shall follow the protocol established by the Division of Early Childhood Education and detail justifiable reasons for non-renewal. A new provision is also proposed at N.J.A.C. 6A:13A-9.3(a)1ii to require that school districts notify and receive approval from the Department prior to making any changes in configuration to the way that preschool children are served within the school district's mixed delivery system. A new provision is also proposed at N.J.A.C. 6A:13A-9.3(a)1viii requiring the five year preschool program plan and annual updates to be amended accordingly to any non-renewal decision. Technical amendments are also proposed throughout this section for grammatical correctness and consistency.

### **N.J.A.C. 6A:13A-9.4 Termination of a preschool program contract**

This section sets forth the rules regarding the school district's termination of a private provider or local Head Start agency preschool program contract. An amendment is proposed at N.J.A.C. 6A:13A-9.4(b)1 requiring the school district to include a timeframe for compliance in any written notice of deficiency to a private provider or local Head Start agency that fails to comply with all terms of the preschool program contract or applicable Federal, State or local requirements. Technical amendments are proposed throughout this section for consistency.

### **Subchapter 10. Fiscal Oversight**

#### **N.J.A.C. 6A:13A-10.1 School district fiscal responsibilities**

This section sets for the fiduciary responsibilities of the district board of education. An amendment is proposed at N.J.A.C. 6A:13A-10.1(b)1 specifying that the district board of education verifies for accuracy and efficiency all annual budget "planning workbooks" prior to the submission of the district budget planning workbook to the Department. An amendment is proposed at paragraph (b)5 to require the district board of education to establish a procedure for the private provider and local Head Start agency to submit enrollment information to the district board of education. Technical amendments are proposed throughout this section for grammatical correctness and consistency.

#### **N.J.A.C. 6A:13A-10.2 Private provider and local Head Start agency fiscal**

#### **Responsibilities**

This section sets forth the fiduciary responsibilities of any private provider or local Head Start agency contracting with a school district. An amendment is proposed at N.J.A.C. 6A:13A-10.2(a) clarifying that the private provider or local Head Start agency “contracting with a school district to provide a full-day preschool program pursuant to this chapter” shall implement sound fiscal practices. An amendment is proposed at N.J.A.C. 6A:13A-10.2(a)2 clarifying that the private provider must certify that the proposed budget “planning workbook” is true and accurate. An amendment is proposed at N.J.A.C. 6A:13A-10.2(a)3 clarifying that the private provider or local Head Start agency must make all education, administrative and indirect support cost expenditures in strict accordance with “the budget planning workbook as approved by the district board of education.” An amendment is proposed at N.J.A.C. 6A:13A-10.2(a)4i requiring transportation costs associated with field trips to be included in the quarterly report. A technical amendment is proposed at N.J.A.C. 6A:13A-10.2(a)5 for grammatical correctness. An amendment is proposed at N.J.A.C. 6A:13A-10.2(a)6 clarifying the process for private providers or local Head Start agencies to request from the district board of education budget transfers or budget planning workbook amendments to the district approved budget planning workbook, when appropriate. A new provision is proposed at N.J.A.C. 6A:13A-10.2(a)6i establishing that a private provider that received a line-item review of its private provider budget planning workbook shall request approval from the district board of education for amendments to or budget transfers within the approved budget planning workbook and also notify the Department of, and when applicable, request approval for, budget transfers.

## **Subchapter 11. Appeals**

### **N.J.A.C. 6A:13A-11.1 Preschool program appeals**

This section sets forth the process for school districts to appeal Department decisions of preschool program plans and budget applications. Technical amendments are proposed at N.J.A.C. 6A:13A-11.1(a) and (a)2 for consistency and grammatical correctness.

### **N.J.A.C. 6A:13A-11.2 Review of pleadings**

This section sets forth the options and the process that the Commissioner may use to address appeals. No amendments are proposed.

### **N.J.A.C. 6A:13A-11.3 Commissioner review and decision**

This section sets forth the process for the Commissioner's review and decision of appeals. No amendments are proposed.

### **Social Impact**

The rules proposed for readoption with amendments and the proposed repeals are intended to contribute to closing the achievement gap for at-risk three- and four-year-old students by providing high quality preschool programs. The rules proposed for readoption with amendments and the proposed repeals ensure high quality preschool

programs will be offered by school districts to three- and four-year old at-risk students in New Jersey.

The major conclusion of the midlife phase of the High/Scope Perry Preschool research study conducted by Schweinhart et al. (see Economic Impact below) is that high-quality preschool programs for young children living in poverty contribute to their intellectual and social development in childhood, as well as to their school success, economic performance, and social adjustment in adulthood. Thus, the study confirms that the beneficial impacts of preschool extend not only to young adults, but also to adults in midlife, and that the long-term effects are lifetime effects.

### **Economic Impact**

The rules proposed for readoption with amendments and the proposed repeals are designed to ensure that school districts implement preschool programs of high quality in a cost effective and efficient manner. The rules proposed for readoption with amendments describe research-based program, staffing, curriculum and assessment requirements designed to ensure that every child is prepared for success in kindergarten through grade 12 and beyond.

Research on the economic impact of preschool programs also indicates that children who attend high quality preschool programs are more likely to become productive citizens who will be able to contribute to the economic well being of their communities.

The 2005 follow-up study, *Lifetime Effects: The High/Scope Perry Preschool Study Through Age 40*, by L. J. Schweinhart et al. involved a systematic analysis of the costs and benefits of the preschool program and its effects. In constant 2000 dollars discounted at three percent, the economic return to society from the Perry Preschool program was \$244,812 per participant based on an initial investment of \$15,166 per participant (\$16.14 per dollar invested). Of that return, \$195,621 went to the general public (\$12.90 per dollar invested) and \$49,190 went to each participant (\$ 3.24 per dollar invested).

Of the public return, 88 percent (\$171,473) came from crime savings, four percent (\$7,303) came from education savings, seven percent (\$14,078) came from increased taxes due to higher earnings, and one percent (\$2,768) came from welfare savings. Preschool program participants earned 14 percent more per person than they would have otherwise (\$156,490 more over their lifetimes in undiscounted 2000 dollars).

The Perry Preschool Study indicates that the return to the public on its initial investment in such programs is substantial, with major economic impact from savings in schooling (due primarily to reduced need for special education services and despite increased college costs for preschool-program participants) and higher taxes paid by preschool-program participants because they had higher earnings.

### **Federal Standards Statement**

With the exception of one rule, there are no federal standards or requirements that have an impact on the administrative code proposed for readoption with amendments. Schools and/or school districts receiving Title 1 funds must follow the

applicable rules established through the No Child Left Behind Act of 2001, P.L. 107-110 for paraprofessionals. The rule at N.J.A.C. 6A:13A-4.3(f) meets but does not exceed the federal mandate.

### **Jobs Impact**

Jobs are anticipated to be created in school districts commensurate with the implementation of each aspect of the expansion of preschool programs as a result of the proposed rules for readoption with amendments and the proposed repeals.

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments and the proposed repeals will have no impact on the agriculture industry.

### **Regulatory Flexibility Statement**

The rules proposed for readoption and the proposed repeals do not impose recording, recordkeeping or other compliance requirements on small business as defined by N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The rules impact New Jersey public school districts. School districts may voluntarily contract with private providers and local Head Start agencies to provide preschool programs.

### **Smart Growth Impact**

The rules proposed for readoption with amendments and the proposed repeals will have no impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact**

The rules proposed for readoption with amendments set forth practices for high-quality preschool programs for eligible, at-risk three- and four-year-old children and neither the rules nor the proposed program repeals will have an impact on the average cost of housing in the State.

### **Smart Growth Development Impact**

The rules proposed for readoption with amendments set forth practices for high-quality preschool programs for eligible, at-risk three- and four-year-old children in the State and address the unique needs of at-risk students in high poverty and high need districts. Therefore, the rules proposed for readoption with amendments and the proposed repeals would not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 6A:8-2.3 and 3.4.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 6A:13A.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## **SUBCHAPTER 1. GENERAL PROVISIONS FOR A HIGH QUALITY PRESCHOOL PROGRAM**

### **6A:13A-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings:

...

“Comprehensive curriculum” means a preschool curriculum that addresses all domains of learning and is aligned to the New Jersey Preschool Teaching and Learning [Expectations:] Standards of Quality, also defined in this section.

“Comprehensive preschool educational program” means the delivery of the school district’s comprehensive curriculum articulated in the Department approved five-year preschool program plan that occurs within the school day and that provides the comparable teacher/child contact time in contracted private provider and local Head Start agencies as is provided in-district.

...

“District-wide” means the school district’s entire preschool program as implemented across all in-district, contracted private provider and local Head Start agency settings.

...

“Early Childhood Program Aid” (ECPA) means State aid described at N.J.A.C. 6A:23-5.4, that was authorized pursuant to repealed N.J.S.A. 18A:7F-16, and was distributed to all school districts with high concentrations of low-income students for the purpose of providing preschool, full-day kindergarten and other early childhood programs and services.

“Early Launch to Learning Initiative” (ELLI) means competitive awards offered by the Department from 2005-2006 through the 2008-2009 school year to certain school districts.

...

“Fiscal specialist” means a district board of education position for managing the financial aspects of the school district’s contractual obligations with contracted private providers and local Head Start agencies.

...

"Full-day preschool" means a preschool program consisting of a six-hour comprehensive educational program and day in accordance with the school district’s grade one through 12 daily school calendar and not exceeding the 10-month academic period. Preschool shall be considered a specialized program, pursuant to N.J.S.A. 18A:39-1.

...

“New Jersey Preschool Program Implementation Guidelines” means a New Jersey Department of Education document available at <http://www.nj.gov/education/ece/dap/> that provides guidance to school districts, contracted private providers and local Head Start agencies in planning and implementing high-quality preschool programs for three-and four-year-old children.

“New Jersey Preschool Teaching and Learning [Expectations:] Standards of Quality” [(*Expectations*)] (Preschool Standards) means the early learning standards and corresponding teaching practices as adopted by the New Jersey State Board of Education and located at [www.nj.gov/education/ece/code/expectations](http://www.nj.gov/education/ece/code/expectations).

...

“Performance-based assessment” means an ongoing assessment of all learning outcomes in each domain identified in the [*Expectations*] Preschool Standards designed to measure individual preschool children’s progress and connected to the school district’s preschool curriculum.

...

"Preschool program contract" means the State-approved model agreement, with modifications requested by the school district and approved by the Department, for use between the school district and contracted private providers and/or local Head Start agency when contracting for preschool program services.

...

“Preschool programmatic budget” means the annual budget for eligible three- and four-year-old children prepared by the school district with guidance from the Department [,] including, where applicable, the budgets of contracting private providers or local Head Start agencies.

...

[“Pull-out program” means Individualized Education Program (IEP) services delivered to preschool disabled child(ren) outside of the classroom by a specialist.

“Push-in program” means IEP services delivered to preschool disabled child(ren) by a specialist in a separate area of the classroom.]

...

“Targeted Preschool” means a specialized preschool program[s] for all at-risk [preschool] children in school districts other than those school districts required to provide universal preschool.

“Transition” means an organized system of interactions and transactions that takes into account the relationships among home, school and community as the child moves from preschool to kindergarten through grade three.

...

“Universal Preschool” means a specialized preschool program[s] for all age-eligible resident three- and four-year-old children in District Factor Group (DFG) A and B school districts and DFG CD school districts with a concentration of at-risk children equal to or greater than 40 percent.

...

## **SUBCHAPTER 2. ELIGIBILITY, ENROLLMENT AND THE UNIVERSE**

### **6A:13A-2.1 Eligibility**

(a) In school districts that received preschool expansion aid or education opportunity aid in the 2007-2008 school year and are required to provide universal preschool school, the district board of education shall provide free access to full-day preschool for all three- and four-year-old children.

[(a)] (b) In all other school districts required to provide universal preschool, the district board of education shall provide free access to full-day preschool for all three- and four-year-old children by the 2013-2014 school year.

(c) In school districts required to provide targeted preschool, the district board of education shall provide free access to full-day preschool by the 2013-2014 school year for at-risk three- and four-year-old children.

[1.](d) (No change in text.)

[(b)] (e) In school districts required to provide universal preschool, the district board of education may also:

1. (No change.)
2. Offer age-eligible, non-resident children who do not receive preschool education aid a full-day or part-day preschool program by charging tuition to the parent or guardian.
3. Implementation of [(b)] (e)1 and 2 above shall be contingent upon ensuring all age-eligible, resident children are given priority.

[(c)] (f) Age-eligible, non-resident children of non-resident staff members employed by school districts providing universal preschool may only be enrolled in the staff member's school district preschool program if:

1. The child is preschool disabled and receiving services pursuant to N.J.S.A. 18A:46-6 [and preschool is required by the IEP as developed by the school district of enrollment];
2. The child meets the eligibility requirements for universal or targeted preschool, as applicable, in the child's district of residence and a Department approved written agreement exists between the two school districts that includes the transfer of State approved per pupil School Funding Reform Act (SFRA) preschool education aid from the sending district of residence to the district of parental employment; or
3. (No change.)

[(d)] (g) Implementation of [(c)](f)2 and 3 above shall be contingent upon ensuring all age-eligible, resident children are given priority.

[(e)] (h) In school districts required to provide targeted preschool, the district board of education shall establish proof of income eligibility for each enrolling age-eligible child as set forth in this chapter using the Free and Reduced School Meals Household Application found at <http://www.state.nj.us/education/finance/fp/psd/cnp/application.pdf>.

[(f)] (i) A school district providing targeted preschool pursuant to P.L. 2007, c. 260 may also:

1. Offer age-eligible, non-resident, at-risk children, who receive preschool education aid, a full-day preschool program under a Department approved written agreement between district boards of education to enroll those children in their preschool program that includes the transfer of State approved per pupil SFRA preschool education aid from the sending district of residence to the district of parental employment;

2. Offer age-eligible, resident children, who are not at risk, a full-day or part-day preschool program by charging tuition to the parent or guardian or using another funding source to support associated costs; and/or

3. Offer age-eligible, non-resident children, who do not receive preschool education aid, a full-day or part-day preschool program by charging tuition to the parent or guardian or using another funding source to support associated costs.

[(g)] (j) Implementation of [(f)] (i)1, 2 and 3 above shall be contingent upon ensuring all resident age- and income-eligible children are given priority.

[(h)] (k) Age-eligible, non-resident children of non-resident staff members employed in school districts providing targeted preschool may only be enrolled in the employer's school district preschool program if:

1. The child is preschool disabled and receiving services pursuant to N.J.S.A. 18A:46-6 [and preschool is required by the IEP as developed by the school district of enrollment];
2. The child meets the eligibility requirements for universal or targeted preschool in the child's district of residence and a Department approved written agreement exists between the two school districts that includes the transfer of State approved per pupil SFRA preschool education aid from the sending district of residence to the district of parental employment; or
3. (No change.)

[(i)] (l) Implementation of [(h)] (k)2 and 3 above shall be contingent upon ensuring all age-eligible, resident children are given priority.

[(j)] (m) (No change in text.)

[(k)] (n) Any Department approved written agreement established between district boards of education to provide preschool programs pursuant to (a) through [(j)] (m) above shall include the responsibilities for oversight of the preschool program elements set forth in this chapter.

### **6A:13A-2.3 Universe**

(a) District boards of education that received preschool expansion aid or education opportunity aid in the 2007-2008 school year shall document [, in the Department approved ] the school district's strategies to serve at least 90 percent of the universe of eligible preschool children in the five-year preschool program plan and/or annual update[s], [the school district's strategies to serve at least 90 percent of the universe of eligible preschool children] as required and approved by the Department.

(b) All other district boards of education shall document [in] the [Department approved] school district's strategies to serve at least 90 percent of the universe of eligible preschool children by the 2013-2014 school year in the five-year preschool program plan and/or annual update[s], [the school district's strategies to serve at least 90 percent of the universe of eligible preschool children by the 2013-2014 school year] as required and approved by the Department. The plan shall include annual preschool enrollment targets that coincide with the school district's projected initiation and/or expansion of preschool.

(c) – (d) (No change.)

(e) A district board of education that provides documentation of efforts to serve 90 percent of its eligible universe of preschool children within the five-year preschool program plan and/or annual update[s], is fully implementing a full-day preschool program and is meeting the elements established for high-quality preschool programs for three- and four-year-old children shall use any additional preschool aid to implement a full-day kindergarten program where the district still operates a half-day kindergarten program, and then may, upon approval by the Commissioner, subsidize preschool programs for resident preschool-aged children who are not eligible pursuant to this chapter or P.L. 2007, c. 260 or budget preschool education aid to support kindergarten through grade 12.

(f) The district board of education may, upon approval from the Commissioner, use any preschool education aid carry over funds for the school district's preschool program in the subsequent school year. The school district's request for Commissioner approval shall include justification for any expenditure of funds contrary to that approved by the Department in the five-year preschool program plan and/or annual update.

[(f)] (g) (No change in text.)

### **SUBCHAPTER 3. [PRESCHOOL] PROGRAM PLANNING [AND ANNUAL UPDATES]**

#### **6A:13A-3.1 [Preschool Program] Program planning [and annual updates]**

(a) [For ] A district board[s] of education that did not receive any form of preschool aid in the 2007-2008 school year[, the 2008-2009 school year shall be a planning year] shall plan for preschool programs to be fully implemented by the 2013-2014 school year, pursuant to P.L. 2007, c. 260 based on Department approval of its five-year preschool program plan and with full preschool education aid provided at the SFRA funded per pupil amount determined by the formula established in P.L. 2007, c. 260. Once the school district receives approval as set forth in this subsection to implement its five-year preschool program plan, it shall be required to adhere to all other rules in this chapter.

(b) School districts formerly known as Early Childhood Program Aid (ECPA) school districts [submitting] pursuant to repealed N.J.S.A. 18A:7F-16, that submitted a One-Year Preschool Operational Plan[s] by May 30, 2008 and [receiving] received approval from the [Commissioner] Department to expand their preschool program[s] in the school year 2008-2009, [shall receive preschool education aid calculated in accordance with the provisions of P.L. 2007, c. 260, Section 12(a)] and subsequently submitted and received approval from the Department for a five-year preschool program plan commencing September 2009, shall implement that Department approved preschool program plan and any updates as required and approved by the Department and shall adhere to the rules found in this chapter [for the 2008-2009 school year and beyond].

[(b)] (c) [All] Any other [Early Childhood Program Aid (ECPA) school districts] former Early Childhood Program Aid (ECPA) school district, pursuant to repealed N.J.S.A. 18A:7F-16. shall adhere to [the rules found at N.J.A.C. 6A:8 for the 2008-2009 planning year and to the rules found in this chapter for the 2009-2010 school year and beyond.] its Department approved 2008-2009 ECPA operational plan and any updates as required and approved by the Department and shall adhere to N.J.A.C. 6A:13A-2.1 (b) through (l) and to (c)1 through 11 below until such time as the school district receives approval to implement its preschool program, based on approval of its five-year preschool program plan by the Department, and with full preschool education aid provided at the SFRA funded per pupil amount determined by the formula established in P.L. 2007, c. 260. Once the school district receives approval as set forth above to implement its five-year preschool program plan, it shall be required to adhere to all other rules in this chapter.

1. The district board of education shall serve at least 75 percent of the universe of four-year-old children in a preschool program prior to any application of preschool education aid to first through third grades.

2. The district board of education shall serve all enrolled four-year-old children in a full-day preschool program prior to any application of preschool education aid from preschool to kindergarten through grade three.

3. The district board of education shall implement programming for the following components:

i. District-wide planning;

ii. Community collaboration and planning;

iii. Parent involvement;

iv. Curriculum development and implementation;

v. Inclusion of children with disabilities in general education classrooms to the maximum extent possible; and

vi. Professional development and training.

4. The district board of education shall demonstrate that programs are based on a district-wide assessment that includes a needs and resource assessment for each school that is a subset of the school district's comprehensive strategic plan.

5. The district board of education shall ensure that the preschool program:

i. Maintains classroom enrollments of no more than 18 children with one certified teacher and one appropriately qualified assistant;

ii. Is developmentally appropriate to the age and skill level of the young child;

iii. Is designed to meet the New Jersey Preschool Teaching and Learning Standards of Quality, the New Jersey Preschool Program Implementation Guidelines and the New Jersey Core Curriculum Content Standards;

iv. Includes transition activities, programs, and services between preschool programs and kindergarten programs;

v. Coordinates with all other relevant school district programs, for example, special education and bilingual education; and

vi. Includes an annual program evaluation.

6. The district board of education shall base preschool programs and curricula on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include performance-based assessment measures.

7. The district board of education shall ensure that instructional methods and/or strategies are congruent with the cognitive, social, emotional and physical skills of the young child.

Instruction shall balance teacher-directed and child-initiated experiences.

8. The district board of education shall provide professional development and training specific to preschool education for all early childhood education administrators, teachers and teacher assistants.

9. The preschool program may be offered by the district board of education within a mixed delivery system that includes in-district, private provider and local Head Start agency settings provided that the private provider and/or local Head Start agency program(s) with which the district board of education contracts comply with the school district's program requirements, including the employment of appropriately licensed and qualified teaching staff.

10. The district board of education shall include parent education activities in the preschool program with specific strategies identified that assist parents in remaining actively involved in their child's education throughout their school years.

11. The district board of education shall demonstrate that community health and social service agencies have been included in the planning, operations and, if appropriate, the fiscal support of the preschool program.

(d) Each district board of education with a high concentration of low-income students shall, in addition to implementing preschool, maintain full-day kindergarten for all five-year-olds as follows:

1. School districts in which 20 percent or more and less than 40 percent of the students are "at-risk" as defined in P.L. 2007, c. 260 shall maintain all existing full-day kindergarten programs.

2. Pursuant to N.J.A.C. 6A:13-3.2, school districts in which 40 percent or more of the students are "at-risk" as established in P.L. 2007, c. 260 shall maintain all existing full-day kindergarten programs with a teacher's assistant for each classroom. Class size for these kindergarten classrooms shall not exceed 21 students.

(e) Each school district receiving funds equal to its 2007-2008 Early Launch to Learning Initiative (ELLI) award shall adhere to its 2007-2008 ELLI Operational Plan and any updates as required and approved by the Department until such time as the school district receives approval to implement its preschool program, based on approval of its five-year preschool program plan by the Department, and with full preschool education aid provided at the School Funding Reform Act (SFRA) funded per pupil amount determined by the formula established in P.L. 2007, c. 260. Once the school district receives approval as set forth in this subsection to implement its five-year preschool program plan, it shall be required to adhere to the rules of this chapter.

[(c)] (f) (No change in text.)

[(d)] (g) Each year, the district board of education shall submit projected enrollment, the five-year preschool program plan and/or an annual update, as required by the Department.

[(d)] 1. The district board of education providing universal preschool shall submit its projected enrollment data and the five-year preschool program plan and/or [required] annual updates as required by the Department for the next school year by [January 16] the second Friday in November of each year.

2. The district board of education providing targeted preschool shall submit its projected enrollment data for the next school year by the second Friday in November of each year and the required five-year preschool program plan and/or annual update as required by the Department for the next school year by the second Friday in December of each year.

(h) [and the] The Department shall issue a determination approving or disapproving the plan no later than April 1 of each year. The required five-year preschool program plan and/or annual update[s] shall adhere to Department preschool program and budget planning document guidance for school districts, private providers and local Head Start agencies, [include] including, but not limited to:

1. - 5. (No change.)

[(e)](i) The Department approved five-year preschool program plan and/or annual update[s] shall be directly connected with, and be the primary basis for, the school district preschool budget for each school year.

[(f)] (j) (No change in text.)

## **SUBCHAPTER 4. PROGRAM STAFFING**

### **6A:13A-4.1 Administrative oversight**

(a) Each district board of education shall designate an in-district administrative position to oversee the preschool program. [For school districts with greater than 750 enrolled preschool children, a] A dedicated in-district early childhood supervisor is required at a ratio of one for every 750 enrolled preschool children, minus those students enrolled in district stand-alone early childhood education buildings. For school districts with fewer than 750 enrolled preschool children, this position may be combined with another in-district school administrator position with the same certification and qualifications required of an early childhood supervisor or, as approved by the Department in the school district's five-year preschool program plan and/or

annual update, may be contracted for with a county or regional educational services commission where the county or regional educational services commission is approved by the State Board to do so.

1. ( No change.)

2. In-district administrators and/or supervisors of preschool programs shall ensure the coordination of all of the elements of a high-quality preschool program within the school district, including all private providers and local Head Start agencies. The responsibilities of the in-district administrators and/or supervisors of preschool programs shall include:

i. Developing and implementing the preschool budget, five-year preschool program plan and/or annual update[s] and professional development plans as required by the Department;

ii. - v. (No change.)

vi. Facilitating transition initiatives in collaboration with other preschool to kindergarten through third grade administrators;

vii. – xiii. (No change.)

(b) (No change.)

#### **6A:13A-4.2 Master teachers [- coaching]**

(a) The district board of education shall provide master teachers at a ratio of no more than 20 preschool classrooms for each master teacher to ensure coaching and classroom support for classroom teachers. The district board of education shall provide additional master teachers to assist uncertified or inexperienced teachers, and to provide professional development that supports English language learners and children in inclusive classroom settings. For school

districts with fewer than 20 preschool classrooms, the master teacher position, described in the school district's five-year preschool program plan and/or annual update, as required, and approved by the Department, may be fulfilled in one of the following ways:

1. - 3. (No change.)

(b) The master teacher shall have the following qualifications and experience:

1. (No change.)

2. Three to five years experience teaching in general education preschool programs;

3. – 5. (No change.)

(c) – (e) (No change.)

(f) The responsibilities of the master teacher shall, at a minimum, include:

1. Modeling, coaching, informally observing, using structured observation instruments and providing feedback to teachers in preschool programs to assist with the implementation of the comprehensive curriculum and the [Expectations/ Preschool Standards];

2. (No change.)

3. Making recommendations to administrators or supervisors of [early childhood] preschool programs to provide additional professional development as needed;

4. (No change.)

5. Ensuring implementation of the comprehensive performance-based assessment system that is connected to the comprehensive preschool curriculum [and approved by the Department] as part of the five-year preschool program plan and/or annual update[s] as required and approved by the Department;

6. – 7. (No change.)

#### **6A:13A-4.3 Instructional staff**

(a) The district board of education shall ensure that one appropriately certified teacher and one appropriately qualified teacher assistant are provided for every preschool class of 15 children.

Class size shall not be greater than 15 children.

1. The district board of education may have fewer than 15 children in a class, if the services can be provided at the school district's per pupil amount, and the [preschool quality standards] essential elements for the implementation of a high-quality preschool program, as set forth in this chapter, are maintained.

2. (No change.)

(b) Private provider and local Head Start agency preschool [classroom] teachers [,] teaching in classrooms contracted with school districts [receiving] that received preschool expansion aid or education opportunity aid in 2007-2008, shall hold a bachelor's degree and, at a minimum, a certificate of eligibility or certificate of eligibility with advanced standing for preschool through grade three or other equivalent preschool certification, as set forth in N.J.A.C. 6A:9.

(c) All private provider and local Head Start agency preschool teachers, [currently] teaching in [preschool] classrooms contracted with school districts that did not [receiving] receive preschool expansion aid or educational opportunity aid in 2007-2008, who do not hold the appropriate degree and certification shall submit an initial application and annual updates documenting progress toward timely completion of following requirements to the school district verified and

signed by the teacher's college advisor [verifying that the teacher is complying with the following requirements]:

1. -3. (No change.)

4. Has a detailed and feasible plan for attaining preschool through grade three certification within the timeframe described in (c)1[i] above.

(d) – (g) (No change.)

#### **6A:13A-4.4 Intervention and support services**

(a) The district board of education shall establish one preschool intervention and referral team (PIRT) for every 750 enrolled preschool students. In school districts with fewer than 750 enrolled preschool children, the services funded by the school district's preschool budget and described in the school district's five-year preschool program plan and/or annual update, as required and approved by the Department:

1. - 2. (No change.)

(b) – (c) (No change.)

(d) The PIRT shall, at a minimum:

1. Consult with master teachers and preschool classroom teachers to adapt and modify teaching practices to help preschool children meet the [Expectations] Preschool Standards;

2. - 6. (No change.)

(e) The district board of education shall annually report [to the Department] the number of children served by the PIRT and the number of children referred to the child study team for

formal evaluation in its five-year preschool program plan and/or annual update[s] as required and approved by the Department.

(f) – (g) (No change.)

#### **6A:13A-4.5 Health and nutrition**

(a) The district board of education shall employ nurses at a ratio of one for every 300 preschool students, including those students in contracted private provider and local Head Start programs. In school districts with fewer than 300 enrolled preschool children, the services funded by the school district’s preschool budget and described in the school district’s five-year preschool program plan as required and approved by the Department may be:

1. -2. (No change.)

(b) (No change.)

(c) District boards of education offering universal preschool shall apply to the National School Breakfast Program and National School Lunch Program and may charge eligible families for reduced- and above-scale meals. [and] District boards of education shall also ensure that contracted private provider and local Head Start settings apply to the Child and Adult Care Food Program (CACFP), in order to offer breakfast, lunch and one snack per day[, as applicable,] for each enrolled preschool child.

1. If accepted into one or more of these programs, the district board of education, contracted private provider or local Head Start agency must participate for all preschool children[as applicable].

2. (No change.)

(d) District boards of education offering targeted preschool shall ensure that all at-risk children in all settings are offered breakfast, lunch and one snack per day conforming to the 2005 United States Department of Agriculture dietary guidelines for Americans located at [\[www.nal.usda.gov/childcare/Cacfp/index.html\]](http://www.nal.usda.gov/childcare/Cacfp/index.html) <http://www.health.gov/dietaryguidelines/dga2005/document/default.htm> regarding meal pattern requirements and nutrition standards.

#### **6A:13A-4.6 Family and community involvement**

(a) The district board of education shall ensure that a coordinated system of social services is provided to families of enrolled preschool children and shall describe the system in its five-year preschool program plan and/or annual update[s], as required and approved by the Department.

These services may be offered by:

1. Coordinating the [sharing and/or provision of] social services and/or social services functions described in this section among the school district, contracting private providers and local Head Start agencies; or
2. Contracting with a county or regional educational services commission for the social services functions described [below] in this section where the county or regional educational services commission is approved by the State Board to do so.

(b) The services shall be provided by a combination of social worker(s), family worker(s) and community parent involvement specialist(s) (CPIS)[, as approved by the Department] as part of the school district's five-year preschool program plan and/or annual update[s] as required and approved by the Department.

1. [For in-district preschool children, a] A social worker with a [Masters] bachelor's degree in [Social Work] social work [(MSW)] shall be provided for every 250 to 300 preschool children enrolled at in-district settings. In school districts with fewer than 250 preschool children enrolled at in-district settings, the social worker position may be combined with another position with the same qualifications. The social worker shall, at a minimum:

i. - vi. (No change.)

2. For a contracting private provider or local Head Start agency, a family worker shall be provided for every 45 children. In a private provider or local Head Start agency with fewer than 45 preschool children, this position may be combined with another position. The family worker shall, at a minimum:

i. - iv. (No change.)

3. For every school district, one CPIS with a minimum of a bachelor's degree in social work or a related field, such as sociology, psychology or education, shall be provided. School districts with fewer than 750 enrolled preschool children may combine this position with another position as described in the school district's five-year preschool program plan and/or annual update, as required and approved by the Department. The CPIS shall, at a minimum:

i. – v. (No change.)

(c) The district board of education shall establish a preschool through grade three early childhood advisory council (ECAC) to review preschool program implementation and to support transition as children move from preschool through grade three.

1. The membership of the council shall consist of stakeholders in the community, as well as parents, contracting private providers] and the local Head Start agency [and parents], if applicable, with new representation added as needed; and

2. (No change.)

**6A:13A-4.7 District board of education- fiscal accountability and integrity of preschool program[s]**

(a) The district board of education shall ensure the fiscal accountability and integrity of the preschool program.

1. In school districts with eight or more contracting private providers including the local Head Start agency, the district board of education may employ a preschool fiscal specialist.

2. (No change.)

3. In school districts where a dedicated preschool fiscal specialist is not provided, this position may be combined with another in-district position, when described in the five-year preschool program plan and/or annual updates, as required and approved by the Department, provided the qualifications and responsibilities established in this chapter are met.

4. The preschool fiscal specialist shall perform all functions set forth in this chapter, including, at a minimum:

i. Monitor each contracting private provider and/or local Head Start agency for compliance with the preschool program contract;

ii. (No change.)

iii. Monitor expenses and review quarterly expenditure reports in accordance with the approved contracting private provider and/or local Head Start agency budgets; and

iv. Provide financial management assistance to contracting private providers and local Head Start agencies in the development and monitoring of their annual budgets. The preschool fiscal specialist shall collaborate with contracting private providers and/or local Head Start agencies[,as applicable,] in the development of any corrective action plans in response to the findings from an audit and/or a limited review examination.

## **SUBCHAPTER 5. CURRICULUM AND ASSESSMENT**

### **6A:13A-5.1 Curriculum**

(a) The district board of education shall ensure implementation of a comprehensive curriculum supported by research, aligned with the [Expectations] Preschool Standards, and linked to the New Jersey Core Curriculum Content Standards (CCCS). The school district's choice of curricula shall be [approved by the Department as part of] described in the five-year preschool program plan and/or annual update[s] as required and approved by the Department. The program and curriculum shall include, but need not be limited to, the following:

1. (No change.)
2. A clearly described, systematic and intensive instructional approach for all aspects of development and learning using the strategies and techniques delineated in the [Expectations] Preschool Standards; and
3. (No change.)

### **6A:13A-5.4 Ongoing performance-based assessment of children**

(a) The district board of education shall ensure that all preschool classroom teachers conduct ongoing performance-based assessment of children that:

1. Is aligned with the comprehensive curriculum [and approved] described in the school district's five-year preschool program plan and/or annual update[s] as required and approved by the Department;

2. – 5. (No change.)

### **6A:13A-5.5 Classroom quality assessment**

(a) [The] Starting in the first year of preschool program implementation, the school district shall, at least annually, use a reliable classroom [observation] quality assessment instrument [approved by the Department as part of] described in the five-year preschool program plan and/or annual update[s], as required and approved by the Department, to assess program quality in each in-district, contracting private provider, and/or Head Start agency preschool classroom, aggregate the data, and develop professional development plans for all teaching staff.

1. (No change.)

2. An action plan shall be developed and implemented by the school district and contracting private provider or local Head Start agency if any classroom falls below the minimum acceptable score established by the district board of education in their preschool program contract.

Development of the action plan shall involve participation of the school district and the contracting private provider or local Head Start agency in joint discussions to determine the classroom quality improvements that are necessary based upon the results of the observation instrument and establishment of a timeframe for making the required changes.

3. (No change.)

4. If the district board of education deems that improvements have not been made according to the established plan and schedule, the district board of education or contracting private provider or local Head Start agency may request that the classroom or program be evaluated by a reliable independent observer approved by the Department. If the reliable independent observer verifies that the action plan is not being satisfied in a contracting private provider or local Head Start agency classroom, steps shall be taken to remove the contracting private provider or local Head Start agency teacher from the classroom or terminate or not renew [or terminate] the preschool program contract between the contracting private provider or local Head Start agency and the district board of education pursuant to the provisions for non-renewal and termination set forth in N.J.A.C. 6A:13A-9.

## **SUBCHAPTER 6. TRANSITION**

### **6A:13A-6.1 Transition**

(a) The district board of education shall include transition initiatives from program entry to kindergarten through grade three in its five-year preschool program plan and/or annual update[s], [transition initiatives from program entry to kindergarten through grade three] as required and approved by the Department, that describe:

1. (No change.)
2. Methods for communicating information about individual children to their new kindergarten and elementary teachers; and in particular the results of the comprehensive performance-based assessment [approved by the Department as part of the five-year preschool program plan and annual updates];
3. – 4. (No change.)

## **SUBCHAPTER 7. FACILITIES**

### **6A:13A-7.1 Space requirements**

(a) - (b) (No change.)

(c) Any changes affecting the physical space or location of contracted private provider or local Head Start agency preschool classrooms require approval [through the equivalency and waiver process established at N.J.A.C. 6A:5, Regulatory Equivalency and Waiver] from the school district and shall meet the space requirements established in (a) and (b) above.

(d) (No change.)

## **SUBCHAPTER 8. PROGRAM EVALUATION**

### **6A:13A-8.1 Self assessment and validation**

(a) The [school] district board of education shall participate in [an annual] a self-assessment and validation system to inform the school district of the status of its preschool program implementation using a protocol developed by the Department. The self-assessment and validation system shall include the following:

1. A detailed, annual self-assessment [and validation] by the district board of education of its preschool program [used] to inform the five-year preschool program plan and/or annual update[s]; [and]

2. A validation visit by a State team at least once every three years; and

[2] 3. A plan for improvement, as required and in a format to be provided by the Department.

The plan shall include:

i. – iii. (No change.)

## **SUBCHAPTER 9. SCHOOL DISTRICT CONTRACTS WITH PRIVATE PROVIDERS AND LOCAL HEAD START AGENCIES FOR PROVIDING PRESCHOOL SERVICES**

### **6A:13A-9.1 Contract**

(a) The preschool program contract with private providers and local Head Start agencies shall be in a form provided and/or approved by the Department.

1. (No change.)

2. The district board of education may request modifications to the State-approved preschool program contract no later than 45 days after the Department's annual release of the contract for the following school year.

3. (No change.)

(b) The district board of education shall only utilize a private provider or local Head Start agency that maintains appropriate licensure pursuant to the Manual of Requirements for Childcare Centers, N.J.A.C. 10:122, and adheres to requirements for programmatic and fiscal accountability established in this chapter, to provide services to preschool children [to] that meet the elements of a high-quality preschool program [and adheres to requirements for programmatic and fiscal accountability established in this chapter].

(c) (No change.)

(d) Each private provider or local Head Start agency entering into a contractual arrangement with a district board of education to provide a full-day preschool program pursuant to this chapter shall be willing and able to meet the following criteria to be eligible for a contract:

1. - 2. (No change.)

3. Manage funds allocated within annual Department [-]approved budgets in a manner that is effective, efficient and in accordance with generally accepted accounting principles.

4. - 9. (No change.)

(e) (No change.)

(f) Each private provider and/or local Head Start agency shall meet the minimum acceptable score on the reliable classroom quality assessment instrument, set forth at N.J.A.C. 6A:13A-5.5, and established by the district board of education in their preschool program contract to determine the eligibility of the private provider and the local Head Start agency to continue to contract with the school district.

#### **6A:13A-9.2 Informal dispute resolution process**

(a) The district board of education and contracting private provider or local Head Start agency shall attempt to resolve any dispute that may arise.

1. (No change.)

#### **6A:13A-9.3 Renewal or non-renewal of a preschool program contract**

(a) The district board of education and contracting private provider or local Head Start agency and Department shall use the following process for renewal or non-renewal of a private provider or local Head Start agency preschool program contract:

1. For all private provider or local Head Start agency contract renewals or non-renewals:

i. The school district shall notify any contracting private provider or local Head Start agency in writing on or before May 1 of each contract year of its intent to renew the preschool program contract for an additional one year term. The school district shall also notify any private

provider or local Head Start agency, the Department of Education, Division of Early Childhood Education and the Department of Children and Families, Office of Licensing in writing on or before May 1 of each contract year of its intent to [renew or] not renew the preschool program contract for an additional one-year term. Any school district notification of non-renewal shall [include the] follow the protocol established by the Division of Early Childhood Education and detail justifiable reason(s) for non-renewal of the preschool program contract. [The school district's five-year preschool program plan and annual updates shall be amended accordingly.]

ii. Any changes in configuration of the way that preschool children are served within the school district's mixed delivery system shall be described in the school district's preschool program plan and/or annual update or modifications , as required and approved by the Department, and shall be submitted to the Division of Early Childhood Education for consideration prior to notification of non-renewal to contracting private provider(s) and/or local Head Start agencies.

[ii.] iii. The contracting private provider or local Head Start agency shall notify the school district in writing within 30 days of a receipt of a renewal notice from the school district of its acceptance or rejection of the offer to renew the preschool program contract for one year.

Recodify existing iii. and iv. as iv. and v. (No change in text.)

[v.] vi. The Department shall affirm or deny the appropriateness of the non-renewal decision in writing to the school district and the contracting private provider or local Head Start agency.

[vi.] vii. (No change in text.)

viii. The school district's five-year preschool program plan and annual updates shall be amended accordingly, based on the changes in the classroom configuration.

#### **6A:13A-9.4 Termination of a preschool program contract**

(a) The school district shall have the right to terminate a contracting private provider or local Head Start agency's preschool program contract immediately upon:

1. Revocation of the contracting private provider or local Head Start agency's licensure;
2. Material breach of the contracting private provider or local Head Start agency's responsibilities including the failure to conduct and document criminal background and child abuse history checks;
3. – 4. (No change.)

(b) The district board of education shall use the following process to terminate a contracting private provider or local Head Start agency's preschool program contract:

1. If a contracting private provider or local Head Start agency fails to comply with all terms of the preschool program contract or applicable Federal, State or local requirements, the school district shall notify the contracting private provider or local Head Start agency and the Department of the deficiency in writing and provide a timeframe for compliance.

2. If the contracting private provider or local Head Start agency fails to resolve the deficiency within the time provided, the school district may initiate termination of the preschool program contract upon written notice to the contracting private provider or local Head Start agency and Department. Termination of the contract shall be subject to written approval by the Department to the school district and contracting private provider or local Head Start agency.

(c) [Private] Contracting private providers or local Head Start agencies and school districts shall have the right to appeal to the Commissioner a school district's decision to terminate a contract pursuant to N.J.A.C. 6A:3, Controversies and Disputes. The filing of an appeal shall not prevent the termination from becoming effective on the date specified unless the appealing party seeks and is granted a stay pending decision by the Commissioner.

(d) The school district and the contracting private provider or local Head Start agency may terminate the preschool program contract by mutual agreement, in writing, upon notice to and receipt of written approval from the Department.

1. In the event of termination under this provision, said termination shall take effect upon the 30th day from the date the school district and the contracting private provider or local Head Start agency receive written approval from the Department to terminate the preschool program contract.

(e) Upon non-renewal or termination, the school district shall recover from the contracting private provider or local Head Start agency all playground materials, playground equipment both installed and uninstalled, start-up classroom materials and start-up classroom technology or the monetary equivalent thereof, based upon funding for said items as approved by the Department. The amount to be recovered shall be at least equal to the amount approved for the initial start-up costs.

(f) In the event of non-renewal or termination of the preschool program contract by the school district or the contracting private provider or local Head Start agency, the contracting private provider or local Head Start agency may be required by the school district to continue the service until the school district has found an appropriate placement for all children. At no time shall the contracting private provider or local Head Start agency be required to continue and be reimbursed for the service for more than [ninety] 90 days beyond the expiration date of the existing preschool program contract.

## **SUBCHAPTER 10. FISCAL OVERSIGHT**

### **6A:13A-10.1 School district fiscal responsibilities**

(a) (No change.)

(b) The district board of education shall ensure that procedures for contracting private providers and local Head Start agencies are in place to ensure sound fiscal practices including:

1. The district board of education shall verify for accuracy and efficiency [all] annual budget[s] planning workbooks submitted by each contracting private provider and local Head Start agency prior to submission of the district budget planning workbook to the Department.

2. The district board of education shall ensure that compensation for certified teachers and teacher assistants in contracting private provider or local Head Start settings is comparable to that of a teacher or teacher assistant employed by the district board of education and based on equivalent certification and credentials.

i. The district board of education shall ensure that the certified teachers and teacher assistants in contracting private providers and local Head Start agencies receiving the comparable compensation meet comparable work schedule requirements for both student contact time and teacher contract time, including the equivalent number of hours per day and the equivalent number of days per contract year established by the district board of education for its certified teachers and teacher assistants. The work schedule shall also include the same amount of preparation time and lunch time as the district board of education certified teachers and teacher assistants.

3. The district board of education shall monitor the expenditures of each contract[ed]ing private provider and local Head Start agency at least quarterly and shall recoup any unexpended or misspent funds based on the quarterly expenditure reports, enrollment records and monthly payments made by the school district

4. (No change.)

5. The district board of education shall establish the procedure by which preschool enrollment and attendance is submitted to the district board of education by the contracting private provider and local Head Start agency and verified by the district board of education.

(c) The district board of education shall verify the credentials and progress toward obtaining the appropriate certification or credentials, where applicable, of all preschool teaching staff in a contracting private provider and local Head Start agency and shall verify that all required background and criminal checks on all employees have been conducted.

#### **6A:13A-10.2 Private provider and local Head Start agency fiscal responsibilities**

(a) [The] Any private provider [and] or local Head Start agency contracting with a school district to provide a full-day preschool program pursuant to this chapter shall implement sound fiscal practices including, but not limited to:

1. (No change.)

2. Certification that the proposed budget planning workbook, submitted to the district board of education, is true and accurate;

3. Making all educational, administrative and indirect support cost expenditures in strict accordance with the budget planning workbook approved by the district board of education and, as appropriate, also approved by the [district board of education and] Department;

4. Submitting to the district board of education a quarterly report of actual, approvable, reasonable and customary expenditures with supporting documentation and receipts.

i. The quarterly report shall include expenditures for all approved budget lines for the school year including all approved salaries, benefits, payroll taxes, substitute stipends, classroom materials and supplies, start-up classroom materials/supplies and technology, if applicable, field trips and associated transportation, space costs, food costs, administrative and indirect costs expenditures and shall be signed and certified by an officer of the corporation;

5. Posting revenue and expenditures related to preschool education aid to separate accounts in the contract[ed]ing private provider and local Head Start agency general ledger and not commingling with revenue and expenditures related to other funding sources;

6. Requesting [an] from the district board of education, any budget transfers or budget planning workbook amendments to the approved budget planning workbook [with consideration by the district board of education and Department; and] or:

i. If the Department approved a private provider budget planning workbook based on a line-item review, amendments to or budget transfers within the approved budget planning workbook shall be approved by the district board of education,. When applicable, private provider budget transfers shall also be subject to Department notification and/or approval; and

7. (No change.)

## **SUBCHAPTER 11. APPEALS**

### **6A:13A-11.1 Preschool program appeals**

(a) Appeals of Department decisions on preschool program plans and/or annual updates and budget applications shall proceed as follows:

1. (No change.)

2. A school district may file an appeal of their preschool program plan[s] and/or annual update and budget decision with the Commissioner of Education, pursuant to N.J.A.C. 6A:3, Controversies and Disputes, and shall generally proceed as a contested case except as noted in this subchapter. Service of the petition is required on the Attorney General of the State of New Jersey, and should be directed to the Department of Law and Public Safety, Division of Law, P.O. Box 112, Trenton, New Jersey 08625-0112; Attention: Education and Higher Education Section.

(b) (No change.)