

## **Chapter 13A, Elements of High-Quality Preschool Programs**

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## **Chapter 13A, Elements of High-Quality Preschool Programs**

### **Subchapter 1. General Provisions**

#### **6A:13A-1.1 Purpose and applicability of rules**

- (a) State-funded preschool programs in each school district shall include the elements established in this chapter as essential for the implementation of a high-quality preschool program as a condition of receipt of Preschool Education Aid, which shall include, but not be limited to, all positions, supports, services, materials, and supplies. The school district shall ensure that preschool programs offered in-district and by contracted private providers and local Head Start agencies receiving preschool funding meet all applicable requirements.
- (b) The purpose of this chapter is to implement high-quality preschool programs pursuant to P.L. 2007, c. 260.
- (c) The district board of education shall ensure the inclusion of preschool children with disabilities in general education settings to the maximum extent possible, as set forth at N.J.A.C. 6A:14-4.2(a)1.

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

The following words and terms shall have the following meanings when used in this chapter, unless the context clearly indicates otherwise:

“Above-scale meal” means a meal served to a child whose household exceeds the eligibility criteria for either free or reduced-price meals, pursuant to the definition in this section.

“Age-eligible” means a child who turns three or four years old by the enrollment date determined by the district board of education pursuant to N.J.S.A. 18A:38-5 and 6 and 18A:44-1.

“At-risk children” means children who meet the income-eligibility criteria at N.J.S.A. 18A:7F-45.

“Child and Adult Care Food Program” or “CACFP” means the Federally assisted meal program operated in regulated childcare settings.

“Classroom-quality assessment instrument” means a Department-approved, reliable, and valid tool with a set of criteria and a rubric for scoring used to evaluate components of classroom quality ranging from the nature of teacher-child interactions to the availability of materials and activities that support early learning and development.

“Community and parent involvement specialist” or “CPIS” means a position to coordinate family/school partnerships for the preschool program.

“Comprehensive curriculum” means a preschool curriculum that addresses all domains of learning and is aligned to the New Jersey Preschool Teaching and Learning Standards of Quality. The comprehensive curriculum is articulated in the Department-approved three-year preschool program plan and is implemented within the school day.

“Comprehensive preschool educational program” means the delivery of the school district’s comprehensive curriculum articulated in the Department-approved three-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.

“Consultation model” means an approach for specialists from various disciplines to guide classroom teachers in the use of enhanced methods and strategies for working with children.

“Department” means the New Jersey Department of Education.

“Districtwide” 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 advisory council” or “ECAC” means an advisory group of community stakeholders interested in the education and welfare of children in preschool through grade three that is convened by the school district.

“Early Childhood Program Aid” or “ECPA” means State aid 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” or “ELLI” means competitive awards offered by the Department from 2005-2006 through the 2008-2009 school year to certain school districts.

“Family worker” means a person who promotes preschool student learning and development and supports the needs and well-being of preschool students’ families to ensure the families’ well-being and to promote the students’ learning and development.

“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.

"Free and/or reduced-price meal" means a meal served under the National School Breakfast or Lunch Program to a child from a household eligible for such benefits under the U.S. Department of Agriculture, Food and Nutrition Service guidelines, pursuant to the eligibility criteria found at 42 U.S.C. §§ 1771 et seq., and §§ 1751 et seq., and the pricing guidelines found at 7 CFR Part 245.

"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.

"Grow NJ Kids" means the State's rating and improvement system designed to assess site-based childcare and early learning programs, provide training and incentives to improve the programs, and communicate the programs' level of quality to the public.

"Head Start" means a Federally funded national program that promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social, and other services to enrolled children and families.

"Improvement plans" means the school district's plans for improvement in areas of relative weakness within its preschool programs as identified through the self-assessment and validation system.

"In-district" means the portion of a school district's preschool program staffed by district board of education employees as opposed to a contracted private provider or local Head Start agency.

"Kindergarten entry assessment" or "KEA" means a comprehensive measurement of children's knowledge, skills, and behaviors at the beginning of kindergarten.

“Limited review examination” means an examination limited in scope to a review of specific financial statement items or particular risk areas.

“Multilingual learner” or “ML” means a child whose home language is not English or who primarily speaks a language other than English in the home.

“National School Breakfast Program” means the Federally assisted meal program operated in public and private nonprofit schools administered by the U.S. Department of Agriculture, Food and Nutrition Service pursuant to 42 U.S.C. §1771 et seq.

“National School Lunch Program” means the Federally assisted meal program operated in public and private nonprofit schools administered by the U.S. Department of Agriculture, Food and Nutrition Service pursuant to 42 U.S.C. §§ 1751.

“New Jersey Preschool Program Implementation Guidelines” means a Department document available at <https://www.nj.gov/education/earlychildhood/preschool/docs/PSImplementationGuidelines.pdf> that provides guidance to school districts, contracted private providers, and local Head Start agencies in planning and implementing high-quality preschool programs for age-eligible children.

“New Jersey Preschool Teaching and Learning Standards of Quality” or “Preschool Standards” means the early learning standards and corresponding teaching practices as adopted by the State Board of Education and located at

<https://www.nj.gov/education/earlychildhood/preschool/docs/PreschoolTeachingandLearningStandards.pdf>.

“Newly contracted classroom” means any private provider or local Head Start agency classroom approved by the Department to serve preschool students in the upcoming school year that was not under contract in the prior school year.

“One-Year Preschool Operational Plan” means the one-year operational plan that school districts that received ECPA in 2007-2008 may annually submit to the Department by November 15 to request approval to expand their preschool programs in the following school year.

“Performance-based assessment” means an ongoing assessment of all learning outcomes in each domain identified in the Preschool Standards. The performance-based assessment is tailored to the school district’s preschool curriculum and designed to measure individual preschool children’s progress.

“Preschool Education Aid” means State aid provided to district boards of education to implement preschool programs for age-eligible general education students.

“Preschool Expansion Aid” means the category of State funding used during the 2001-2002 through 2007-2008 budget years to increase the approved preschool costs for the projected expansion of preschool programs in former *Abbott* school districts, as defined in the annual Appropriations Act. For any school district that received initial *Abbott* status after 2001-2002, the increase in approved budgeted cost was based on the year *Abbott* status was obtained.

“Preschool instructional coach” means a position for modeling, coaching, observing, and providing feedback to teaching staff in preschool programs using the reflective cycle.

“Preschool intervention and referral specialist” or “PIRS” means a coach working within a consultation model to help maximize the general education preschool teacher’s ability to support

all students who exhibit challenging behaviors, learning difficulties, or other social difficulties, and to decrease the number of referrals to special education.

“Preschool Professional Development Fellow status” means the preschool instructional coach’s successful completion of the Department’s preschool instructional coach training course.

“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.

"Private provider" means a childcare center licensed by the Department of Children and Families pursuant to N.J.S.A. 30:5B-1 et seq.

“Reflective cycle” means a process in which teachers work with coaches to improve teaching practices. Teachers and coaches collaborate in a pre-conference meeting to plan instruction. Once an instructional plan is in place, the coach observes the teacher implementing the plan in the classroom. The coach and teacher hold a post-conference meeting to discuss and reflect on the experience. The goal is to work collaboratively to improve classroom and instructional practice.

"Reliable independent observer" means an individual with a verification letter indicating reliable scores by the district-contracted classroom assessment provider and adequately trained in the use

of the classroom-quality assessment instrument that is the standard for independent observation of preschool classrooms.

“Self-assessment and validation system” or “SAVS” means an annual assessment process conducted districtwide by school districts to provide the Department with an analysis of the school district’s strengths and weaknesses relative to preschool program implementation and the school district’s plans for continuous quality improvement.

“Targeted preschool” means a specialized preschool program for all at-risk children in school districts.

“Three-year preschool program plan and annual updates” means the school district’s three-year programmatic plan that is updated annually, as required and approved by the Department, to implement a preschool program that meets this chapter’s provisions.

“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 for all age-eligible resident three- and four-year-old children.

“Universe of eligible preschool children” means all three- and four-year-old general education children eligible for preschool in a public school district that receives Preschool Education Aid.

## **Subchapter 2. Eligibility, Enrollment, and The Universe of Preschool Students**

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

- (a) In school districts that received Preschool Expansion Aid or educational opportunity aid in the 2007-2008 school year and in school districts that are either required to provide or are providing State-funded universal preschool, the district board of education shall provide free access to full-day preschool for all three- and four-year-old children.
- (b) In school districts required to provide targeted preschool, the district board of education shall provide free access to full-day preschool for at-risk three- and four-year-old children.
- (c) The district board of education shall determine age-eligibility for enrollment in both universal and targeted preschool programs for three- and four-year olds pursuant to this chapter using the same date as that for determining age eligibility for kindergarten programs.
- (d) In school districts required to provide universal preschool, the district board of education also may:
  - 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 the children in the school district's preschool program; and/or
  - 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 (d)1 and 2 above shall be contingent upon ensuring all age-eligible, resident children are given priority.
- (e) Age-eligible, non-resident children of non-resident staff members employed by school districts providing universal preschool may be enrolled in the staff member's school district preschool program only if:
  - 1. The child is preschool disabled and receiving services pursuant to N.J.S.A. 18A:46-6;

2. The child meets the eligibility requirements for universal or targeted preschool, as applicable, in the child's school 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 school district of parental employment; or
  3. The child's parent or guardian pays tuition at a rate that is comparable to the per pupil rate provided in State aid, but does not exceed the actual cost per pupil pursuant to N.J.A.C. 6A:23A-17. Preschool Education Aid shall not be used to subsidize or offset the costs for tuition students.
- (f) Implementation of (e)2 and 3 above shall be contingent upon ensuring all age-eligible, resident children are given priority.
- (g) 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 at-risk income documentation required for the Application for State School Aid (ASSA).
- (h) A school district providing targeted preschool pursuant to P.L. 2007, c. 260 may:
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 the children in their school district preschool program that includes the transfer of State-approved per pupil SFRA Preschool Education Aid from the sending district of residence to the school 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.
- (i) Implementation of (h)1, 2, and 3 above shall be contingent upon ensuring all resident age- and income-eligible children are given priority.
- (j) 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;
  2. The child meets the eligibility requirements for universal or targeted preschool in the child's school 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 school district of parental employment; or
  3. The child's parent or guardian pays tuition at a rate that is comparable to the per pupil rate provided in State aid, but does not exceed the actual cost per pupil pursuant to N.J.A.C. 6A:23A-17. Preschool Education Aid shall not be used to subsidize or offset the costs for tuition students.
- (k) Implementation of (j)2 and 3 above shall be contingent upon ensuring all age-eligible, resident children are given priority.

- (l) Any tuition charged to a school district or parent or guardian shall not exceed the per pupil amount established pursuant to P.L. 2007, c. 260.
- (m) Any Department-approved written agreement established between district boards of education to provide preschool programs pursuant to (a) through (l) above shall include the responsibilities for oversight of the chapter's preschool program elements.

#### **6A:13A-2.2 Enrollment**

- (a) The district board of education shall obtain, through every child's preschool application, enrollment information in a format provided by the Department at <https://homeroom6.doe.state.nj.us/precnt/>.
- (b) A district board of education that offers universal or targeted preschool shall ensure that age-eligible children who are domiciled in the school district, eligible to attend its preschool program, and seeking enrollment are offered enrollment in the school district's preschool program and not placed on a waiting list.
- (c) The district board of education shall contract with every willing Head Start program that is able to meet this chapter's requirements for the number of eligible preschool students in the local Head Start catchment area determined by the Federal government.

#### **6A:13A-2.3 Universe of eligible children**

- (a) District boards of education that received Preschool Expansion Aid or educational opportunity aid in the 2007-2008 school year shall document the school district's strategies to serve at least 90 percent of the universe of eligible preschool children in the three-year preschool program plan and/or annual update. The plan shall include annual

preschool enrollment targets that coincide with the school district's projected initiation and/or expansion of preschool.

- (b) All other district boards of education shall document the school district's strategies to serve at least 90 percent of the universe of eligible preschool children in the three-year preschool program plan and/or annual update. The plan shall include annual preschool enrollment targets that coincide with the school district's projected initiation and/or expansion of preschool.
- (c) Each district board of education may be required to submit a corrective action plan to the Department if annual projected increases in enrollment targets are not met.
- (d) The universe of eligible preschool children to be served by a school district in the next school year is determined by the following method:
  1. For school districts providing universal preschool, the number of first graders reported on the Application for State School Aid (ASSA) is multiplied by two.
  2. For school districts providing targeted preschool, the number of first graders reported on the ASSA is multiplied by two with the result multiplied by the percentage of at-risk pupils in kindergarten through grade 12.
  3. The school district may request that the Department adjust the universe of preschool children to be served in the next school year based on factors including a large employer moving in or out of the school district or a new housing development, or documentation of a change in the at-risk population.
- (e) A district board of education that provides documentation of efforts to serve 90 percent of its eligible universe of preschool children within the three-year preschool program plan and/or annual update, 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 if the school district still operates a half-day kindergarten program. Upon Commissioner approval, the school district may subsidize preschool programs for resident three- and four-year-old children who are not eligible pursuant to this chapter or P.L. 2007, c. 260, or may budget Preschool Education Aid to support kindergarten through grade 12.

- (f) Upon Commissioner approval, the district board of education may 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 three-year preschool program plan and/or annual update.
- (g) The district board of education shall establish procedures for recruitment, enrollment, and placement of all eligible resident preschool children in the preschool program.

### **Subchapter 3. Program Planning**

#### **6A:13A-3.1 Program planning**

- (a) School districts formerly known as Early Childhood Program Aid (ECPA) school districts, pursuant to repealed N.J.S.A. 18A:7F-16, that submitted a One-Year Preschool Operational Plan by May 30, 2008, and received approval from the Department to expand their preschool program in the 2008-2009 school year, and subsequently submitted and received Department approval for a five-year preschool program plan commencing September 2009, shall implement the preschool program plan and any update(s), and shall adhere to this chapter.

- (b) Any other former ECPA school district, pursuant to repealed N.J.S.A. 18A:7F-16, shall adhere to its Department-approved 2008-2009 ECPA operational plan and any update(s) and shall adhere to N.J.A.C. 6A:13A-2.1(b) through (j) and to (b)1 through 10 below until the school district receives approval to implement its preschool program through Department approval of its three-year preschool program plan and is provided with full Preschool Education Aid at the School Funding Reform Act (SFRA) funded per pupil amount determined by the formula established at N.J.S.A. 18A:7F-54. A school district that receives approval, as set forth at N.J.A.C. 6A:13A-2.1(b) through (j) and to (b)1 through 10 below, to implement its three-year preschool program plan shall 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 spending of Preschool Education Aid for kindergarten through grade three.
  2. The district board of education shall implement programming for the following components:
    - i. Districtwide 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.

3. The district board of education shall demonstrate that programs are based on a districtwide assessment that includes a needs and resource assessment for each school in the school district's comprehensive strategic plan.
4. The district board of education with an ECPA-funded program 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 Student Learning Standards;
  - iv. Includes transition activities, programs, and services between early intervention and preschool programs, and between preschool and kindergarten programs;
  - v. Coordinates with all other relevant school district programs, such as special education and bilingual education; and
  - vi. Includes an annual program evaluation.
5. 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.

6. 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.
  7. 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.
  8. 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 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.
  9. The district board of education shall include parent education activities in the preschool program with specific, identified strategies that assist parents in remaining actively involved in their child's education throughout their school years.
  10. The district board of education shall demonstrate that community health and social service agencies have been included in the preschool program's planning, operations, and, if appropriate, fiscal support.
- (c) In addition to implementing preschool, each district board of education with a high concentration of low-income students shall be subject to the following:
1. School districts in which at least 20 percent and less than 40 percent of students are "at-risk" as defined at P.L. 2007, c. 260 shall maintain all existing full-day

- kindergarten programs for all five-year-olds as determined by the enrollment date set by each district board of education pursuant to N.J.S.A. 18A:38-5 and 6.
2. School districts in which 40 percent or more of students are "at-risk" as established at P.L. 2007, c. 260 shall follow the provisions at N.J.A.C. 6A:13-3.2 and this section for full-day kindergarten programs, including the class size requirement to not exceed 21 students.
- (d) 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 update(s) until the school district receives approval to implement its preschool program through Department approval of its three-year preschool program plan and is provided with full Preschool Education Aid provided at the SFRA funded per pupil amount determined by the formula established at N.J.S.A. 18A:7F-54. A school district that receives approval, as set forth in this subsection, to implement its three-year preschool program plan shall adhere to the rules of this chapter.
- (e) The district board of education may offer the universal and targeted high-quality preschool program within a mixed delivery system that includes in-district, private provider, and local Head Start agency settings.
- (f) The district board of education shall annually submit projected enrollment, the three-year preschool program plan, and/or an annual update.
  1. The district board of education providing universal preschool shall submit its projected enrollment data for the next school year and the three-year preschool program plan and/or annual update(s) on or before November 15 of each year.

2. The district board of education providing targeted preschool shall submit its projected enrollment data for the next school year and the required three-year preschool program plan and/or annual update(s) on or before November 15 of each year.
- (g) The required three-year preschool program plan and/or annual update shall adhere to Department preschool program and budget planning document guidance for school districts, private providers, and local Head Start agencies, including, but not limited to:
  1. The strategies to address the elements in this chapter for high-quality preschool programs;
  2. A rationale for the type of delivery system chosen and, for school districts seeking to change the delivery system or expand the preschool program, a justification for not contracting with every willing and able private provider and local Head Start agency;
  3. The programmatic needs of students, programs, private providers, and local Head Start agencies; and
  4. The information collected annually from the self-assessment and validation, beginning with the initial year of preschool program implementation.
- (h) The Department shall issue a determination approving or disapproving the three-year preschool program plan no later than April 1 of each year.
- (i) The Department-approved three-year preschool program plan and/or annual update shall be directly connected with, and be the primary basis for, the school district preschool budget for each school year.
- (j) Any appeal of a Department decision pursuant to (h) above shall be expedited pursuant to provisions set forth at N.J.A.C. 6A:13A-11.

#### **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. A dedicated in-district early childhood supervisor is required at a ratio of one for every 750 enrolled preschool children, minus students enrolled in school district stand-alone early childhood education buildings. For school districts with fewer than 750 enrolled preschool children, the early childhood supervisor 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 three-year preschool program plan and/or annual update, may be contracted for with a county or regional educational services commission approved by the State Board to do so.

1. Each district board of education shall ensure that in-district early childhood supervisors and administrators of in-district buildings with preschool children hold the appropriate New Jersey supervisor endorsement or principal certificate, have at least three years of experience in preschool education, and participate in annual training specific to preschool program planning and implementation, the school district's comprehensive preschool curriculum, and assessment.
  - i. Administrators who oversee in-district buildings that include preschool classrooms but are not stand-alone early childhood education or preschool buildings, and who do not possess at least three years of experience in preschool education, shall acquire knowledge of the content and skills relevant to working with preschool-aged children through training, coursework, and/or professional development, as determined and provided for by the school district.

2. In-district administrators and/or supervisors of preschool programs shall ensure the coordination of all 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, three-year preschool program plan and/or annual update, and professional development plans;
  - ii. Contributing to the development of long-range facilities plans;
  - iii. Supervising registration, recruitment, and outreach efforts;
  - iv. Overseeing contractual compliance with private provider and local Head Start agencies;
  - v. Collaborating and communicating with the school district office of special services;
  - vi. Facilitating transition initiatives in collaboration with early intervention programs and other preschool to kindergarten through third grade administrators;
  - vii. Where applicable, meeting regularly with private providers and local Head Start agencies to foster collaboration and program implementation, including, but not limited to, fiscal and curriculum information;
  - viii. Overseeing the implementation of the comprehensive preschool curriculum and performance-based assessment;
  - ix. Providing assistance to all staff responsible for the implementation of appropriate early childhood practices within the preschool program;
  - x. Administering strategies designed to help teachers and other professionals optimize children's learning and development in all domains;

- xi. Coordinating annual program evaluation;
  - xii. Hiring, supervising, and ensuring evaluation of all in-district staff funded by the preschool programmatic budget; and
  - xiii. Ensuring each private provider and local Head Start agency implements a system for classroom teacher observations.
- (b) Each private provider and local Head Start agency shall provide a director pursuant to the regulations at N.J.A.C. 10:122, Manual of Requirements for Childcare Centers.
- 1. The director shall work on-site at the childcare center for a minimum of five of the six hours of the comprehensive educational program day.
  - 2. The director shall hold, at a minimum, the credentials set forth at N.J.A.C. 10:122.
  - 3. The director shall not serve in any other position, including, but not limited to, instructional staff member or family worker, during the same hours the individual serves as center director.
  - 4. If the director is required to be off-site, the director shall assign an on-site designee, pursuant to N.J.A.C. 10:122. The designee shall not be a classroom teacher or teacher assistant.

#### **6A:13A-4.2 Preschool instructional coaches**

- (a) The district board of education shall provide preschool instructional coaches at a ratio of no more than 20 preschool classrooms for each preschool instructional coach to ensure coaching and classroom support for classroom teachers. The district board of education shall provide additional preschool instructional coaches to assist novice teachers, and to provide professional development that supports multilingual learners and children in inclusive classroom settings. For school districts with fewer than 20 preschool classrooms, the

preschool instructional coach position, described in the school district's three-year preschool program plan and/or annual update, may be fulfilled in one of the following ways:

1. Combine the preschool instructional coach position with another in-district position, provided that the preschool instructional coach is not a classroom teacher and all preschool instructional coach qualifications established in this chapter are met;
  2. Collaborate with one or more school district(s) to share the services of a preschool instructional coach; or
  3. Contract for preschool instructional coach services with a county or regional educational services commission approved by the State Board to do so.
- (b) The preschool instructional coach shall have the following qualifications and experience:
1. A bachelor's degree and preschool through grade three (P-3) teacher certification;
  2. At least three years of experience teaching in general education preschool programs;
  3. Experience in implementing developmentally appropriate preschool curricula;
  4. Experience with a range of appropriate early childhood assessments, including performance-based and classroom-quality assessment instruments;
  5. Experience providing professional development to classroom teachers; and
  6. Preschool Professional Development Fellow status.
- (c) A preschool instructional coach appointed prior to September 1, 2007, shall hold, at a minimum, a preschool through grade three standard instructional certificate or an N-8 standard instructional certificate, as set forth at N.J.A.C. 6A:9B.
- (d) A preschool instructional coach appointed on or after September 1, 2007, shall hold, at a minimum, a preschool through grade three or equivalent preschool certification, as set forth at N.J.A.C. 6A:9B.

- (e) In addition to the requirements at (b), (c), and (d) above, depending on the population served by the district board of education, a preschool instructional coach shall demonstrate one or more of the following:
1. Certification that includes an endorsement for bilingual education or English as a second language;
  2. Certification that includes an endorsement for teacher of students with disabilities or teacher of the handicapped;
  3. A graduate degree in early childhood education with an emphasis on early literacy and/or early mathematics; and/or
  4. A graduate degree in educational supervision and/or leadership.

- (f) The responsibilities of the preschool instructional coach shall include, at a minimum:
1. Visiting classrooms regularly to model, coach, informally observe using structured observation instruments, and provide feedback to teaching staff in preschool programs based on the reflective cycle to assist with the implementation of the comprehensive curriculum and the Preschool Standards;
  2. Providing staff development based on systematic classroom observations consistent with a classroom-quality assessment instrument;
  3. Making recommendations to administrators or supervisors of preschool programs to provide additional professional development as needed;
  4. Ensuring systematic early childhood program assessment occurs in the preschool program;
  5. Collaborating with the preschool intervention and referral specialists (PIRSs) to ensure systematic curriculum supports in social-emotional development;

6. Ensuring implementation of the comprehensive performance-based assessment system that is connected to the comprehensive preschool curriculum as part of the three-year preschool program plan and/or annual update;
7. Participating in parent involvement programs with district board of education and private provider staff; and
8. Supporting transition activities, programs, and services between and among preschool through grade three programs.

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

- (a) The district board of education of a school district that is approved to provide a State-funded universal preschool program shall ensure that one appropriately certified teacher and one appropriately qualified teacher assistant, pursuant to (d) and (e) below, 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 essential elements of the chapter for the implementation of a high-quality preschool program are maintained.
  2. In-district preschool classroom teachers shall hold a bachelor's degree and, at a minimum, a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) for preschool through grade three or other equivalent preschool certification, as set forth at N.J.A.C. 6A:9B.
- (b) Private provider and local Head Start agency preschool teachers working in classrooms contracted with school districts that received Preschool Expansion Aid or educational

opportunity aid in 2007-2008 shall hold a bachelor's degree and, at a minimum, a CE or CEAS for preschool through grade three or other equivalent preschool certification, as set forth at N.J.A.C. 6A:9B.

- (c) All preschool classroom teachers hired in private provider and Head Start agencies subsequent to the initial year of the school district's implementation of a preschool program shall hold a bachelor's degree and, at a minimum, a CE or CEAS for preschool through grade three certification or other equivalent preschool certification, as set forth at N.J.A.C. 6A:9B.
- (d) The district board of education teacher assistants in school districts or schools supported by Title 1 funding, as applicable, shall meet the Title 1 requirements pursuant to the Every Student Succeeds Act, P.L. 114-95.
- (e) The district board of education shall require all other teacher assistants, both new hires and existing staff, in all preschool program settings to have a high school diploma or its equivalent.

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

- (a) The district board of education shall establish a preschool intervention and referral specialist (PIRS) at a 1:20 ratio of PIRS to preschool classrooms. School districts with more than 20 preschool classrooms shall also create a team of specialists, including the PIRS, using a consultative model as part of the intervention and referral services. The services shall be funded by the school district's preschool budget, as described in the school district's three-year preschool program plan and/or annual update. The position(s) may be:
  1. Combined with the school district's existing intervention and referral services required by N.J.A.C. 6A:16; or
  2. Fulfilled by contracting for PIRS services with a county or regional educational services commission approved by the State Board to do so.

- (b) For school districts with fewer than 20 preschool classrooms, the PIRS may be fulfilled in one of the following ways:
1. Combine with the school district's existing intervention and referral services required by N.J.A.C. 6A:16;
  2. Combine the preschool instructional coach position with another position within the school district, provided that the preschool instructional coach is not a classroom teacher and all PIRS qualifications established in this chapter are met;
  3. Collaborate with one or more school district(s) to share the services of a PIRS; or
  4. Contract for PIRS with a county or regional educational services commission approved by the State Board to do so.
- (c) The PIRS shall be supervised by the early childhood school district administrator and shall work within a consultation model with relevant school district, private provider, and local Head Start agency staff and administrators to deliver preschool age-appropriate services designed to decrease referrals to special education and to maximize general education classroom teachers' ability to support all students.
- (d) The PIRS position and/or team may be comprised of preschool teachers, psychologists, learning disabilities teacher consultants, school social workers, and speech and language specialists who shall have knowledge of the school district's curriculum and assessment and who shall either have experience working with preschool-aged children or acquire knowledge of the content and skills relevant to working with preschool-aged children through training, coursework, and/or professional development, as determined and provided for by the school district.
- (e) The PIRS shall, at a minimum:

1. Consult with instructional coaches and preschool classroom teachers to adapt and modify teaching practices to help preschool children meet the Preschool Standards;
  2. Conduct regular classroom visits to observe, model, provide feedback, and make recommendations about appropriate strategies, classroom modifications, and the selection of adaptive materials to address the needs of children with challenging behaviors or potential learning difficulties;
  3. Provide professional development using a classroom quality assessment tool for instructional staff and administrators to facilitate preschool inclusion;
  4. Coordinate with school district special services departments and child study team members, when appropriate, to ensure seamless preschool programming;
  5. Refer children, when all other efforts have failed, to the school district child study team, as set forth at N.J.A.C. 6A:14, Special Education;
  6. Bring professionals across disciplines together with families, as appropriate; and
  7. Provide support to general education classroom teachers to address the needs of children with challenging behaviors or learning disabilities.
- (f) The district board of education shall annually report the number of children served by the PIRS and the number of children referred to the child study team for formal evaluation in its three-year preschool program plan and/or annual update.
- (g) The district board of education shall ensure that preschool students are not suspended, long-term or short-term, and are not expelled from school, except as provided pursuant to the Zero Tolerance for Guns Act, N.J.S.A. 18A:37-7 et seq.

#### **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 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 three-year preschool program plan and/or annual update may be:
1. Provided within the school district's existing health services required by N.J.A.C. 6A:16; or
  2. Fulfilled by contracting for health services with a county or regional educational services commission approved by the State Board to do so.
- (b) The district board of education shall ensure that basic child health services are provided to all enrolled preschool children. Child health services shall include:
1. At a minimum, vision, hearing, dental, height, and weight screenings of each eligible child upon enrollment;
  2. The maintenance of records pertaining to immunizations, physical examinations, and other records necessary for transition to kindergarten; and
  3. Parent education and communication designed to meet the health and social service needs of children enrolled in the program.
- (c) District boards of education offering universal preschool shall apply to the National School Breakfast Program and National School Lunch Program and may charge families of eligible preschool program children for reduced- and above-scale meals. 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) to offer breakfast, lunch, and one snack per day for each enrolled preschool child.

1. If accepted into one or more of the programs, the district board of education, contracted private provider, or local Head Start agency shall participate for all preschool children.
  2. If not accepted into one or more of the programs, for any reason, the district board of education shall ensure that the dietary requirements listed at (d) below are followed.
- (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 2020-2025 United States Department of Agriculture Dietary Guidelines for Americans, located at <https://www.dietaryguidelines.gov/> 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 three-year preschool program plan and/or annual update. Services may be offered by:
1. Coordinating the 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 for social services functions described in this section with a county or regional educational services commission 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 part of the school district's three-year preschool program plan and/or annual update.
1. A school district shall provide a social worker holding the appropriate credentials in social work, pursuant to N.J.A.C. 6A:9B-14.5, for every 300 preschool children

enrolled at in-district settings. In school districts with fewer than 300 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. Collaborate with all relevant preschool instructional staff, administrators, and support personnel to support the school district family services program;
  - ii. Coordinate with other available school district resource staff to reach out to families, determine individual family needs, advocate on their behalf, and obtain appropriate community services;
  - iii. Provide follow-up, including a review of child needs, when necessary;
  - iv. Facilitate access to community social services, when appropriate;
  - v. Collaborate with assigned school district personnel to design and provide a parent involvement program based on identified needs and parent survey responses; and
  - vi. Help parents learn about child development, nutrition, safety, and how to support their child's learning.
2. A contracting private provider or local Head Start agency shall provide a family worker for every 75 children. In a private provider or local Head Start agency with fewer than 75 preschool children, this position may be combined with another position. The family worker shall, at a minimum:
- i. Collaborate with the school district staff to ensure family involvement and social services activities occur;
  - ii. Coordinate participation in health and social services designated by the school district to serve the needs of the children and their families;

- iii. Provide all requested data to the school district; and
    - iv. Report to the center director and coordinate social services activities with appropriate school district social services staff.
  - 3. Each school district shall provide one CPIS with a minimum of a bachelor's degree in social work, or a related field such as sociology, psychology, or education. School districts with fewer than 750 enrolled preschool children may combine the CPIS with another position as described in the school district's three-year preschool program plan and/or annual update. The CPIS shall, at a minimum:
    - i. Coordinate the early childhood advisory council;
    - ii. Evaluate the needs of families;
    - iii. Coordinate systematic parent involvement plans and activities;
    - iv. Coordinate work with other community agencies; and
    - v. Coordinate work with other social service personnel.
- (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 council's membership shall consist of stakeholders in the community, as well as parents, contracting private providers, and the local Head Start agency, if applicable, with new representation added as needed; and
  - 2. Elected co-chairs shall preside at quarterly council meetings.

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

- (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 or local Head Start agencies, the district board of education may employ a preschool fiscal specialist.
2. The preschool fiscal specialist shall have auditing, budgeting, and accounting experience, shall report to the early childhood administrator or the supervisor of early childhood programs, and shall work with the school district business administrator's office.
3. In school districts without a dedicated preschool fiscal specialist, the position may be combined with another in-district position when described in the three-year preschool program plan and/or annual update(s), provided the qualifications and responsibilities established in this chapter are met.
4. The preschool fiscal specialist duties shall include, at a minimum:
  - i. Monitoring each contracting private provider and/or local Head Start agency for compliance with the preschool program contract;
  - ii. Tracking teacher certification information and reporting it to the Department;
  - iii. Monitoring expenses and reviewing quarterly expenditure reports in accordance with the approved contracting private provider and/or local Head Start agency budgets;
  - iv. Providing financial management assistance to contracting private providers and local Head Start agencies in the development and monitoring of their annual budgets; and
  - v. Collaborating with contracting private providers and/or local Head Start agencies in the development of any corrective action plans in response to findings of 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 Preschool Standards, and linked to the New Jersey Student Learning Standards (NJSLS). The school district's choice of curricula shall be described in the three-year preschool program plan and/or annual update.
- (b) The preschool program and curriculum shall include, but need not be limited to, the following:
  - 1. Systematic support for language acquisition for all children, including approaches for helping multilingual learners maintain their home language while acquiring English within their regularly assigned preschool classroom;
  - 2. A clearly described, systematic, and intensive instructional approach for all aspects of development and learning using the strategies and techniques delineated in the Preschool Standards; and
  - 3. Implementation of a comprehensive, performance-based assessment system that is aligned with the preschool curriculum.

## **6A:13A-5.2 Ongoing performance-based assessment of children**

- (a) The district board of education shall ensure that ongoing assessment in the preschool program is used to:
  - 1. Plan intentional instruction for individuals and groups;
  - 2. Identify children for health and special services;
  - 3. Monitor trends and evaluate programs; and
  - 4. Provide program accountability data, as specified by the Department.

- (b) The district board of education shall ensure all preschool classroom teachers conduct an ongoing performance-based assessment of children that:
1. Is aligned with the comprehensive curriculum described in the school district's three-year preschool program plan and/or annual update;
  2. Addresses all learning domains;
  3. Uses multiple sources of evidence gathered over time;
  4. Is used for curriculum planning and reporting to parents; and
  5. Is not used to determine the classroom placement of children.

#### **6A:13A-5.3 Screening**

- (a) The district board of education shall conduct a developmentally based early childhood screening assessment for each child upon enrollment in preschool to:
1. Identify children with broad indicators of potential problems who may require further assessment; and
  2. Determine if a child needs a comprehensive diagnostic assessment.

#### **6A:13A-5.4 Classroom-quality assessment**

- (a) Starting in the first year of preschool program implementation, the school district shall use, at least annually, a reliable classroom-quality assessment instrument described in the three-year preschool program plan and/or annual update to assess program quality in each in-district, contracting private provider, and/or local Head Start agency preschool classroom, aggregate the data, and develop professional development plans for all teaching staff.
1. The school district shall score program quality on a graduated scale in each preschool classroom.

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 the preschool program contract. The school district and the contracting private provider or local Head Start agency shall participate in joint discussions as part of the action plan's development to determine the classroom-quality improvements that are necessary based upon the observation instrument's results and to establish a timeframe for making the required changes.
3. The preschool instructional coach shall provide technical assistance to the classroom teacher based upon the action plan.
4. If the district board of education determines 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 from the Department that the classroom or program be evaluated by a reliable, independent observer. If the reliable, independent observer verifies the action plan is not being satisfied in a contracting private provider or local Head Start agency classroom, the district board of education shall take steps to remove the contracting private provider or local Head Start agency teacher from the contracted classroom or to terminate or not renew 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 at N.J.A.C. 6A:13A-9.

## **Subchapter 6. Transition**

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

- (a) The district board of education shall include in its three-year preschool program plan and/or annual update transition initiatives from program entry to kindergarten through grade three that describe:
1. The process for collaborating with other preschool through grade three administrators in the school district;
  2. Implementation of a comprehensive, developmentally appropriate kindergarten entry assessment within the first six to eight weeks of school to measure children's knowledge, skills, and behaviors at the beginning of kindergarten;
  3. Methods for communicating to a child's new kindergarten and elementary teachers information about the child, including the results of the kindergarten entry assessment;
  4. The process for identifying the curriculum and pedagogical information about the preschool program and communicating it to the kindergarten and elementary teachers; and
  5. The process for providing information to parents about the kindergarten program and the transition plan from preschool through grade three.

## **Subchapter 7. Facilities**

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

- (a) For any school district or charter school that received Preschool Education Aid in August 2017 or thereafter, the district board of education or charter school shall ensure all preschool classrooms in-district or in the charter school, as applicable, and at the contracted private provider and local Head Start agency are a minimum of 950 square feet per classroom consisting of 750 square feet of usable space, 150 square feet of storage, and equipment or furnishings that are either built in or not easily movable, and 50 square feet of toilet room.

1. Any preschool classroom that is relocating as of, or after, August 15, 2022, to a space not previously occupied for preschool shall immediately meet minimum space requirements set forth at (a) above.
  2. A district board of education may seek a waiver of, or equivalency for, the requirements set forth at (a) above pursuant to the process at N.J.A.C. 6A:5, Regulatory Equivalency and Waiver.
- (b) The district board of education shall ensure that all construction or alteration of playgrounds and playground equipment complies with N.J.A.C. 5:23-7, Barrier Free Subcode, and N.J.A.C. 5:23-11, Playground Safety Subcode, in the Uniform Construction Code.
- (c) Any change(s) affecting the physical space or location of contracted private provider or local Head Start agency preschool classrooms shall be approved prior to relocation or renovation by the school district and shall meet the space requirements established at (a) and (b) above.
- (d) Any change(s) affecting the physical space or location of in-district preschool classrooms shall be approved by the executive county superintendent and shall meet the space requirements at (a) and (b) above.
- (e) The district board of education shall 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.
- (f) Beginning in the 2027-2028 school year, a district board of education, contracted provider, or Head Start program shall not use temporary classroom units (TCUs) or other similar temporary facilities, as defined at N.J.A.C. 6A:26, Educational Facilities, for preschool classrooms without prior approval pursuant to N.J.A.C. 6A:5.

1. A district board of education that receives approval, pursuant to N.J.A.C. 6A:5, to use TCUs or other similar temporary facilities shall ensure compliance with N.J.A.C. 6A:26, including requirements relating to the use of TCUs or other similar temporary facilities.
  2. Upon Department request, a district board of education shall provide information and/or documentation establishing the school district's compliance with N.J.A.C. 6A:26 and the provisions of this chapter.
- (g) Any district board of education using TCUs or other similar temporary facilities for preschool classrooms as of August 15, 2022, shall submit to the Department proof of compliance with N.J.A.C. 6A:26 and a long-range facilities plan for phasing out the use of TCUs or other similar temporary facilities for preschool classrooms by June 30, 2027.

## **Subchapter 8. Program Evaluation**

### **6A:13A-8.1 Self-assessment for continuous quality improvement cycle**

- (a) The district board of education shall participate in a process of continuous quality improvement either through the annual self-assessment and validation system (SAVS) or Grow NJ Kids to inform the school district of the status of its preschool program implementation. School districts that utilize Grow NJ Kids shall also complete the ratings process, which is valid for three-years. The self-assessment and validation system shall include the following:
1. A validation visit by a State team at least once every three years; and
  2. A Department-required improvement plan in a Department-provided format that shall include:
    - i. Identification of the program area(s) in need of improvement;

- ii. A detailed explanation of the steps to be taken by the district board of education; and
- iii. A timeline for implementation.

## **Subchapter 9. School District Contracts with Private Providers and Local Head Start Agencies for Providing Preschool Services**

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

- (a) The district board of education annually shall execute the preschool program contract provided and/or approved by the Department with all contracting private providers and local Head Start agencies.
  - 1. Each district board of education using the Department-approved preschool program contract without modifications shall submit to the Department a copy of each executed contract no later than 60 days after the Department's annual release of the contract for the following school year.
  - 2. The district board of education may request modifications to the Department-approved preschool program contract no later than 45 days after the Department's annual release of the contract for the following school year.
    - i. The district board of education shall not request a modification of the provision in the Department-approved preschool program contract that requires the school district to ensure that the educational program offered by the private provider or Head Start agency will comply with all Federal, State, and local laws, rules, and regulations regarding the secular nature of programs receiving public funding.

3. The district board of education shall submit to the Department a copy of each executed contract within 60 days of receiving Department approval to modify the Department-approved preschool program contract.
- (b) The district board of education shall utilize a private provider or local Head Start agency that maintains appropriate licensure pursuant to N.J.A.C. 10:122 and adheres to the requirements of this chapter for programmatic and fiscal accountability to provide preschool children with services that meet the elements of a high-quality preschool program.
- (c) 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. Meet the elements identified in this chapter for the implementation of a high-quality preschool program;
  2. Submit to the district board of education copies of insurance certificates, an efficient annual budget, appropriate credentials for teaching staff, attendance and pupil records, and any additional documentation, including all financial records, as requested by the district board of education and/or Department;
  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. Present to the district board of education evidence of compliance with Department of Children and Families background check procedures for child abuse record information pursuant to N.J.A.C. 10:122-4.9 and criminal history background check procedures pursuant to N.J.S.A. 30:5B-6.10 through 6.18.

5. Procure and maintain at its own expense, until at least one year after the completion of all services performed under the contract, liability insurance for damages imposed by law and assumed under the contract from insurance companies admitted or approved to do business in the State;
  6. Keep all pupil records in strictest confidence in accordance with N.J.A.C. 10:122 and 6A:32, and the Federal Family Education Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99);
  7. Agree that the educational program offered will comply with all Federal, State, and local laws and regulations regarding the secular nature of programs receiving public funding;
  8. Agree to participate in any professional development opportunities offered by the district board of education for all preschool teaching staff; and
  9. Provide, upon receiving reasonable notice, the district board of education and the Department with access to its site and program records for the purposes of monitoring and ensuring that the private provider or local Head Start agency is complying with all aspects of the preschool program contract.
- (d) Each private provider or local Head Start agency that has not previously held a preschool program contract with a district board of education shall be able to meet the following criteria to be eligible for a contract:
1. Have previously provided preschool programs for at least one year prior to entering into a contractual relationship with the district board of education;
  2. Have a documented record of appropriate financial management, including timely independent audits revealing no material findings and accounting systems that can accommodate financial reporting requirements; and

3. Be able to accommodate at least 90 eligible children in a manner consistent with this chapter.
- (e) 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-5.4, and established by the district board of education in the preschool program contract to determine the eligibility of the private provider and/or 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. If the dispute cannot be resolved locally, an appeal to the Commissioner may be filed pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

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

- (a) The district board of education, contracting private provider or local Head Start agency, and the 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 the school district's 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's 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 the school district's intent to not renew the preschool program contract for an additional one-year term. Any school district notification of non-renewal shall follow the protocol established by the Department's Division of Early Childhood Education and detail justifiable reason(s) for non-renewal of the preschool program contract.

- ii. Any change(s) in configuration of the way 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 and shall be submitted to the Department's Division of Early Childhood Education for consideration prior to notification of non-renewal to contracting private provider(s) and/or local Head Start agency(ies).
- iii. The contracting private provider or local Head Start agency shall notify the school district in writing within 30 days of receipt of the school district's renewal notice of the private provider's or local Head Start agency's acceptance or rejection of the offer to renew the preschool program contract for one year.
- iv. The private provider or local Head Start agency may dispute the non-renewal of the preschool program contract received in writing from the school district by notifying the school district and the Department in writing within 10 business days of receipt of the notice of non-renewal.
- v. The Department may request additional information from either party.

- 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.
- vii. The non-renewal decision may be appealed to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
- viii. The school district's three-year preschool program plan and annual update(s) 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's or local Head Start agency's preschool program contract immediately upon:
  1. Revocation of the contracting private provider's or local Head Start agency's licensure;
  2. Material breach of the contracting private provider's or local Head Start agency's responsibilities, including the failure to conduct and document criminal background and child abuse history checks;
  3. Failure to comply with all applicable requirements established pursuant to this chapter; or
  4. Any other reasonable cause within the discretion of the school district and with written approval from the Department.
- (b) The district board of education shall use the following process to terminate a contracting private provider's 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, in writing, the contracting private

- provider or local Head Start agency and the Department about the deficiency 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 the 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) Contracting private providers or local Head Start agencies may appeal to the Commissioner, pursuant to N.J.A.C. 6A:3, Controversies and Disputes, a school district's decision to terminate a contract. 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. A termination under this provision 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 technology, or the monetary

equivalent thereof, based upon funding for the 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 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) The district board of education shall ensure that the budget of each private provider and local Head Start agency supports and aligns with the children's needs and the actual program costs for the six-hour comprehensive educational program and day, meets the Department's requirements, and aligns with the school district's grade one through 12 daily school calendar, not exceeding the 10-month academic period.
- (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 of annual budget planning workbooks submitted by each contracting private provider and local Head Start agency prior to submission to the Department of the school district budget planning workbook.

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 compensation for a teacher or teacher assistant employed by the district board of education and is 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 at least quarterly the expenditures of each contracting private provider and local Head Start agency 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. The district board of education shall request regular updates on the status of any corrective action plans or outstanding issues raised as a result of a limited examination or audit report.
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) Any 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 including, but not limited to:
  1. Maintaining a financial management system that provides timely, accurate, current, and complete disclosure of all financial activities related to the preschool program operating under Preschool Education Aid and in accordance with generally accepted accounting principles;
  2. Certifying the proposed budget planning workbook, as 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, by the 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, and administrative and indirect costs expenditures. The quarterly **report** 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 contracting private provider and local Head Start agency general ledger and not commingling with revenue and expenditures related to other funding sources;
  6. Requesting from the district board of education any budget transfer(s) or budget planning workbook amendment(s) to the approved budget planning workbook, 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. Making all financial and program information available for inspection at any time to the school district or Department designee.

## **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. The Department shall issue to school districts on or before April 1st program and budget decisions, which shall ensure, at a minimum, that an appropriate program and budget are planned to provide for the implementation of a high-quality preschool program.
  2. A school district may file an appeal of their preschool program plan and/or annual update and budget decision with the Commissioner, pursuant to N.J.A.C. 6A:3, Controversies and Disputes. The appeal generally shall proceed as a contested case except as noted in this subchapter.
- (b) Any appeal filed pursuant to this subchapter shall include, in addition to the petition required under (a)2 above, a copy of the complete application submitted to the Department and a copy of the determination from which the appeal is taken.

#### **6A:13A-11.2 Review of pleadings**

- (a) Upon review of the petition, answer, and supporting documentation, the Commissioner may decide to hear the matter directly pursuant to N.J.S.A. 52:14F-8 or refer the matter to the Office of Administrative Law.
- (b) If the Commissioner decides to transmit the matter to the Office of Administrative Law for a hearing, where appropriate and/or requested, the Commissioner shall request that the matter be heard on an expedited basis.
- (c) If the Commissioner is hearing the matter directly, the Commissioner shall use the procedures for motions for summary decision set forth at N.J.A.C. 1:1-12.5. In addition, the Commissioner shall promptly notify the parties and provide them the opportunity to submit any additional document(s) previously submitted to, or considered by, the Department in rendering the appealed decision. If the Commissioner determines, upon review of the papers submitted, there are one or more genuine issues of material fact in

dispute that can be determined only in an evidentiary proceeding, the Commissioner may transmit the matter to the Office of Administrative Law as a contested case or retain the matter for an evidentiary hearing, pursuant to N.J.S.A. 52:14F-8.

#### **6A:13A-11.3 Commissioner review and decision**

- (a) If the Commissioner retains the matter, pursuant to N.J.A.C. 6A:13A-11.2, upon receipt of the filings set forth at N.J.A.C. 6A:13A-11.1 and 11.2, or upon expiration of the time to file all submissions, the Commissioner shall review the total record before the Commissioner and render a written decision.
- (b) In rendering decisions pursuant to this chapter, the Commissioner shall apply the standards set forth for Department review in the operative rules for the type of application in dispute. The burden of proof shall be on the petitioning party to demonstrate the standards were met by the applicant notwithstanding the Department's determination to the contrary. The record on appeal shall consist of documents and information submitted to the Department in support of the application and any additional information relied upon by the Department in making the determination at issue.