

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

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

Education

Commissioner of Education

Elements of High-Quality Preschool Programs

Adopted Amendments: N.J.A.C. 6A:13A-1, 2, 3, 4, 5.1, 5.2, 5.3, 5.5, 6, 7, 8, 9, 10, and 11

Adopted Repeal: N.J.A.C. 6A:13A-5.4

Proposed: September 7, 2021, at 53 N.J.R. 1421(a).

Adopted: July 12, 2022, by Angelica Allen-McMillan, Ed.D., Acting Commissioner, Department of Education.

Filed: July 12, 2022, as R.2022 d.101, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

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

Effective Date: August 15, 2022.

Expiration Date: March 20, 2024.

Summary of Public 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. Jean Public
2. Pamela Brillante, Professor of Education, The William Paterson University of New Jersey
3. Dominick DiFalco, Chief Strategy Officer, Great Oaks Legacy Charter School
4. Paul Velelis, School Business Administrator/Board Secretary, Golden Door Charter School
5. Harry Lee, President and CEO, New Jersey Public Charter Schools Association
6. Cynthia Rice, Senior Policy Analyst, Advocates for Children of New Jersey

7. Jonathan Pushman, Director of Governmental Relations, New Jersey School Boards Association
8. Elizabeth Franks, Ed.D., New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators

1. Comment: The commenter expressed support for the proposed amendments at N.J.A.C. 6A:13A. The commenter stated that the proposed amendments will help school districts implement and maintain high-quality preschool programs for eligible three- and four-year-old children in the State. The commenter also stated that the proposed amendments will ensure consistency in the school districts' provision of preschool education in both existing and new preschool programs, while accounting for the diversity and the needs of school communities. The commenter further stated that the proposed amendments maintain the elements essential for the implementation of a high-quality preschool program, through having specific staff roles and responsibilities, transition services, and preschool intervention and referral services. (7)

Response: The Department appreciates the support and agrees the proposed amendments will strengthen the high-quality programs being implemented for three- and four-year-old children.

2. Comment: The commenter requested that the Department add a definition at N.J.A.C. 6A:13A-1.2 for "dual language learner (DLL)" to mean children who are learning two or more languages at the same time, as well as those learning a second language while continuing to develop their first language. The commenter stated that the definition is part of the Department's updated Preschool Classroom Teaching Guidelines and should be included in the chapter. (8)

Response: The Department declines to make the amendment because the term is not used in the chapter.

3. Comment: The commenter requested the following amendments to five existing or proposed definitions at N.J.A.C. 6A:13A-1.2, to provide clear guidance that the multilingual needs of DLLs are being systematically supported. Additions to the existing or proposed definitions are in boldface, thus:

“Family worker” means a person, **bilingual, if applicable**, 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;

“Kindergarten entry assessment” or “KEA” means a comprehensive measurement of children’s knowledge, skills, and behaviors at the beginning of kindergarten, **in home language and English, if applicable**;

“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 **in home language and English, if applicable**;

“Preschool instructional coach” means a position for modeling, coaching, observing, and providing feedback to teaching staff in preschool programs using the reflective cycle. **A bilingual or ESL coach or a coach with experience in second language acquisition process, if applicable**; and

“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 **are bilingual**, exhibit challenging behaviors, learning

difficulties, or other social difficulties, and to decrease the number of referrals to special education. (8)

Response: The Department declines to amend the proposed definitions for “family worker” and “performance-based assessment” at N.J.A.C. 6A:13A-1.2 because the definitions that explain the terms’ meanings are not contingent on classroom conditions or variable factors and, therefore, are not applicable to the individuals who fill the positions or the language of the assessment.

The Department declines to amend the proposed definition for “preschool instructional coach” because bilingual or ESL coaching experience is not a requirement to obtain the certificate needed for the position.

The Department declines to amend the proposed definition for “preschool intervention and referral specialist” or “PIRS,” as the focus of the position is on socio-emotional and behavioral issues and helping the general education teacher to support all students. The requested language would group bilingual students with students who may exhibit challenging behaviors or learning or other social difficulties.

The Department declines to amend the definition of “kindergarten entry assessment.” The issue of the kindergarten entry assessment will require extensive stakeholder engagement before proceeding with the changes of the next readoption of N.J.A.C. 6A:13A, which is scheduled to expire on March 20, 2024.

4. Comment: The commenter stated that N.J.A.C. 6A:15-1.4(d) requires school districts to establish bilingual education programs whenever there are 20 or more English language learners (ELLs) in any one language classification enrolled in the school district, but there is no similar requirement for preschool programs. The commenter requested that

N.J.A.C. 6A:13A be amended to require school districts that must offer a bilingual program in kindergarten, pursuant to N.J.A.C. 6A:15, to also provide home language support for all dual-language three- and four-year old children. (8)

Response: The Department declines to amend N.J.A.C. 6A:13A as requested because Title III, which is the part of the Federal Every Student Succeeds Act (ESSA) that addresses services for ELLs, does not extend to preschool. The Department will provide, in the Preschool Program Implementation Guidelines, recommendations for establishing bilingual programs for three- and four-year-old children when a bilingual program is offered by the school district in kindergarten.

5. Comment: The commenter expressed concern regarding new N.J.A.C. 6A:13A-2.2(b), which requires a district board of education that offers universal or targeted preschool to ensure that age-eligible preschoolers who are domiciled in the school district, are eligible to attend the school district's preschool program, and seeking enrollment are offered enrollment in the program and are not placed on a waiting list. The commenter stated that the Department's current application process requires preschool expansion districts to include the specific number of classrooms/spaces they seek to open in the coming school year, but the proposed regulation is silent as to how a school district should proceed if the demand for preschool spaces exceed the number of spaces outlined in the school district's plan. The commenter also stated that the proposed regulation should clarify the issue so school districts can avoid the need for a waiting list in such a circumstance. (6)

Response: The Department declines to amend the regulation. Preschool expansion districts are expected to serve 90 percent of the school district's age-eligible universe of three- and four-year-old children. Preschool expansion districts can apply annually for

waivers, if they demonstrate that they are working toward meeting the provisions at N.J.A.C. 6A:13A-2.3(a). School districts that are subject to the *Abbott v. Burke* decision at 153 *N.J.* 480 (1998) are required to serve all students and not maintain a waitlist.

6. Comment: The commenter supported new N.J.A.C. 6A:13A-2.2(c), which requires a district board of education to contract with every willing Head Start program that is able to meet the chapter's requirements for the number of eligible preschool students in the local Head Start catchment area. The commenter stated that the inclusion of Federal Head Start funds, coupled with State preschool dollars, will maximize the use of Federal funds and provide additional resources for a school district's most at-risk students.

The commenter also stated that the requirement at new N.J.A.C. 6A:13A-2.2(c) should be amended to include licensed childcare providers that can meet the chapter's standards. The commenter also stated that not requiring school districts to partner with eligible childcare providers will result in program access remaining inadequate for eligible three- and four-year-old children, whose families may never be able to afford the level of quality that the State's preschool program provides. The commenter further stated that extending the requirement to childcare providers is essential if the State is committed to equitable, universal access to all eligible three- and four-year-olds and a mixed delivery system. (6)

Response: The Department declines to amend the regulation. The issue will require extensive stakeholder engagement before proceeding with the changes of the next readoption of N.J.A.C. 6A:13A and the engagement cannot be completed during this rulemaking.

7. Comment: The commenter requested that the Department amend recodified N.J.A.C. 6A:13A-3.1(b)5 and 6 to add "linguistic" to the areas of development and skills, respectively. The commenter also requested an amendment to include "in the home language and English,

if applicable” at the end of the requirement for curriculum and assessment strategies and/or resources to be developmentally appropriate and include performance-based assessment measures. (8)

Response: The Department declines to amend the regulation. The issue will require extensive stakeholder engagement before proceeding with the changes of the next readoption of N.J.A.C. 6A:13A and the engagement cannot be completed during this rulemaking.

8. Comment: The commenter suggested a new rule at N.J.A.C. 6A:13A-4.1(a)1ii to require administrators who oversee in-district buildings that include preschool classrooms with DLLs, but are not stand-alone early childhood education or preschool buildings, and who do not possess experience in bilingual or ESL education, to acquire knowledge of the content and skills relevant to working with dual language preschool-aged children through training, coursework, and/or professional development, as determined and provided for, by the school district. (8)

Response: The Department declines to adopt the suggested rule to mandate specific training. It is expected that the early childhood supervisor has experience working with preschool-aged children and holds the appropriate certifications. The Department requires administrators who lack the preschool experience to receive professional development relevant to their position. The Department has also partnered with William Paterson University to offer a new training seminar on early childhood to administrators who oversee preschool programs, but do not have preschool experience. School districts determine professional development plans for staff, based on the unique needs of the school district and of the individual and may include training in areas such as special

education, DLLs, or homeless students. Furthermore, N.J.A.C. 6A:9C governs professional development requirements for school leaders.

9. Comment: The commenters expressed support for new N.J.A.C. 6A:13A-4.1(a)1i, which requires 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, to 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 and 6)

Response: The Department appreciates the support.

10. Comment: The commenter stated that new N.J.A.C. 6A:13A-4.1(a)1i will ensure that preschool educational leaders have a strong understanding of how young children learn, which will strengthen the administrators' ability to effectively mentor and evaluate their staff. The commenter also stated that the provision will strengthen the overall preschool program and will benefit young learners. (6)

Response: The Department appreciates the support.

11. Comment: The commenter requested an amendment at recodified N.J.A.C. 6A:13A-4.2(f)8 to add "inclusive of bilingual and ESL programs" to the preschool instructional coach's responsibility to support transition activities, programs, and services between and among preschool through grade three programs. (8)

Response: The Department declines to adopt the suggested amendment. The preschool instructional coach's stated responsibilities of supporting transition activities, programs,

and services includes all general education preschool classrooms, which is inclusive of bilingual and ESL programs.

12. Comment: The commenter requested that the following new rule be added at N.J.A.C. 6A:13A-4.3(a)1i as part of the instructional staff requirements for preschool programs: Where a school district is required to provide a bilingual program in the kindergarten through grade 12 (K-12) program, one of the instructional staff members shall speak the language identified in the bilingual program. (8)

Response The Department declines to amend the regulation. The issue will require extensive stakeholder engagement before proceeding with the changes of the next readoption of N.J.A.C. 6A:13A.

13. Comment: The commenter requested an amendment at N.J.A.C. 6A:13A-4.4(d) to add “bilingual, ESL teachers, if applicable” to the list of staff who may comprise the preschool intervention and referral specialist (PIRS) position and/or team. (8)

Response: The Department declines to amend the regulation. The requirement to serve as the PIRS is experience in preschool teaching. If a teacher is bilingual, and possesses the required preschool teaching experience, the teacher is eligible to fulfill the position.

14. Comment: The commenter stated that, to have effective preschool programs, staff should understand the emotional needs of young children and be knowledgeable about school and community resources available to families to meet identified needs. (7)

Response: The Department agrees with the commenter. N.J.A.C. 6A:13A-4.4 requires PIRSS to be trained in social-emotional learning and coaching of instructional staff in the classroom. The school district’s early childhood department is comprised of multiple

positions that work together to provide resources to families; the positions include the community parent involvement specialist and family workers.

15. Comment: The commenter expressed support for N.J.A.C. 6A:13A-5.1(b)1, as proposed for amendment, particularly the emphasis on helping ELLs “maintain their home language while acquiring English” within their regularly assigned preschool classroom. The commenter stated this type of systematic support is important because it is highly likely that preschool teachers will have children who are DLLs in their classrooms. The commenter also stated that the Migration Policy Institute analyzed New Jersey data and estimated that an average of 58.3 percent of preschoolers enrolled in 2011 through 2015 were DLLs. (8)

Response: The Department appreciates the support.

16. Comment: The commenter requested an amendment at new N.J.A.C. 6A:13A-6.1(a)2, which requires the 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. The commenter requested that “in home language and English, if applicable” be added after “kindergarten entry assessment.” (8)

Response: The Department declines to amend the regulation. The issue will require extensive stakeholder engagement before proceeding with the changes of the next readoption of N.J.A.C. 6A:13A and the engagement cannot be completed during this rulemaking.

17. Comment: The commenter also expressed concern about the lack of early childhood knowledge in the leadership of small school districts that receive Preschool Education

Aid (PEA). The commenter requested that specific early childhood teacher evaluation training be added to the required PEA leadership professional development due to the high-stakes nature of the educator evaluation system. The commenter also requested that one of the teacher evaluations in a publicly funded preschool be completed by, or with, a trained evaluator as part of the coursework and training. (2)

Response: The Department declines to amend the requirement as suggested by the commenter. N.J.A.C. 6A:10, Educator Effectiveness, governs educator evaluation, which is not addressed at N.J.A.C. 6A:13A.

18. Comment: The commenter expressed concerns with the proposed amendments at N.J.A.C. 6A:13A-7.1(a) regarding preschool classroom facilities, including minimum square footage standards. The commenter stated that charter schools do not have dedicated facilities funding and could not afford to construct dedicated preschool classrooms to meet the minimum square footage standards. The commenter also stated that enforcing the arbitrary square footage standards would result directly in the loss of a valuable program for underserved children. (3)
19. Comment: The commenter expressed concerns that the amendments at N.J.A.C. 6A:13A-7.1(a) would apply the preschool classroom facilities efficiency standards, including minimum square footage requirements to charter schools for the first time. The commenter referenced the Charter School Program Act's provision that charter schools are exempt from public school facility regulations except those pertaining to the health or safety of students. The commenter also stated that charter schools should be exempt from the Department's facilities regulations, since charter school facilities are not subject to Department review or approval. The commenter further stated that charter schools do not qualify for State facilities

funding and that it would be financially impossible for charter schools to enlarge preschool classrooms to comply with the minimum square footage requirements, especially for charter schools that are in buildings that are more than 100 years old. (4)

20. Comment: The commenter requested an amendment at N.J.A.C. 6A:13A-7.1(a) to remove charter schools from the 950-square-foot requirement for preschool classrooms. The commenter stated that the mandate directly conflicts with the Charter School Program Act, which generally exempts charter schools from State educational facilities standards. The commenter also stated that the proposed amendments impose facilities size requirements without providing commensurate funding for charter schools to conform their facilities to the mandate. The commenter further cited court decisions that the commenter indicated have settled that: 1) a regulation cannot amend, alter, enlarge, or limit the terms of the legislative enactment when a statute's provisions are clear and unambiguous and 2) the statute prevails over the regulation where there is a conflict. The commenter also stated that the Legislature explicitly recognized that the educational flexibility afforded to charter schools by N.J.S.A. 18A:36A-10 extends to their classroom facilities, as well, by allowing them to operate within public buildings, former nonpublic schools, and any other suitable location.
- The commenter contended that more than half of the State's charter schools providing preschool programs will have difficulty meeting the 950-square-foot space requirement as the rule, as proposed for amendment, contains no grandfathering provision and is retroactive to any charter school that received Preschool Education Aid, as of August 2017. The commenter also stated that many charter schools providing high-quality preschool programs will be unable to enlarge their preschool facilities to comply with the new mandate because they do not qualify for State facilities funding under the Educational Facilities Construction

and Financing Act (EFCFA), N.J.S.A. 18A:7G-1 et seq. The commenter further noted that the EFCFA does not mandate compliance with the facilities efficiency standards, which provide fiscal guard rails for the total square footage of a school facilities project that will qualify for State funding, but are not intended to be construction design standards. The commenter also stated that, by rigidly requiring all preschool classrooms to meet a minimum of 950 square feet, the proposed amendments impose facility size requirements that are not even mandated by the EFCFA. (5)

Response to Comments 18, 19, and 20: All preschool programs that receive PEA are subject to the same rules, including programs operated by charter schools. While the Charter School Program Act of 1995, which governs kindergarten through grade 12, contains added flexibility for charter school facilities, the statute is silent with respect to preschool programs. Charter schools agree to abide by all preschool standards when they accept PEA. Therefore, the facilities requirements apply to preschool programs operated by charter schools.

21. Comment: The commenter expressed concerns with proposed N.J.A.C. 6A:13A-7.1(a)2. The commenter stated that requiring charter schools to apply for individual waivers of room-size requirements so that they may continue operations of preschool programs is needlessly bureaucratic and redundant. The commenter also stated that a charter school should not be required to apply for a waiver of a rule that contradicts the Charter School Program Act. The commenter further stated that the Commissioner's approval of a school's charter considers the adequacy of a charter school's facilities and that every charter school is subject to a comprehensive review and charter renewal process, as well as an annual review and evaluation by the Commissioner. The commenter also stated that the State's rigorous oversight of charter schools requires charter schools that provide

preschool programs to be able to demonstrate annually their ability to deliver high-quality preschool programming in their school facility. Therefore, the commenter contended, there is no reason to overlay yet another administrative hurdle so that charter schools may deliver preschool education as part of their curriculum. (5)

Response: The Department requires all classrooms, regardless of school type, to meet the requirements at N.J.A.C. 6A:13A. The Charter School Program Act governs kindergarten through grade 12. As educational research has identified appropriate square footage as a component of high-quality preschool programs, all preschool classrooms are expected to meet the 950-square-foot standard. Charter schools, or any school type, that have classrooms that do not meet the regulation may seek a waiver from the Department to determine if those rooms may be used. The waiver process ensures that all classrooms are appropriate for preschool.

22. Comment: The commenter stated that the provision at new N.J.A.C. 6A:13A-7.1(f) that will prohibit, beginning in the 2027-2028 school year, the use of temporary classroom units (TCUs) for preschool may be a cause for concern. The commenter also stated that it is understandable why the Department seeks to eliminate, over time, the use of TCUs: finding, building, and paying for new or modified classrooms could be a problem in most communities, particularly since the relocated classrooms will be required to meet the minimum 950-square-foot requirement at N.J.A.C. 6A:13A-7.1(a). The commenter further stated that this may be extremely difficult for any community, but specifically for communities that are densely populated, the school district most likely will need funds for facilities to ensure compliance with the amendments to the rules. (6)

Response: The Department acknowledges the challenges that school districts face when

securing facilities for preschool students but, beginning in the 2027-2028 school year, will not allow TCUs to be used as classroom space. School districts have five years to plan for the transition and to identify classrooms that meet the requirements at N.J.A.C. 6A:13A-7.1. School districts must develop long-range facility plans to be able to meet the requirements at N.J.A.C. 6A:13A-7.1.

23. Comment: The commenter stated that the self-assessment and validation system (SAVS) (N.J.A.C. 6A:13A-8.1) was an excellent monitoring tool, specifically the SAVS evaluation visit from the Department. The commenter also stated that school districts receiving PEA do not have the same level of interaction with their Department liaisons, or the Department oversight, that the former *Abbott* districts received at the same stage of program implementation. The commenter further stated that many of the school districts receiving PEA lack the early childhood-specific leadership that can develop the programs into high-quality ones. (2)

Response: The Department appreciates the commenter's support of SAVS and will ensure that PEA districts engage in SAVS, if they are not using Grow NJ Kids. In light of the increase in numbers of school districts receiving PEA, the Department has developed a multi-pronged approach to support PEA districts, including individual meetings between school districts and Department staff, technical assistance sessions, site visits (in-person or virtual), and collaboration with the National Institute for Early Education Research (NIEER) to provide additional support. The Department has also partnered with William Paterson University to offer a new training seminar on early childhood to administrators who oversee preschool programs but do not have preschool experience.

24. Comment: The commenter stated that preschool programs can be improved through the collaborative efforts of public schools and community-based programs, including joint staff training opportunities and program articulation. The commenter also stated that school districts should be encouraged to work with community groups, higher education institutions, and the corporate sector to develop partnerships targeted to the delivery of quality preschool programs. (7)

Response: The Department agrees with the commenter. N.J.A.C. 6A:13A-3 requires school districts to provide professional development to all preschool staff, regardless of classroom location (in-district or operated by a private provider or local Head Start agency). In addition, each school district is required to develop an early childhood advisory council comprised of multiple stakeholders to deliver high-quality preschool programs.

25. Comment: The commenter stated that preschool education should not be mandated by the State, unless State funds are provided to meet the need for necessary additional facilities and staff. (7)

Response: Preschool expansion is a voluntary process. The Department provides per-pupil State funding allocations to implement the required program components.

26. Comment: The commenter stated that effective preschool programs should provide for the recognition of cultural and language diversity, and efforts should be made to hire staff that reflect the ethnic and cultural heritage of the children being served. (7)

Response: The Department agrees that it is important for preschool program staff to reflect their diverse student populations and encourages diversity of staff but does not direct school districts' individual hiring selection practices. School districts are required to hire instructional staff who hold the appropriate certificate for their position. The

Department's Preschool Program Implementation Guidelines address the need for diverse staff in high-quality preschool programs.

27. Comment: The commenter requested that the Department align N.J.A.C. 6A:13A with 6A:15, Bilingual Education. The commenter stated that the multilingual needs of the DLL population must be incorporated throughout the regulations to achieve systematic support. The commenter referenced the "English language development standards" definition at N.J.A.C. 6A:15-1.2, 1.3(b), and 1.4(a), as rules in the chapter on bilingual education that refer to preschool. The commenter stated that the definition says the definition for "English language development standards" specifically mentions ELLs in preschool programs, but the English language development standards are not referenced at N.J.A.C. 6A:13A. (8)

Response: The Department thanks the commenter for the suggestion. Currently, N.J.A.C. 6A:15 is aligned to World-Class Instructional Design and Assessment (WIDA) for K-12. The Department is exploring membership with WIDA for early childhood education and looks forward to working with WIDA to ensure alignment between N.J.A.C. 6A:13A, the Preschool Program Implementation Guidelines, and WIDA's standards.

28. Comment: The commenter requested an amendment at N.J.A.C. 6A:13A-4.6(b) to add "bilingual, if applicable," after the list of staff members who can provide the social services required by the section. (8)

Response: The Department declines to amend the rule as the individual hired must hold one of the appropriate credentials and/or years of experience to fulfill the role and may also be bilingual.

29. Comment: The commenter stated that both preschool programs and bilingual education programs must submit three-year plans to the Department for approval. The commenter suggested that each program be required to identify, through their respective plans, the points that connect N.J.A.C. 6A:13A and 6A:15. (8)

Response: The Department appreciates the suggestion and will review the feasibility of connecting the two plan submissions after engaging all stakeholders. The issue will require extensive stakeholder engagement before proceeding with the changes of the next re-adoption of N.J.A.C. 6A:13A and the engagement cannot be completed during this rulemaking.

30. Comment: The commenter stated that Grow NJ Kids does not have the sufficient depth and breadth needed for public school programs oversight in the early years of funding and more needs to be done to assure that public the money is being spent wisely. (2)

Response: Both SAVS and Grow NJ Kids are program implementation self-assessments. The Department oversees programs through its review of annual plans and budgets to identify appropriate implementation and spending.

31. Comment: The commenter suggested that PEA-specific language and data be added to the New Jersey Quality Single Accountability Continuum (NJQSAC) evaluation. (2)

Response: The comment is outside the scope of the rulemaking because N.J.A.C. 6A:30 governs NJQSAC.

32. Comment: The commenter stated that the reference to three-year-old children should be removed from N.J.A.C. 6A:13A and preschool should be provided to only four-year-old children. The commenter also stated that three-year-old children should not be without their parents for six hours a day. The commenter further stated that publicly funded

preschool for three-year-old children is a burden on taxpayers, as the children need babysitters and not teachers. (1)

Response: The New Jersey Supreme Court mandated full-day preschool for all age-eligible resident three- and four-year-old children in former *Abbott* districts. N.J.S.A. 18A:7F-54 established the funding formula that includes the provision of full-day preschool for age-eligible, three- and four-year-old children.

Federal Standards Statement

With the exception of one rule, there are no Federal standards or requirements that have an impact on the adopted amendments and repeal. Schools and/or school districts receiving Title 1 funds must follow the applicable rules established through the Every Student Succeeds Act of 2015, for paraprofessionals. Recodified N.J.A.C. 6A:13A-4.3(d) meets, but does not exceed, the Federal mandate.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

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, *[(the effective date of this rule)]* ***August 15, 2022,*** to a space not previously occupied for preschool shall immediately meet minimum space requirements set forth at (a) above.
 2. (No change from proposal.)
- (b)-(f) (No change from proposal.)
- (g) Any district board of education using TCUs or other similar temporary facilities for preschool classrooms as of *[(the effective date of this amendment)]* ***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 of the fifth year from the effective date of this amendment)]* ***June 30, 2027***.