

**CHAPTER 13A
ELEMENTS OF HIGH QUALITY
PRESCHOOL PROGRAMS**

Authority

P.L. 2007, c. 260.

Source and Effective Date

R.2008 d.189, effective June 13, 2008.
See: 40 N.J.R. 4348(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 13A, Elements of High Quality Preschool Programs, expires on December 10, 2009. See: 41 N.J.R. 2530(a).

Chapter Historical Note

Chapter 13A, Elements of High Quality Preschool Programs, was adopted as special new rules by R.2008 d.189, effective June 13, 2008. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS FOR A HIGH QUALITY PRESCHOOL PROGRAM

- 6A:13A-1.1 Purpose and applicability of rules
- 6A:13A-1.2 Definitions

SUBCHAPTER 2. ELIGIBILITY, ENROLLMENT AND THE UNIVERSE

- 6A:13A-2.1 Eligibility
- 6A:13A-2.2 Enrollment
- 6A:13A-2.3 Universe

SUBCHAPTER 3. PRESCHOOL PROGRAM PLAN AND ANNUAL UPDATES

- 6A:13A-3.1 Preschool program plan and annual updates

SUBCHAPTER 4. PROGRAM STAFFING

- 6A:13A-4.1 Administrative oversight
- 6A:13A-4.2 Master teachers—coaching
- 6A:13A-4.3 Instructional staff
- 6A:13A-4.4 Intervention and support services
- 6A:13A-4.5 Health and nutrition
- 6A:13A-4.6 Family and community involvement
- 6A:13A-4.7 District board of education—fiscal accountability and integrity of preschool program

SUBCHAPTER 5. CURRICULUM AND ASSESSMENT

- 6A:13A-5.1 Curriculum
- 6A:13A-5.2 Assessment
- 6A:13A-5.3 Screening
- 6A:13A-5.4 Ongoing performance-based assessment of children
- 6A:13A-5.5 Classroom quality assessment

SUBCHAPTER 6. TRANSITION

- 6A:13A-6.1 Transition

SUBCHAPTER 7. FACILITIES

- 6A:13A-7.1 Space requirements

SUBCHAPTER 8. PROGRAM EVALUATION

- 6A:13A-8.1 Self assessment and validation

SUBCHAPTER 9. SCHOOL DISTRICT CONTRACTS WITH PRIVATE PROVIDERS AND LOCAL HEAD START AGENCIES FOR PROVIDING PRESCHOOL SERVICES

- 6A:13A-9.1 Contract
- 6A:13A-9.2 Informal dispute resolution process
- 6A:13A-9.3 Renewal or non-renewal of a preschool program contract
- 6A:13A-9.4 Termination of a preschool program contract

SUBCHAPTER 10. FISCAL OVERSIGHT

- 6A:13A-10.1 School district fiscal responsibilities
- 6A:13A-10.2 Private provider and local Head Start agency fiscal responsibilities

SUBCHAPTER 11. APPEALS

- 6A:13A-11.1 Preschool program appeals
- 6A:13A-11.2 Review of pleadings
- 6A:13A-11.3 Commissioner review and decision

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:

“At-risk children” means children who are eligible for preschool 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 Expectations: 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 approved five-year preschool program plan that occurs within the school day and that provides the comparable teacher/child contact time in 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, 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.

“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 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.

“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.

“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 Teaching and Learning Expectations: Standards of Quality” (Expectations) 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 Expectations 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 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.

“Pull-out program” means Individualized Education Program (IEP) services delivered to preschool disabled child(ren) outside of the classroom by a specialist.

“Push-in program” means IEP services delivered to preschool disabled child(ren) by a specialist in a separate area of the classroom.

“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 preschool programs for all at-risk preschool 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 through grade three.

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

“Universal Preschool” means preschool programs 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.

SUBCHAPTER 2. ELIGIBILITY, ENROLLMENT AND THE UNIVERSE

6A:13A-2.1 Eligibility

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

1. 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.

(b) 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 preschool program by charging tuition to the parent or guardian.

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

(c) 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 and preschool is required by the IEP as developed by the school district of enrollment;

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; or

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

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

(e) 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 found at <http://www.state.nj.us/education/finance/fp/psd/cnp/application.pdf>.

(f) 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;

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

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

(h) 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 and preschool is required by the IEP as developed by the school district of enrollment;

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; or

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

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

(j) 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.

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

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, in the Department approved five-year preschool program plan and annual updates, the school district's strategies to serve at least 90 percent of the universe of eligible preschool children.

(b) All other district boards of education shall document in the Department approved five-year preschool program plan and annual updates the school district's strategies to serve at least 90 percent of the universe of eligible preschool children by the 2013-2014 school year. 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 annual updates, 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 shall establish procedures for recruitment, enrollment and placement of all eligible resident preschool children in the preschool program.

SUBCHAPTER 3. PRESCHOOL PROGRAM PLAN AND ANNUAL UPDATES

6A:13A-3.1 Preschool program plan and annual updates

(a) For district boards of education that did not receive any form of preschool aid in the 2007-2008 school year, the 2008-2009 school year shall be a planning year. Early Childhood Program Aid (ECPA) school districts submitting One-Year Preschool Operational Plans by May 30, 2008 and receiving approval from the Commissioner to expand their preschool programs in the school year 2008-2009, shall receive preschool education aid calculated in accordance with the provisions of P.L. 2007, c. 260, Section 12(a) and shall adhere to the rules found in this chapter for the 2008-2009 school year and beyond.

(b) All other Early Childhood Program Aid (ECPA) school districts shall adhere to the rules found at N.J.A.C. 6A:8 for the 2008-2009 planning year and to the rules found in this chapter for the 2009-2010 school year and beyond.

(c) The universal and targeted high-quality 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.

(d) The district board of education shall submit its five-year preschool program plan and required annual updates by January 16 of each year and the Department shall issue a determination approving or disapproving the plan no later

than April 1 of each year. The five-year preschool program plan and annual updates shall include:

1. The strategies to address the elements for high quality preschool programs outlined in this chapter;

2. A rationale for the type of delivery system chosen and, upon request by the Department, a justification for not contracting with every willing and able private provider and local Head Start agency;

3. The programmatic needs of its students, programs, private providers and local Head Start agencies;

4. The information collected annually from the self assessment and validation beginning with the initial year of preschool program implementation; and

5. For school districts providing universal preschool and not currently providing full-day kindergarten to all age-eligible students, a plan and annual updates for providing full-day kindergarten to every age-eligible student by 2013-2014.

(e) The Department approved five-year preschool program plan and annual updates shall be directly connected with, and be the primary basis for, the school district preschool budget for each school year.

(f) Any appeal of a Department decision shall be expedited pursuant to provisions set forth in N.J.A.C. 6A:13A-11.

SUBCHAPTER 4. PROGRAM STAFFING

6A:13A-4.1 Administrative oversight

(a) Each district board of education shall designate an in-district administrative position to oversee the preschool program. For school districts with greater than 750 enrolled preschool children, a dedicated in-district early childhood supervisor is required. For school districts with fewer than 750 enrolled preschool children, this position may be combined with another in-district school administrator position with the same certification and qualifications required of an early childhood supervisor.

1. Each district board of education shall ensure that in-district early childhood supervisors and administrators of in-district buildings with preschool children hold the appropriate New Jersey Supervisor's Certificate or New Jersey Principal's Certificate, have experience in preschool education and participate in annual training specific to preschool program planning and implementation and the school district's comprehensive preschool curriculum.

2. In-district administrators and/or supervisors of preschool programs shall ensure the coordination of all of the elements of a high-quality preschool program within the school district, including all private providers and local Head Start agencies. The responsibilities of the in-district

administrators and/or supervisors of preschool programs shall include:

- i. Developing and implementing the preschool budget, five-year preschool program plan and annual updates and professional development plans;
- ii. Contributing to the development of long range facilities plans;
- iii. Supervising registration, recruitment and out-reach efforts;
- iv. Overseeing contractual compliance with private provider and local Head Start agencies;
- v. Collaborating and communicating with the school district office of special services;
- vi. Facilitating transition initiatives in collaboration with other preschool through third grade administrators;
- vii. Where applicable, meeting regularly with private providers, including local Head Start agencies, to foster collaboration and program implementation including, but not limited to, fiscal and curriculum information;
- viii. Overseeing the implementation of the comprehensive preschool curriculum;
- ix. Providing assistance to all staff responsible for the implementation of appropriate early childhood practices within the preschool program;
- x. Administering strategies designed to help teachers and other professionals optimize children's learning and development in all domains;
- xi. Coordinating annual program evaluation;
- xii. Hiring, supervising and ensuring evaluation of all in-district staff funded by the preschool programmatic budget; and
- xiii. Ensuring that each private provider and local Head Start agency implements a system for classroom teacher observations.

(b) Each private provider and local Head Start agency shall provide a director pursuant to the regulations set forth in the Manual of Requirements for Childcare Centers, N.J.A.C. 10:122.

1. The director shall work on-site at the child care center for a minimum of five of the six hours of the comprehensive educational program day.
2. The director shall, at a minimum, hold the credentials set forth in the Manual of Requirements for Childcare Centers, N.J.A.C. 10:122.
3. The director shall not serve in any other position including, but not limited to, instructional staff member or family worker, during the same hours as he or she is serving in the capacity of center director.

4. If the director is required to be off-site, he or she shall assign an on-site designee, pursuant to the Manual of Requirements for Childcare Centers at N.J.A.C. 10:122. The designee shall not be a classroom teacher or teacher assistant.

6A:13A-4.2 Master teachers—coaching

(a) The district board of education shall provide master teachers at a ratio of no more than 20 preschool classrooms for each master teacher to ensure coaching and classroom support for classroom teachers. The district board of education shall provide additional master teachers to assist uncertified or inexperienced teachers, and to provide professional development that supports English language learners and children in inclusive classroom settings. For school districts with fewer than 20 preschool classrooms, the master teacher position may be fulfilled in one of the following ways:

1. Combine the preschool master teacher position with another in-district position, provided all master teacher qualifications established in this chapter are met;
2. Collaborate with one or more school district(s) to share the services of a master teacher; or
3. Contract with a county or regional educational services commission for master teacher services where the county or regional educational services commission is approved by the State Board to do so.

(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 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 Expectations;
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 early childhood 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 and approved by the Department as part of the five-year preschool program plan and annual updates;
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.

6A:13A-4.3 Instructional staff

(a) The district board of education shall ensure that one appropriately certified teacher and one teacher assistant 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 preschool quality standards, 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 preschool classroom teachers, in school districts receiving preschool expansion aid or educational 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 Head Start teachers, currently teaching in preschool classrooms, in school districts not receiving 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 to the school district signed by the teacher's college advisor verifying that the teacher is complying with the following requirements:

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 timeframe described in (c)1i 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 appli-

cable, 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.

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:

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 Expectations;

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 to the Department 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 annual updates.

(f) The PIRT shall provide support to general education classroom teachers to address the needs of children with challenging behaviors or learning difficulties.

(g) The district board of education shall ensure that preschool students are not suspended, long-term or short-term, and are not expelled from school.

6A:13A-4.5 Health and nutrition

(a) The district board of education shall employ nurses at a ratio of one for every 300 preschool students, including those students in private provider and local Head Start programs. In school districts with fewer than 300 enrolled preschool children, the services funded by the school district's preschool budget may be:

1. Provided within the school district's existing health services, required by N.J.A.C. 6A:16; or

2. Fulfilled by contracting with a county or regional educational services commission for health services where the county or regional educational services commission is approved by the State Board to do so.

(b) The district board of education shall ensure that basic child health services are provided to all enrolled preschool children. Child health services shall include:

1. At a minimum, vision, hearing, dental, height and weight screenings of each eligible child upon enrollment in preschool;

2. The maintenance of records pertaining to immunizations, physical examinations and other records necessary for transition to kindergarten; and

3. Parent education and communication designed to meet the health and social service needs of children enrolled in the program.

(c) District boards of education offering universal preschool shall apply to the National School Breakfast Program and National School Lunch Program and shall ensure that contracted private provider and local Head Start settings apply to the Child and Adult Care Food Program (CACFP), in order to offer breakfast, lunch and one snack per day, as applicable, for each enrolled preschool child.

1. If accepted into one or more of these programs, the district board of education, contracted private provider or local Head Start agency must participate for all preschool children, as applicable.

2. If not accepted into one or more of these programs, for any reason, the district board of education shall ensure that the dietary requirements listed in (d) below are followed.

(d) District boards of education offering targeted preschool shall ensure that all at-risk children in all settings are offered breakfast, lunch and one snack per day conforming to the 2005 United States Department of Agriculture dietary guidelines for Americans located at www.nal.usda.gov/childcare/Cacfp/index.html regarding meal pattern requirements and nutrition standards.

Administrative correction.
See: 40 N.J.R. 4790(a).

6A:13A-4.6 Family and community involvement

(a) The district board of education shall ensure that a coordinated system of social services is provided to families of enrolled preschool children and shall describe the system in its five-year preschool program plan and/or annual updates. These services may be offered by:

1. Coordinating the sharing and/or provision of social services among the school district, private providers and local Head Start agencies; or

2. Contracting with a county or regional educational services commission for the social services functions described below where the county or regional educational services commission is approved by the State Board to do so.

(b) The services shall be provided by a combination of social worker(s), family worker(s) and community parent involvement specialist(s) (CPIS), as approved by the Department as part of the school district's five-year preschool program plan and annual updates.

1. For in-district preschool children, a social worker with a Masters in Social Work (MSW) shall be provided for every 250 to 300 preschool children. In school districts with fewer than 250 preschool children, the social worker position may be combined with another position with the same qualifications. The social worker shall, at a minimum:

i. Collaborate with all relevant preschool instructional staff, administrators and support personnel to support the school district family services program;

ii. Coordinate with other available school district resource staff to reach out to families, determine individual family needs, advocate and obtain appropriate community services;

iii. Provide follow-up, including a review of child needs, when necessary;

iv. Facilitate access to community social services, when appropriate;

v. Collaborate with assigned school district personnel to design and provide a parent involvement program based on identified needs and parent survey responses; and

vi. Help parents learn about child development, nutrition, safety and how to support their child's learning.

2. For a private provider or local Head Start agency, a family worker shall be provided for every 45 children. In a private provider or local Head Start agency with fewer than 45 preschool children, this position may be combined with another position. The family worker shall, at a minimum:

i. Collaborate with the school district staff to ensure family involvement and social services activities occur;

ii. Coordinate participation in health and social services designated by the school district to serve the needs of the children and their families;

iii. Provide all requested data to the school district; and

iv. Report to the center director and coordinate social services activities with appropriate district social services staff.

3. For every school district, one CPIS shall be provided. School districts with fewer than 750 enrolled preschool children may combine this position with another position. The CPIS shall, at a minimum:

i. Coordinate the early childhood advisory council;

ii. Evaluate the needs of families;

iii. Coordinate systematic parent involvement plans and activities;

iv. Coordinate work with other community agencies; and

v. Coordinate work with other social service personnel.

(c) The district board of education shall establish a preschool through grade three early childhood advisory council (ECAC) to review preschool program implementation and to support transition as children move from preschool through grade three.

1. The membership of the council shall consist of stakeholders in the community, as well as contracting private providers, the local Head Start agency and parents, with new representation added as needed; and

2. Elected co-chairs shall preside at quarterly council meetings.

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

(a) The district board of education shall ensure the fiscal accountability and integrity of the preschool program.

1. In school districts with eight or more private providers including the local Head Start agency, the district board of education may employ a preschool fiscal specialist.

2. The preschool fiscal specialist shall have auditing, budgeting, and accounting experience and shall report to the early childhood administrator or the supervisor of early childhood programs, and work with the school district business administrator's office.

3. In school districts where a dedicated preschool fiscal specialist is not provided, this position may be combined with another in-district position, provided the qualifications and responsibilities established in this chapter are met.

4. The preschool fiscal specialist shall perform all functions set forth in this chapter, including, at a minimum:

i. Monitor each private provider and/or local Head Start agency for compliance with the preschool program contract;

ii. Track and report teacher certification information;

iii. Monitor expenses and review quarterly expenditure reports in accordance with the approved private provider and/or local Head Start agency budgets; and

iv. Provide financial management assistance to private providers and local Head Start agencies in the development and monitoring of their annual budgets. The preschool fiscal specialist shall collaborate with private providers and/or local Head Start agencies, as applicable, in the development of corrective action plans in response to the findings from an audit and/or a limited review examination.

SUBCHAPTER 5. CURRICULUM AND ASSESSMENT

6A:13A-5.1 Curriculum

(a) The district board of education shall ensure implementation of a comprehensive curriculum supported by research, aligned with the Expectations, and linked to the New Jersey Core Curriculum Content Standards (CCCS). The school district's choice of curricula shall be approved by the Department as part of the five-year preschool program plan and annual updates. The program and curriculum shall include, but need not be limited to, the following:

1. Systematic support for language acquisition for all children, including approaches for helping English language learners acquire English while maintaining their home language within their regularly assigned preschool classroom;

2. A clearly described, systematic and intensive instructional approach for all aspects of development and learning using the strategies and techniques delineated in the Expectations; and

3. Implementation of a comprehensive, performance-based assessment system that is aligned with the preschool curriculum.

6A:13A-5.2 Assessment

(a) The district board of education shall ensure that ongoing assessment in the preschool program is used to:

1. Plan intentional instruction for individuals and groups;

2. Identify children for health and special services;

3. Monitor trends and evaluate programs; and

4. Provide program accountability data, as specified by the Department.

6A:13A-5.3 Screening

(a) The district board of education shall conduct a developmentally-based early childhood screening assessment upon enrollment in preschool to:

1. Identify children with broad indicators of potential problems who may require further assessment; and

2. Determine if a child needs a comprehensive diagnostic assessment.

6A:13A-5.4 Ongoing performance-based assessment of children

(a) The district board of education shall ensure that all preschool classroom teachers conduct ongoing performance-based assessment of children that:

1. Is aligned with the comprehensive curriculum and approved in the five-year preschool program plan and annual updates;

2. Addresses all learning domains;

3. Uses multiple sources of evidence gathered over time;

4. Is used for curriculum planning and reporting to parents; and

5. Is not used to determine the classroom placement of children.

6A:13A-5.5 Classroom quality assessment

(a) The school district shall, at least annually, use a reliable classroom observation instrument approved by the Department as part of the five-year preschool program plan and annual updates to assess program quality in each in-district, private provider, and/or Head Start agency preschool classroom, aggregate the data, and develop professional development plans for all teaching staff.

1. The school district shall score program quality on a graduated scale in all preschool classrooms.

2. An action plan shall be developed and implemented by the school district and private provider or local Head Start agency if any classroom falls below the minimum acceptable score. Development of the action plan shall involve participation of the school district and the private provider or local Head Start agency in joint discussions to determine the classroom quality improvements that are necessary based upon the results of the observation instrument and establishment of a timeframe for making the required changes.

3. The master teacher shall provide technical assistance to the classroom teacher based upon the action plan.

4. If the district board of education deems that improvements have not been made according to the established plan and schedule, the district board of education or private provider or local Head Start agency may request that the classroom or program be evaluated by a reliable independent observer approved by the Department. If the reliable independent observer verifies that the action plan is not being satisfied in a private provider or local Head Start agency classroom, steps shall be taken to remove the private provider or local Head Start agency teacher from the classroom or not renew or terminate the preschool program contract between the private provider or local Head Start agency and the district board of education pursuant to the provisions for non-renewal and termination set forth in N.J.A.C. 6A:13A-9.

SUBCHAPTER 6. TRANSITION**6A:13A-6.1 Transition**

(a) The district board of education shall include in its five-year preschool program plan and annual updates, transition initiatives from program entry to kindergarten through grade three that describe:

1. The process for collaborating with other preschool through grade three administrators in the school district;

2. Methods for communicating information about individual children to their new kindergarten and elementary teachers; and in particular the results of the comprehensive performance-based assessment approved by the Depart-

ment as part of the five-year preschool program plan and annual updates;

3. The process for identifying and communicating the curriculum and pedagogical information about the preschool program to the kindergarten and elementary teachers; and

4. The process for providing information to parents about the kindergarten program and the transition plan from preschool through grade three.

SUBCHAPTER 7. FACILITIES**6A:13A-7.1 Space requirements**

(a) The district board of education shall ensure, for all newly contracted private provider and local Head Start agency preschool classrooms, 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.

(b) The district board of education shall ensure that all construction or alteration of playgrounds and playground equipment complies with N.J.A.C. 5:23-7 and 11, the barrier free subcode and playground safety subcode, respectively, found within the Uniform Construction Code.

(c) Any changes affecting the physical space or location of preschool classrooms require approval through the equivalency and waiver process established at N.J.A.C. 6A:5, Regulatory Equivalency and Waiver.

(d) The district board of education shall engage in systematic, long-range facilities planning to ensure that adequate facilities exist in the community to meet the elements of high-quality preschool established in this chapter.

SUBCHAPTER 8. PROGRAM EVALUATION**6A:13A-8.1 Self assessment and validation**

(a) The school district shall participate in an annual self-assessment and validation of the status of its preschool program implementation using a protocol developed by the Department. The self-assessment and validation shall include the following:

1. A detailed self-assessment and validation of its preschool program used to inform the five-year preschool program plan and annual updates; and

2. A plan for improvement in a format to be provided by the Department. The plan shall include:

- i. Identification of the program area(s) in need of improvement;
- ii. A detailed explanation of the steps to be taken by the district board of education; and
- iii. A timeline for implementation.

SUBCHAPTER 9. SCHOOL DISTRICT CONTRACTS
WITH PRIVATE PROVIDERS AND LOCAL HEAD
START AGENCIES FOR PROVIDING
PRESCHOOL SERVICES

6A:13A-9.1 Contract

(a) The preschool program contract with private providers and local Head Start agencies shall be in a form provided and/or approved by the Department.

1. Each district board of education using the State-approved preschool program contract without modifications shall submit a copy of each executed contract to the Department no later than 60 days after the Department's annual release of the contract for the following school year.

2. The district board of education may request modifications to the State-approved preschool program no later than 45 days after the Department's annual release of the contract for the following school year.

3. The district board of education shall submit a copy of each executed contract to the Department within 60 days of receiving approval from the Department to modify the State-approved preschool program contract.

(b) The district board of education shall only utilize a private provider or local Head Start agency that maintains appropriate licensure pursuant to the Manual of Requirements for Childcare Centers, N.J.A.C. 10:122, to provide services to preschool children to meet the elements of a high-quality preschool program and adheres to requirements for programmatic and fiscal accountability established in this chapter.

(c) The district board of education shall annually execute the preschool program contract provided by the Department with all contracting private providers and local Head Start agencies.

(d) Each private provider or local Head Start agency entering into a contractual arrangement with a district board of education shall be willing and able to meet the following criteria to be eligible for a contract:

1. Meet the elements identified in this chapter for the implementation of a high-quality preschool program;
2. Submit to the district board of education copies of insurance certificates, an efficient annual budget, appropriate credentials for teaching staff, attendance and pupil records and any additional documentation, including all

financial records, as requested by the district board of education and/or Department;

3. Manage funds allocated within annual Department-approved budgets in a manner that is effective, efficient and in accordance with generally accepted accounting principles.

4. Present evidence to the district board of education of compliance with Department of Children and Families background check procedures for child abuse record information pursuant to the Manual of Requirements for Childcare Centers, N.J.A.C. 10:122-4.9, and compliance with Department of Children and Families criminal history background check procedures pursuant to P.L. 2000, c. 77;

5. Procure and maintain at its own expense, until at least one year after the completion of all services performed under the contract, liability insurance for damages imposed by law and assumed under the contract from insurance companies admitted or approved to do business in the State of New Jersey;

6. Keep all pupil records in strictest confidence in accordance with N.J.A.C. 10:122 and 6A:32, the Federal Family Education Rights and Privacy Act, 20 U.S.C. §1232g, and 34 CFR Part 99;

7. Agree that the educational program offered will comply with all Federal, State and local laws and regulations regarding the secular nature of programs receiving public funding;

8. Agree to participate in any professional development opportunities offered by the district board of education for all preschool teaching staff; and

9. Provide, upon receiving reasonable notice, the district board of education and the Department of Education with access to its site and program records for the purposes of monitoring and ensuring that it is complying with all aspects of the preschool program contract.

(e) Each private provider or local Head Start agency that has not previously held a preschool program contract with a district board of education shall be able to meet the following criteria to be eligible for a contract:

1. Have previously provided preschool programs for at least one year prior to entering into a contractual relationship with the district board of education;
2. Have a documented record of appropriate financial management including timely independent audits revealing no material findings and accounting systems that can accommodate financial reporting requirements; and
3. Be able to accommodate at least 90 eligible children in a manner consistent with this chapter.

(f) Each private provider and/or local Head Start agency shall meet the minimum acceptable score on the classroom quality assessment instrument, set forth at N.J.A.C. 6A:13A-

5.5, to determine the eligibility of the private provider and the local Head Start agency to continue to contract with the school district.

6A:13A-9.2 Informal dispute resolution process

(a) The district board of education and private provider or local Head Start agency shall attempt to resolve any dispute that may arise.

1. If the dispute cannot be resolved locally, an appeal may be filed to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

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

(a) The district board of education and private provider or local Head Start agency and Department shall use the following process for renewal or non-renewal of a private provider or local Head Start agency preschool program contract:

1. For all private provider or local Head Start agency contract renewals or non-renewals:
 - i. The school district shall notify any private provider or local Head Start agency, the Department of Education, Division of Early Childhood Education and the Department of Children and Families, Office of Licensing in writing on or before May 1 of each contract year of its intent to renew or not renew the preschool program contract for an additional one year term. Any school district notification of non-renewal shall include the reason(s) for non-renewal of the preschool program contract. The school district's five-year preschool program plan and annual updates shall be amended accordingly.
 - ii. The private provider or local Head Start agency shall notify the school district in writing within 30 days of a receipt of a renewal notice from the school district of its acceptance or rejection of the offer to renew the preschool program contract for one year.
 - iii. The private provider or local Head Start agency may dispute the non-renewal of the preschool program contract received in writing from the school district by notifying the school district and the Department in writing within 10 business days of receipt of the notice of non-renewal.
 - iv. The Department may request additional information from either party.
 - v. The Department shall affirm or deny the appropriateness of the non-renewal decision in writing to the school district and the private provider or local Head Start agency.

- vi. The non-renewal decision may be appealed to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

6A:13A-9.4 Termination of a preschool program contract

(a) The school district shall have the right to terminate a private provider or local Head Start agency's preschool program contract immediately upon:

1. Revocation of the private provider or local Head Start agency's licensure;
2. Material breach of the private provider or local Head Start agency's responsibilities including the failure to conduct and document criminal background and child abuse history checks;
3. Failure to comply with all applicable requirements established pursuant to this chapter; or
4. Any other reasonable cause within the discretion of the school district and written approval from the Department.

(b) The district board of education shall use the following process to terminate a private provider or local Head Start agency's preschool program contract:

1. If a private provider or local Head Start agency fails to comply with all terms of the preschool program contract or applicable Federal, State or local requirements, the school district shall notify the private provider or local Head Start agency and the Department of the deficiency in writing.
2. If the private provider or local Head Start agency fails to resolve the deficiency within the time provided, the school district may initiate termination of the preschool program contract upon written notice to the private provider or local Head Start agency and Department. Termination of the contract shall be subject to written approval by the Department to the school district and private provider or local Head Start agency.

(c) Private providers or local Head Start agencies and school districts shall have the right to appeal to the Commissioner a school district's decision to terminate a contract pursuant to N.J.A.C. 6A:3, Controversies and Disputes. The filing of an appeal shall not prevent the termination from becoming effective on the date specified unless the appealing party seeks and is granted a stay pending decision by the Commissioner.

(d) The school district and the private provider or local Head Start agency may terminate the preschool program contract by mutual agreement, in writing, upon notice to and receipt of written approval from the Department.

1. In the event of termination under this provision, said termination shall take effect upon the 30th day from the date the school district and the private provider or local Head Start agency receive written approval from the Department to terminate the preschool program contract.

(e) Upon non-renewal or termination, the school district shall recover from the private provider or local Head Start agency all playground materials, playground equipment both installed and uninstalled, start-up classroom materials and start-up classroom technology or the monetary equivalent thereof, based upon funding for said items as approved by the Department. The amount to be recovered shall be at least equal to the amount approved for the initial start-up costs.

(f) In the event of non-renewal or termination of the preschool program contract by the school district or the private provider or local Head Start agency, the private provider or local Head Start agency may be required by the school district to continue the service until the school district has found an appropriate placement for all children. At no time shall the private provider or local Head Start agency be required to continue and be reimbursed for the service for more than ninety days beyond the expiration date of the existing preschool program contract.

SUBCHAPTER 10. FISCAL OVERSIGHT

6A:13A-10.1 School district fiscal responsibilities

(a) The district board of education shall ensure that the budget of each private provider and local Head Start agency supports the needs of the children and the actual program costs for the six-hour comprehensive educational program and day meeting Department requirements and in accordance with the school district's grade one through 12 daily school calendar and not exceeding the 10-month academic period.

(b) The district board of education shall ensure that procedures for private providers and local Head Start agencies are in place to ensure sound fiscal practices including:

1. The district board of education shall verify for accuracy and efficiency all annual budgets submitted by each private provider and local Head Start agency prior to submission of the budget to the Department.

2. The district board of education shall ensure that compensation for certified teachers and teacher assistants in private provider or local Head Start settings is comparable to that of a teacher or teacher assistant employed by the district board of education and based on equivalent certification and credentials.

i. The district board of education shall ensure that the certified teachers and teacher assistants in private providers and local Head Start agencies receiving the comparable compensation meet comparable work sched-

ule requirements for both student contact time and teacher contract time, including the equivalent number of hours per day and the equivalent number of days per contract year established by the district board of education for its certified teachers and teacher assistants. The work schedule shall also include the same amount of preparation time and lunch time as the district board of education certified teachers and teacher assistants.

3. The district board of education shall monitor the expenditures of each contracted private provider and local Head Start agency at least quarterly and shall recoup any unexpended or misspent funds based on the quarterly expenditure reports, enrollment records and monthly payments made by the school district.

4. The district board of education shall request regular updates on the status of any corrective action plans or outstanding issues raised as a result of a limited examination or audit report.

5. The district board of education shall establish the procedure by which preschool attendance is submitted to the district board of education by the private provider and local Head Start agency and verified by the district board of education.

(c) The district board of education shall verify the credentials and progress toward obtaining the appropriate certification or credentials, where applicable, of all preschool teaching staff in a private provider and local Head Start agency and shall verify that all required background and criminal checks on all employees have been conducted.

6A:13A-10.2 Private provider and local Head Start agency fiscal responsibilities

(a) The private provider and local Head Start agency shall implement sound fiscal practices including, but not limited to:

1. Maintenance of a financial management system that provides timely, accurate, current and complete disclosure of all financial activities related to the preschool program operating under preschool education aid and in accordance with generally accepted accounting principles;

2. Certification that the proposed budget submitted to the district board of education is true and accurate;

3. Making all educational, administrative and indirect support cost expenditures in strict accordance with the budget approved by the district board of education and Department;

4. Submitting to the district board of education a quarterly report of actual, approvable, reasonable and customary expenditures with supporting documentation and receipts.

i. The quarterly report shall include expenditures for all approved budget lines for the school year including all approved salaries, benefits, payroll taxes,

substitute stipends, classroom materials and supplies, start-up classroom materials/supplies and technology, if applicable, field trips and transportation, space costs, food costs, administrative and indirect costs expenditures and shall be signed and certified by an officer of the corporation;

5. Posting revenue and expenditures related to preschool education aid to separate accounts in the contracted private provider and local Head Start agency general ledger and not commingling with revenue and expenditures related to other funding sources;

6. Requesting an amendment to the approved budget with consideration by the district board of education and Department; and

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

SUBCHAPTER 11. APPEALS

6A:13A-11.1 Preschool program appeals

(a) Appeals of Department decisions on preschool program plans and 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 the preschool program plans 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 Depart-

ment and a copy of the determination from which the appeal is taken.

6A:13A-11.2 Review of pleadings

(a) Upon review of the petition, answer and supporting documentation, the Commissioner may decide to hear the matter directly pursuant to N.J.S.A. 52:14F-8 or refer the matter to the Office of Administrative Law.

(b) If the Commissioner decides to transmit the matter to the Office of Administrative Law for a hearing, where appropriate and/or requested, the Commissioner shall request that the matter be heard on an expedited basis.

(c) If the Commissioner is hearing the matter directly, 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.