

**Notice of Adoption Regarding Amendments at N.J.A.C. 6A:13A,
Elements of High-Quality Preschool Programs**

The following is the accessible version of the notice of adoption for N.J.A.C. 6A:13A. The notice of proposal document includes two sections – [comments and responses](#) and [changes at adoption](#).

Education

Commissioner of Education

Elements of High-Quality Preschool Programs

Adopted Amendments: N.J.A.C. 6A:13A-4.1, 7.1, and 9.1

Proposed: June 16, 2025, at 57 N.J.R. 1188(a).

Adopted: October 16, 2025, by Kevin Dehmer, Commissioner, Department of Education.

Filed: October 16, 2025, as R.2025 d.142, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2007, c. 260.

Effective Date: November 17, 2025.

Expiration Date: September 8, 2030.

Summary of Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Elisabeth Yucis, Associate Director, Professional Development and Instructional Issues, New Jersey Education Association
2. Jean Publice
3. Jonathan Jaffe, Executive Director, Early Childhood Education Advocates Inc.
4. Elsa W. Jacobsen, Director of State Government Relations, Early Care and Education Consortium
5. Nazbi Chowdhury, Government Relations Representative-Northeast, KinderCare Learning Companies

6. John J. Burns Esq., Senior Legislative and Policy Counsel, New Jersey School Boards Association
7. Jennifer Guthlein, Director, Edison Y Early Learning Center, YMCA of Metuchen, Edison, Woodbridge, and South Amboy
8. MaryAnn DeFrancesco, Executive Director, Stepping Stones Learning Institute

1. Comment: The commenter expressed support for the proposed amendments at N.J.A.C. 6A:13A-4.1, 7.1, and 9.1. (1)

Response: The Department appreciates the support.

2. Comment: The commenter expressed concern about the amendments at N.J.A.C. 6A:13A-7.1(a). The commenter opposed the proposed increase in preschool classroom square footage and contended that the change is unnecessary and reflects a broader overreach in early childhood education that raises concerns about parental exclusion, age-inappropriate content, and a lack of focus on core values. The commenter stated that the proposed change would impose an unnecessary financial burden on taxpayers in a state that is already facing serious fiscal challenges. (2)

Response: The amendments require preschool classrooms to consist of a minimum of 42 square feet of usable space per child, which represents a decrease — rather than an increase — in the required square footage for preschool classrooms that receive State funding. N.J.A.C. 6A:13A requires State-funded preschool programs to engage family members in various aspects of program planning and implementation and to ensure ongoing implementation of a comprehensive curriculum supported by research.

3. Comment: The commenters expressed support of mixed-delivery preschool partnerships because they expand high-quality preschool options for families, while leveraging the existing infrastructure of community-based providers. The commenter stated that failure to fully implement a mixed-delivery preschool model reduces the supply and affordability of child care because community-based providers could face difficulty maintaining classrooms and economic viability if all four-year-olds in a community attend only in-district preschool programs. (3)

Response: The Department appreciates the support of New Jersey's implementation of a mixed-delivery model for high-quality State-funded preschool. The amendments at N.J.A.C. 6A:13A-7.1(a) expand eligibility for private providers to partner with school districts, thereby increasing access and family choice.

4. Comment: The commenter expressed support of mixed-delivery partnerships because they are critical to expanding options for families and leveraging existing preschool facilities and the pool of properly trained educators at existing child care providers. The commenter stated that failure to fully implement mixed delivery could reduce the supply and affordability of child care, as community-based providers could face difficulty maintaining classrooms and offering affordable services for infants and toddlers. (4)

Response: The Department appreciates the support of New Jersey's implementation of a mixed-delivery model for high-quality State-funded preschool. The amendments at N.J.A.C. 6A:13A-7.1(a) expand eligibility for private providers to partner with school districts, thereby increasing access and family choice.

5. Comment: The commenters supported the amendments at N.J.A.C. 6A:13A-7.1(a) because the change to the minimum square footage requirement for State-funded

preschool classrooms will help to ensure that more child care providers in New Jersey are eligible to participate in State-funded preschool programs, which will expand early education opportunities for families. (3 and 4)

Response: The Department appreciates the support.

6. Comment: The commenter expressed support for the proposed amendment at N.J.A.C. 6A:13A-7.1(a) because decreasing the required square footage of State-funded preschool classrooms will remove a major barrier to expanding and sustaining mixed-delivery partnerships between school districts and private providers across New Jersey. The commenter stated that private providers had to incur great expense and make major renovations to classrooms to meet the previous requirement of 950 square feet or even 700 square feet after Department approval of a waiver. (5)

Response: The Department appreciates the support.

7. COMMENT: The commenter expressed support for the proposed amendment at N.J.A.C. 6A:13A-7.1(a). The commenter stated that young children of all abilities should be provided with experiences that enable growth through a comprehensive system of programs and services, and local structures should be developed through which all education, health, and social welfare agencies work together to provide appropriate programs for young children and their parents. (6)

Response: The Department appreciates the support.

8. Comment: The commenter requested that the Department change N.J.A.C. 6A:13A-7.1(a), as proposed for amendment, to add “publicly funded” to clarify that only preschool classrooms in school districts, charter schools, and at contracted private

providers that participate in the State-funded preschool program will be held to the new square-footage requirement. (3)

9. Comment: The commenter requested that the Department change N.J.A.C. 6A:13A-7.1(a), as proposed for amendment, to clarify that only “publicly funded” preschool classrooms will be held to the new square-footage requirement. The commenter stated that private providers that contract with school districts to offer preschool services also operate private tuition-funded preschool classrooms. The commenter stated that the requested change at N.J.A.C. 6A:13A-7.1(a) will clarify that existing privately funded classrooms will not be required to meet the new square footage requirement and, instead, will be allowed to maintain the existing Department of Children and Families (DCF) requirement of 35 square feet per child. (4)
10. Comment: The commenter requested that the Department change the amendments at N.J.A.C. 6A:13A-7.1(a) to clarify that only “publicly funded” preschool classrooms will be held to the new square-footage requirement and to explicitly state that infant/toddler rooms and privately funded preschool rooms will continue to follow DCF’s requirement of 35 square feet per child. The commenter stated that the requested change will protect infant/toddler capacity while accelerating access to State-funded preschool. (5)

Response to Comments 8, 9, and 10: The Department appreciates the commenters’ support of the amendments at N.J.A.C. 6A:13A-7.1(a). The Department declines to further amend N.J.A.C. 6A:13A-7.1(a), as requested, because the chapter’s purpose and scope at N.J.A.C. 6A:13A-1.1(a) indicates that the chapter’s rules apply to State-funded preschool programs offered in school districts and by contracted private providers and local Head Start programs receiving State preschool funding. DCF’s regulations govern

child care, including privately funded preschools. As the previous square footage requirements at N.J.A.C. 6A:13A-7.1 exceeded DCF's requirements for child care centers, the Department is confident that existing private providers that offer both State-funded preschool under contract with a school district and private child care will be able to continue to differentiate between the requirements for each program type. DCF has proposed a rulemaking to amend N.J.A.C. 3A:52, Manual of Requirements for Child Care Centers, to change the requirements of newly licensed child care facilities to 42 square feet of usable space per child as part of Governor Phil Murphy's plan to streamline space requirements for facilities that serve children from birth through age four across the two State agencies.

11. Comment: The commenter asked what standard will govern the size of toilet rooms since the Department has proposed at N.J.A.C. 6A:13A-7.1(a) to delete the existing requirement for toilet rooms to be 50 square feet. (6)

Response: The requirements that mandate the size of toilet rooms can be found at N.J.A.C. 6A:26-6.3(h)4.

12. Comment: The commenter requested clarification regarding the meaning of "direct supervision" for preschool students utilizing toilet rooms located outside the classroom on the same floor as the classroom space, as set forth at new N.J.A.C. 6A:13A-7.1(a)1ii. The commenter asked whether the classroom teacher or another staff member is required to provide the direct supervision, what is involved in direct supervision, and whether having the staff member stand outside the toilet room correlates to direct supervision. (6)

Response: "Direct supervision" means a district, private provider, or Head Start agency employee must be physically present to ensure the safety of students. Preschool children

must be under direct, continuous staff supervision at all times, including during toileting. Children must be escorted to and from the bathroom by a staff member, and a staff member must remain in the bathroom with the child for the entire duration. At no time may a child be left unsupervised. In addition, guidance on supervision can be found in the Preschool Classroom Teaching Guidelines (2019), which are available at <https://www.nj.gov/education/earlychildhood/preschool/docs/psteachingguidelines.pdf>.

13. Comment: The commenters provided feedback on P.L. 2025, c. 101, which allows school districts to enter into multi-year contracts with private preschool providers instead of only one-year contracts. The commenters supported a collaborative template for multi-year contracts, indicating several benefits, such as increased stability, staff retention, consistent facility upgrades, improved efficiency, relationships with suppliers or clients, and opportunities for private providers to share feedback without fear of retribution. The commenters also recommended that a coalition comprised of the Department, school districts, and private child care providers could create a mutually beneficial template for future multi-year contracts. (7 and 8)

Response: The Department appreciates the feedback regarding P.L. 2025, c. 101. However, the law is outside the scope of this rulemaking.

Federal Standards Statement

There are no Federal standards or requirements that have an impact on the adopted amendments. Therefore, a Federal standards analysis is not necessary.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*):

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 42 square feet of usable space per child and have an enrollment that does not exceed 15 preschool students, pursuant to N.J.A.C. 6A:13A-4.3(a).

1. Preschool classroom toilet rooms shall be located:
 - i. Within the classroom, in addition to the usable space required at (a) above; or
 - ii. Outside the classroom on the same floor as the classroom space. Preschool toilet rooms located outside of the classroom shall be designated for use by only preschool and kindergarten students, and the district board of education or charter school shall require direct supervision of preschool students when utilizing the toilet rooms.
2. Any preschool classroom that is relocating as of, or after, *[(the effective date of this rulemaking)]****November 17, 2025***, shall immediately meet the minimum space requirements set forth at (a) above.