

CHAPTER 13A
ELEMENTS OF HIGH QUALITY
PRESCHOOL PROGRAMS

Authority

P.L. 2007, c. 260.

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R.2009 d.334, effective October 8, 2009.
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Chapter Expiration Date

Chapter 13A, Elements of High Quality Preschool Programs, expires on October 8, 2014.

Chapter Historical Note

Chapter 13A, Elements of High Quality Preschool Programs, was readopted as special new rules by R.2008 d.189, effective June 13, 2008. See: 40 N.J.R. 4348(a).

Chapter 13A, Elements of High Quality Preschool Programs, was readopted as R.2009 d.334, effective October 8, 2009. As a part of R.2009 d.334, Subchapter 3, Preschool Program Plan and Annual Updates, was renamed Program Planning, effective November 2, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS FOR A HIGH QUALITY PRESCHOOL PROGRAM

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. This 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 these rules is to implement high-quality preschool programs pursuant to P.L. 2007, c. 260. These rules shall supercede N.J.A.C. 6A:10 and 6A:10A, where inconsistencies occur.

(c) The district board of education shall ensure the inclusion of preschool children with disabilities in general education settings to the maximum extent possible.

6A:13A-1.2 Definitions

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

“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.

“At-risk children” means children who are eligible for pre-school programs as defined by age- and income-eligibility pursuant to P.L. 2007, c. 260, section 12(a).

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

“Classroom quality assessment instrument” means a reliable and valid tool approved by the Department 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, also defined in this section.

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

“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.

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

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

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

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

“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.

“Five-year preschool program plan and annual updates” means the school district’s programmatic plan beginning with the 2009-2010 school year with annual updates, to implement the preschool program, meeting the provisions set forth in this chapter.

“Free and/or reduced price meal” means a meal served under the 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 24 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. Preschool shall be considered a specialized program, pursuant to N.J.S.A. 18A:39-1.

“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.

“In-district” means that 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.

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

“Master teacher” means a position for modeling, coaching, observing and providing feedback to teaching staff in preschool programs.

“Multidisciplinary team approach” means a comprehensive, integrated and coordinated effort by team members from different specialties.

“National School Breakfast Program” means the Federally assisted meal program operated in public and private non-profit 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 non-profit 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 New Jersey Department of Education document available at <http://www.nj.gov/education/ece/dap/> that provides guidance to school districts, contracted private providers and local Head Start agencies in planning and implementing high-quality preschool programs for three- and four-year-old children.

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

“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 Early Childhood Program Aid (ECPA) in 2007-2008, may submit to the department by May 30, 2008 to request approval to expand their preschool programs in the 2008-2009 school year.

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

“Preschool Education Aid” means State aid provided to district boards of education to implement high-quality preschool programs as required by P.L. 2007, c. 260 and described in this chapter.

“Preschool Expansion Aid” means the category of State funding used for the increase in the approved preschool costs from 2001-2002 for school districts with Abbott status in 2001-2002 to the 2007-2008 budget year for the projected expansion of preschool programs in 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 intervention and referral team (PIRT)” means a team of specialists 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 successful completion of the Department’s master teacher 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 program improvement plans” means the school district’s plans for improvement in areas of relative weakness identified within their preschool programs *through the self-assessment and validation system*.

“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 child care center licensed by the Department of Children and Families pursuant to N.J.S.A. 30:5B-1 et seq.

“Reliable independent observer” means an individual approved by the Department as adequately trained in the use of the classroom quality assessment instrument which is the standard for independent observation of preschool classrooms.

“Self-assessment and validation” means a school district’s analysis of its strengths and weaknesses relative to preschool program implementation, the Department’s validation of the analysis, and the school district’s plans for improvement.

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

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

“2008-2009 approved preschool per pupil amount” means the amounts established at P.L. 2007, c. 260.

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

“Universe of eligible three- and four-year-old children” means all three- and four-year-old general education children eligible for preschool pursuant to the School Funding Reform Act (P.L. 2007, c. 260) in a public school district providing a universal or targeted preschool program.

Amended by R.2009 d.334, effective November 2, 2009.
See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

Added definitions “Above-scale meal”, “Early Childhood Program Aid”, “Early Launch to Learning Initiative”, “Free and/or reduced price meal” and “New Jersey Preschool Program Implementation Guidelines”; in definition “Comprehensive curriculum”, deleted “Expectations:” following “Learning”; in definition “Comprehensive preschool educational

program”, inserted “Department” and “contracted”; in definitions “District-wide”, “Fiscal specialist” and “Preschool program contract”, inserted “contracted”; in definition “Full-day preschool”, inserted the last sentence; in definition “Performance-based assessment”, substituted “Preschool Standards” for “Expectations”; in definition “Preschool programmatic budget”, substituted “including,” for “, including”; in definition “Targeted Preschool”, inserted “a specialized”, substituted “program” for “programs” and deleted “preschool” following “at-risk”; in definition “Transition”, inserted “to kindergarten”; in definition “Universal Preschool”, inserted “a specialized” and substituted “program” for “programs”; deleted definitions “Pull-out program” and “Push-in program”; substituted definition “New Jersey Preschool Teaching and Learning Standards of Quality” for definition “New Jersey Preschool Teaching and Learning Expectations: Standards of Quality”; and in definition “New Jersey Preschool Teaching and Learning Standards of Quality”, substituted “(Preschool Standards)” for “(Expectations)”.

SUBCHAPTER 2. ELIGIBILITY, ENROLLMENT AND THE UNIVERSE

6A:13A-2.1 Eligibility

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

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

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

(d) 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.

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

1. Offer age-eligible, non-resident, at-risk children who receive preschool education aid, a full-day preschool program under a Department approved written agreement between district boards of education to enroll those children in their preschool program; 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 (e)1 and 2 above shall be contingent upon ensuring all age-eligible, resident children are given priority.

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

1. The child is preschool disabled and receiving services pursuant to N.J.S.A. 18A:46-6;

2. The child meets the eligibility requirements for universal or targeted preschool, as applicable, in the child’s district of residence and a Department approved written agreement exists between the two school districts that includes the transfer of State approved per pupil School Funding Reform Act (SFRA) preschool education aid from the sending district of residence to the district of parental employment; or

3. The child’s parent or guardian pays tuition.

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

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

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

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

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

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

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

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

1. The child is preschool disabled and receiving services pursuant to N.J.S.A. 18A:46-6;

2. The child meets the eligibility requirements for universal or targeted preschool in the child's district of residence and a Department approved written agreement exists between the two school districts that includes the transfer of State approved per pupil SFRA preschool education aid from the sending district of residence to the district of parental employment; or

3. The child's parent or guardian pays tuition.

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

(m) 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.

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

Amended by R.2009 d.334, effective November 2, 2009.
See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

Rewrote the section.

6A:13A-2.2 Enrollment

For every child's preschool application, the district board of education shall obtain enrollment information in a format provided by the Department.

6A:13A-2.3 Universe

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

(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 by the 2013-2014 school year in the five-year preschool program plan and/or annual update, as required and approved by the Department. The plan shall include annual preschool enrollment targets that coincide with the school district's projected initiation and/or expansion of preschool.

(c) 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 Application for State School Aid (ASSA) is multiplied by two with the result multiplied by the percentage of free and reduced lunch pupils in kindergarten through grade 12.

3. The school district may request that the Department adjust the universe of eligible three- and four-year-old 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 five-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 where the district still operates a half-day kindergarten program, and then may, upon approval by the Commissioner, subsidize preschool programs for resident preschool-aged children who are not eligible pursuant to this chapter or P.L. 2007, c. 260 or budget preschool education aid to support kindergarten through grade 12.

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

(g) The district board of education shall establish procedures for recruitment, enrollment and placement of all eligible resident preschool children in the preschool program.

Amended by R.2009 d.334, effective November 2, 2009.

See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

Rewrote (a) and (b); in (e), inserted "/or" and substituted "update" for "updates; added new (f); and recodified former (f) as (g).

SUBCHAPTER 3. PROGRAM PLANNING

6A:13A-3.1 Program planning

(a) A district board of education that did not receive any form of preschool aid in the 2007-2008 school year shall plan for preschool programs to be fully implemented by the 2013-2014 school year, pursuant to P.L. 2007, c. 260 based on Department approval of its five-year preschool program plan

and with full preschool education aid provided at the SFRA funded per pupil amount determined by the formula established in P.L. 2007, c. 260. Once the school district receives approval as set forth in this subsection to implement its five-year preschool program plan, it shall be required to adhere to all other rules in this chapter.

(b) School districts formerly known as Early Childhood Program Aid (ECPA) school districts 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 school year 2008-2009, and subsequently submitted and received approval from the Department for a five-year preschool program plan commencing September 2009, shall implement that Department approved preschool program plan and any updates as required and approved by the Department and shall adhere to the rules found in this chapter.

(c) Any other former Early Childhood Program Aid (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 updates as required and approved by the Department and shall adhere to N.J.A.C. 6A:13A-2.1(b) through (l) and to (c)1 through 11 below until such time as the school district receives approval to implement its preschool program, based on approval of its five-year preschool program plan by the Department, and with full preschool education aid provided at the SFRA funded per pupil amount determined by the formula established in P.L. 2007, c. 260. Once the school district receives approval as set forth above to implement its five-year preschool program plan, it shall be required to adhere to all other rules in this chapter.

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

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

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

- i. District-wide planning;
- ii. Community collaboration and planning;
- iii. Parent involvement;
- iv. Curriculum development and implementation;
- v. Inclusion of children with disabilities in general education classrooms to the maximum extent possible; and
- vi. Professional development and training.

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

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

- i. Maintains classroom enrollments of no more than 18 children with one certified teacher and one appropriately qualified assistant;
- ii. Is developmentally appropriate to the age and skill level of the young child;
- iii. Is designed to meet the New Jersey Preschool Teaching and Learning Standards of Quality, the New Jersey Preschool Program Implementation Guidelines and the New Jersey Core Curriculum Content Standards;
- iv. Includes transition activities, programs, and services between preschool programs and kindergarten programs;
- v. Coordinates with all other relevant school district programs, for example, special education and bilingual education; and
- vi. Includes an annual program evaluation.

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

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

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

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

10. The district board of education shall include parent education activities in the preschool program with specific strategies identified that assist parents in remaining ac-

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

1. A bachelor's degree and teacher certification;
2. Three to five years 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 assessment instruments and classroom quality assessment instruments; and
5. Experience providing professional development to classroom teachers.

(c) A master teacher appointed prior to September 1, 2007 shall, at a minimum, hold a preschool through grade three standard instructional certificate or an N-8 standard instructional certificate.

(d) A master teacher appointed on or after September 1, 2007 shall, at a minimum, hold a preschool through grade three or equivalent preschool certification, as set forth in N.J.A.C. 6A:9.

(e) In addition to the requirements above, depending on the population served by the district board of education, the master teacher(s) 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;
4. A graduate degree in educational supervision and/or leadership; and/or
5. Preschool Professional Development Fellow status.

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

1. Modeling, coaching, informally observing, using structured observation instruments and providing feedback to teachers in preschool programs to assist with the implementation of the comprehensive curriculum and the Preschool Standards;
2. Providing staff development, based on systematic classroom observations consistent with a classroom quality assessment instrument, as defined in N.J.A.C. 6A:13A-5.5;

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

4. Ensuring that systematic early childhood assessment occurs in the preschool program;

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

6. Participating in parent involvement programs with district board of education and private provider staff; and

7. Supporting transition activities, programs and services between and among preschool through grade three programs.

Amended by R.2009 d.334, effective November 2, 2009.

See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

Section was "Master teachers—coaching". In the introductory paragraph of (a), inserted " , described in the school district's five-year preschool program plan and/or annual update, as required, and approved by the Department,"; in (b)2, inserted "general education"; in (f)1, substituted "Preschool Standards" for "Expectations"; in (f)3, deleted "early childhood" preceding "preschool"; and in (f)5, deleted "and approved by the Department" following "curriculum" and substituted "and/or annual update as required and approved by the Department" for "and annual updates".

6A:13A-4.3 Instructional staff

(a) The district board of education shall ensure that one appropriately certified teacher and one appropriately qualified teacher assistant, pursuant to N.J.A.C. 6A:13A-4.3(f) and (g), 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 for the implementation of a high-quality preschool program, as set forth in this chapter, are maintained.

2. In-district preschool classroom 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 or other equivalent preschool certification as set forth in N.J.A.C. 6A:9.

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

(c) All private provider and local Head Start agency preschool teachers, teaching in classrooms contracted with school districts that did not receive preschool expansion aid

or educational opportunity aid in 2007-2008, who do not hold the appropriate degree and certification shall submit an initial application and annual updates documenting progress toward timely completion of following requirements to the school district verified and signed by the teacher's college advisor:

1. Is working toward completing the preschool through grade three certification by September 2012;
2. Is a student in good standing;
3. Has a minimum GPA of 2.75 when 4.0 equals an A; and
4. Has a detailed and feasible plan for attaining preschool through grade three certification within the time-frame described in (c)1 above.

(d) To ensure that teachers hold the appropriate credentials/certification, pursuant to (c) above, the district board of education shall be responsible for:

1. Reviewing each initial application and subsequent revisions for accuracy and completeness by the start of the school year;
2. Approving or denying each individual application; and
3. Ensuring that only teachers who have completed the requirements listed in (c) above remain as a classroom teacher beyond the start of the 2012 school year.

(e) 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 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:9.

(f) The district board of education teacher assistants in districts or schools supported by Title 1 funding, as applicable, shall meet the requirements pursuant to the No Child Left Behind Act of 2001, P.L. 107-110.

(g) 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.

Amended by R.2009 d.334, effective November 2, 2009.
See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

In the introductory paragraph of (a), inserted "appropriately qualified" and "pursuant to N.J.A.C. 6A:13A-4.3(f) and (g)"; in (a)1, substituted "essential elements for the implementation of a high-quality preschool program" for "preschool quality standards"; in (b), inserted "and local Head Start agency" and "classrooms contracted with" and substituted "teachers teaching" for "classroom teachers," and "that received" for "receiving"; rewrote the introductory paragraph of (c); and in (c)4, substituted "(c)1" for "(c)1i".

6A:13A-4.4 Intervention and support services

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

1. May be combined with the school district's existing intervention and referral services, required by N.J.A.C. 6A:16; or

2. May be fulfilled by contracting with a county or regional educational services commission for PIRT services where the county or regional educational services commission is approved by the State Board to do so.

(b) The PIRT 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.

(c) The PIRT shall include a combination of psychologists, learning disabilities teacher consultants, school social workers and speech and language specialists.

(d) The PIRT shall, at a minimum:

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

2. Conduct regular visits to classrooms 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 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 in N.J.A.C. 6A:14, Special Education; and

6. Bring professionals across disciplines together with families, as appropriate.

(e) The district board of education shall annually report the number of children served by the PIRT and the number of children referred to the child study team for formal evaluation in its five-year preschool program plan and/or annual update as required and approved by the Department.

7. Making all financial and program information available on request for inspection at any time to the school district or Department designee.

Amended by R.2009 d.334, effective November 2, 2009.
See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

In the introductory paragraph of (a), substituted "Any" for "The", "or" for "and" and inserted "contracting with a school district to provide a full-day preschool program pursuant to this chapter"; in (a)2, inserted "planning workbook" and inserted a comma following "education"; in (a)3, inserted "planning workbook approved by the district board of education and, as appropriate, also" and deleted "district board of education and" preceding "Department"; in (a)4i, inserted "associated"; in (a)5, substituted "contracting" for "contracted"; and rewrote (a)6.

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 program and budget decisions to school districts on or before the first of April, which decisions 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 of Education, pursuant to N.J.A.C. 6A:3, Controversies and Disputes, and shall generally proceed as a contested case except as noted in this subchapter. Service of the petition is required on the Attorney General of the State of New Jersey, and should be directed to the Department of Law and Public Safety, Division of Law, P.O. Box 112, Trenton, New Jersey 08625-0112; Attention: Education and Higher Education Section.

(b) 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.

Amended by R.2009 d.334, effective November 2, 2009.
See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

In the introductory paragraph of (a), inserted "and/or annual update"; and in (a)2, substituted "their preschool program plan and/or annual update" for "the preschool program plans".

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, he or she 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 they shall be provided the opportunity to submit any additional documents submitted to the Department or considered by the Department in rendering the decision. If the Commissioner determines, upon review of the papers submitted, that there are one or more genuine issues of material fact in dispute which can only be determined in an evidentiary proceeding, he or she may transmit the matter to the Office of Administrative Law as a contested case or retain the matter for 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 above, or expiration of the time for their submission, the Commissioner shall review the total record before him or her and render a written decision.

(b) In rendering decisions pursuant to this chapter, the Commissioner shall apply the same standards as are 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 that these standards were met by the applicant notwithstanding the Department's determination to the contrary. The record on appeal shall consist of those documents and information submitted to the Department in support of its application and any additional information relied upon by the Department in making the determination at issue.