# Private Provider and Head Start Contract Frequently Asked Questions 2024-2025

## Can the District adjust monthly payments if providers are under enrolled?

Districts should not adjust payments based on enrollment for the first two months. The District shall make eleven (11) monthly payments to the Provider in the sum of one-eleventh (1/11) of the revenues provided under the Provider’s or Head Start’s District-approved 2024-2025 budget planning document.

## Can the District mandate that Providers obtain additional insurance?

Any additional insurances mandated by the District must be covered by the District. The Provider shall procure and maintain at its own expense the following:

* Generable Liability Insurance
* Comprehensive Automobile Insurance
* Workers’ Compensation Insurance
* Employers Liability Insurance
* Employee Fidelity Bond

## Can the District share teacher evaluation scores?

In accordance with TEACHNJ and Achieve NJ regulations and NJQSAC, Districts are only required to collect summative teacher evaluation scores from *District teachers* that are accruing or maintaining tenure. Teachers employed by Provider and Head Start programs do not qualify for tenure.

## Who is responsible for observing and mentoring provisional teaching staff employed by Providers and Head Start?

As the lead agency receiving Preschool Education Aid (PEA), the District is required to develop a District mentoring program as outlined in N.J.A.C. 6A:9C.5.1. For Districts that receive Preschool Expansion Aid (PEA), this includes any teachers in your contracted program classrooms, as they are an extension of your District preschool program. The same mentoring requirements shall be followed for in-District and Provider classrooms.

## Is the Early Childhood Environmental Rating Scale Third Edition (ECERS-3) required to be administered in the program and what happens if the District uses a different tool such as a curriculum fidelity tool or CLASS?

The DOE requires use of a structured observation instrument as per administrative code. The ECERS-3 allows for preschool classrooms to establish a baseline score reflecting elements of quality that are research-based and standard regardless of setting. For the purpose of contracting, valid ECERS-3 scores must be administered by an independent trained and reliable observer. In the contract, Districts must insert a 4.5 unless discussion with the DOE results in a different score entry. Districts are strongly encouraged to utilize other observation instruments that measure curriculum fidelity to be used for coaching purposes by the Preschool Instructional Coach (PIC).

## Can Head Start provider disenroll students?

Head Start providers must follow federal guidance on disenrolling students.

## What is Pass the Trash?

Pre-Employment Resources P.L. 2018, c. 5

Effective June 1, 2018, [*P.L. 2018, c. 5*](http://www.njleg.state.nj.us/2018/Bills/PL18/5_.PDF)requires that all school districts, charter schools, nonpublic schools, and contracted service providers make certain inquiries regarding child abuse and sexual misconduct of prospective employees who will have regular contact with students. Consistent with the statute, the Department of Education has developed employment forms that hiring entities may use to complete the required employment history review. If a hiring entity chooses not to use the forms provided below, the hiring entity is still required to comply with the terms of the statute. Please note that this employment review is separate from the criminal history review requirements.

The resources below include two forms and a list of frequently asked questions regarding the implementation of *P.L.* 2018, *c.* 5:

* [Sexual Misconduct/Child Abuse Disclosure Release](https://www.nj.gov/education/crimhist/preemployment/Release.pdf)
* [Sexual Misconduct/Child Abuse Disclosure Information Request](https://www.nj.gov/education/crimhist/preemployment/InformationRequest.pdf) (follow-up form)
* [Frequently Asked Questions](https://www.nj.gov/education/crimhist/preemployment/faq.pdf)

## If the District doesn’t renew the Provider’s contract, can the District recover equipment or the cost of the equipment?

Upon non-renewal, the District shall recover from the Provider all playground materials, playground equipment both installed and uninstalled, start-up classroom materials and start-up classroom technology or the monetary equivalent thereof. The amount to be recovered shall be determined by current market value or depreciated value of said items (as per Federal Depreciation schedule), whichever is lower.

## Are the number of calendar days for Districts and Providers different?

The number of calendar days for both the District and Provider/Head Start should be a minimum of 180 days, for a full day 6-hour program. If the School District offers more than 180 days for in-District classrooms, the contracted programs must also be held to this requirement.

## Is it required that Providers and Head Start match the exact days of the District calendar?

Calendars do not have to match exactly however, the number of total days, for students and teacher PD days must meet the 180-day minimum. Districts and contracted programs should share calendars to ensure seamless communication for families and children. In addition, regular updates should occur such as planning around snow days and holiday breaks.

## Do Provider staff have to show proof of P-3 certification annually?

Newly hired staff must submit proof of certification at time of hire. All “Appropriately Certified Teachers” shall hold a bachelor's degree and, at a minimum, a Certificate of Eligibility or Certificate of Eligibility with Advanced Standing for Preschool through Grade Three certification or other equivalent preschool certification, as set forth in *N.J.A.C.* 6A:9B et seq. Districts are encouraged to verify teaching credentials and maintain a database of teaching staff for the Budget Workbook submission.

## Can Districts mandate Providers to complete data entry for power schools?

Providers must be compensated for any data entry mandates.

## If the District requires that preschool students wear uniforms, does this apply to contracted programs?

The District should encourage policies, where appropriate, that are districtwide, however this should be discussed and agreed to prior to implementing the policy. At no time, can families in the program be charged fees for uniforms, field trips or holiday activities/celebrations.

## How should District and contracted programs handle families that may be sending their children for only part of the week or half-day?

Districts should create policies in collaboration with contracted Providers to ensure that families understand the expectations of the full-day 6-hour program. This is especially pertinent to children served in Provider and Head Start settings since payment is tied to average attendance and monthly enrollment requirements respectively.

## How do I get CDS codes for my contracted programs?

CDS codes are issued annually by the DOE and will be closed out at the end of the 2023-24 school year. In order to be reopened, executed contracts with all required signatures need to be uploaded to Homeroom. Please follow the timelines to ensure that all codes are opened before the October 15 ASSA count.

## If I contract with a Provider or Head Start with multiple sites, can I just submit one primary contract?

Yes, a Head Start or Provider contract can include its primary headquarters but must list out each location/site that is operating preschool classrooms as part of the districtwide program. Each location/site will be issued separate CDS codes as part of the executed contract. It is critical that the physical address for the location where children are being served is listed within the contract.

## Can teaching staff in contracted Providers and Head Start, apply for District teaching positions?

Yes. However, the District cannot actively recruit teachers from collaborative sites and fill in-District positions within the current school year which might violate employment agreements at the Provider and/or Head Start program. Furthermore, Districts and Providers/Head Start should ensure pay parity for teachers that are comparable to the District salary scale.

## Can a District withhold funds to cover administrative costs and/or materials and supplies because the District can get a larger discount?

Withholding funds is allowable. However, both parties must agree to the terms or percentage in accordance with the individualized Provider/Head Start budget. Documentation showing that the District and contracted program met in advance during the contract year is required.

## My Superintendent no longer wishes to continue contracting with a local Provider. What do I need to do?

Refer to Section X: Renewal or Non-Renewal of the Preschool Program Contract