

# SENATE, No. 230

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**SYNOPSIS**

Eliminates expansion of preschool education program in “School Funding Reform Act of 2008.”

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning preschool education programs and amending  
2 P.L.2007, c.260.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 12 of P.L.2007, c.260 (C.18A:7F-54) is amended to  
8 read as follows:

9 12. a. **【District factor group A and B school districts, and district**  
10 **factor group CD school districts with a concentration of at-risk**  
11 **pupils equal to or greater than 40%,】** A school district that received  
12 preschool expansion aid or education opportunity aid in the 2007-  
13 2008 school year, or any other school district that received approval  
14 from the commissioner in the 2008-2009 school year to implement  
15 a full-day preschool program pursuant to paragraph (3) of  
16 subsection c. of this section shall provide free access to full-day  
17 preschool for all three- and four-year old pupils. **【All other school**  
18 **districts shall provide free access to full-day preschool for at-risk**  
19 **pupils.】** Preschool education aid provided pursuant to this  
20 subsection shall reflect the cost of the pupil's placement in either a  
21 district program, a licensed child care provider program, or a Head  
22 Start Program.

23 **【(1)】** Preschool education aid provided pursuant to this  
24 subsection shall be calculated **【for district factor group A and B**  
25 **school districts, and for district factor group CD school districts**  
26 **with a concentration of at-risk pupils equal to or greater than 40%,】**  
27 as follows:

28 Aid = (IDE x IDA) + (PRE x PRA) + (HSE x HSA)

29 where

30 IDE is the number of district pupils, other than preschool  
31 disabled pupils, in an in-district preschool program;

32 IDA is the per pupil aid amount for an in-district preschool  
33 program;

34 PRE is the number of district pupils, other than preschool  
35 disabled pupils, in a preschool program operated by a licensed child  
36 care provider;

37 PRA is the per pupil aid amount for a preschool program  
38 operated by a licensed child care provider;

39 HSE is the number of district pupils, other than preschool  
40 disabled pupils, in a Head Start Program; and

41 HSA is the per pupil aid amount for a Head Start Program.

42 **【A CD school district with a concentration of at-risk pupils equal to**  
43 **or greater than 40% shall be eligible to receive preschool education**  
44 **aid pursuant to the provisions of this paragraph for a minimum of**

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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1 three school years from the time of initial determination of  
2 eligibility even if the district's concentration of at-risk pupils falls  
3 below a 40% concentration of at-risk pupils. In the event that the  
4 district falls below a 40% concentration of at-risk pupils for two  
5 consecutive school years, in the third school year the district shall  
6 receive preschool education aid for each at-risk pupil and for any  
7 four-year old pupil for whom the district received preschool  
8 education aid in the prior school year, and that pupil shall receive  
9 free preschool education.

10 (2) Preschool education aid shall be calculated for all other  
11 districts as follows:

12 
$$\text{Aid} = (\text{ARID} \times \text{IDA}) + (\text{ARP} \times \text{PRA}) + (\text{ARHS} \times \text{HSA})$$

13 where

14 ARID is the number of at-risk district pupils, other than  
15 preschool disabled pupils, in an in-district preschool program;

16 IDA is the per pupil aid amount for an in-district preschool  
17 program;

18 ARP is the number of at-risk district pupils, other than preschool  
19 disabled pupils, in a preschool program operated by a licensed child  
20 care provider;

21 PRA is the per pupil aid amount for a preschool program  
22 operated by a licensed child care provider;

23 ARHS is the number of at-risk district pupils, other than  
24 preschool disabled pupils, in a Head Start Program; and

25 HSA is the per pupil aid amount for a Head Start Program.]

26 b. In accordance with regulations adopted by the  
27 commissioner, all districts receiving preschool education aid  
28 pursuant to subsection a. of this section shall submit a five-year  
29 plan that provides for the full implementation of full-day preschool  
30 for all [eligible] three- and four-year olds by the 2013-2014 school  
31 year. For the purposes of this section, "full implementation" means  
32 serving 90% of [eligible] pupils in accordance with the preschool  
33 quality standards adopted by the commissioner or such greater  
34 percentage as determined by the commissioner. A school district  
35 shall annually update the five-year plan based on actual  
36 implementation experience and shall revise its pupil projections in  
37 accordance with that experience.

38 c. (1) [In the case of a school district that did not receive any  
39 form of preschool aid in the 2007-2008 school year, the 2008-2009  
40 school year shall be a preschool planning year. Beginning in the  
41 2009-2010 school year, the school district shall receive preschool  
42 education aid calculated in accordance with the provisions of  
43 subsection a. of this section based upon projected preschool  
44 enrollment.

45 In the 2009-2010 school year the school district may also receive  
46 start-up funds in accordance with regulations adopted by the

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1 commissioner.】 (Deleted by amendment, P.L. , c. ) (pending  
2 before the Legislature as this bill)

3 (2) In the case of a school district that received Early Launch to  
4 Learning Initiative aid in the 2007-2008 school year, for the 2008-  
5 2009 school year and each subsequent school year, the district shall  
6 receive preschool education aid in an amount equal to the district's  
7 allocation of Early Launch to Learning Initiative aid in the 2007-  
8 2008 school year. **【Beginning in the 2009-2010 school year, the**  
9 **school district shall receive preschool education aid calculated in**  
10 **accordance with the provisions of subsection a. of this section based**  
11 **upon projected preschool enrollment.**

12 In the 2009-2010 school year the school district may also receive  
13 start-up funds in accordance with regulations adopted by the  
14 commissioner.】

15 (3) In the case of a school district that received early childhood  
16 program aid in the 2007-2008 school year but did not receive  
17 preschool expansion aid or education opportunity aid in that year,  
18 for the 2008-2009 school year the district shall receive preschool  
19 education aid equal to the greater of the district's 2007-2008 amount  
20 of early childhood program aid for preschool or the district's 2007-  
21 2008 per pupil allocation of early childhood program aid as  
22 included in the district's original 2007-2008 budget certified for  
23 taxes, inflated by the CPI, and multiplied by the district's projected  
24 preschool enrollment; except that if the district is able to  
25 demonstrate in the five-year plan submitted to the commissioner  
26 that it has the capacity to offer a full-day three- or four-year-old  
27 program, or a full-day three- and four-year-old program, in the  
28 2008-2009 school year, the commissioner may approve the funding  
29 of the full-day program calculated in accordance with the provisions  
30 of subsection a. of this section based upon projected preschool  
31 enrollment. The district shall be informed of the commissioner's  
32 determination upon approval of the five-year plan. **【Beginning in】**  
33 **For the 2009-2010 school year and each subsequent school year,**  
34 **【the】 a school district approved by the commissioner to receive**  
35 **preschool education aid calculated in accordance with the**  
36 **provisions of subsection a. of this section in the 2008-2009 school**  
37 **year shall receive preschool education aid calculated in accordance**  
38 **with the provisions of subsection a. of this section based upon**  
39 **projected preschool enrollment. In the 2009-2010 school year 【the】**  
40 **such a school district may also receive start-up funds in accordance**  
41 **with regulations adopted by the commissioner.**

42 For the 2009-2010 school year and each subsequent school year,  
43 any other school district that received early childhood program aid  
44 in the 2007-2008 school year but did not receive preschool  
45 expansion aid or education opportunity aid in that year shall receive  
46 preschool education aid equal to the district's prior year per pupil

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1 allocation of preschool education aid inflated by the CPI and  
2 multiplied by the district's projected preschool enrollment.

3 (4) In the case of a school district that received preschool  
4 expansion aid or education opportunity aid in the 2007-2008 school  
5 year, for the 2008-2009 school year the district shall receive  
6 preschool education aid in an amount equal to the preschool budget  
7 approved by the commissioner for the 2008-2009 school year.  
8 Preschool education aid for the 2008-2009 school year shall be  
9 adjusted following receipt of the Application for State School Aid  
10 in October 2008. Beginning in the 2009-2010 school year, the  
11 school district shall receive preschool education aid calculated in  
12 accordance with the provisions of subsection a. of this section based  
13 upon projected preschool enrollment; except that for any school  
14 year the district shall not receive preschool aid in an amount less  
15 than either the total amount of preschool aid the district received in  
16 the 2008-2009 school year after the State aid adjustment or the  
17 district's 2008-2009 school year preschool per pupil aid amount  
18 multiplied by the projected number of preschool pupils after the  
19 State aid adjustment, whichever is greater.

20 In the 2009-2010 school year the school district may also receive  
21 start-up funds in accordance with regulations adopted by the  
22 commissioner.

23 d. For the 2008-2009 school year, the preschool per pupil aid  
24 amounts shall be \$11,506 for pupils enrolled in an in-district  
25 program, \$12,934 for pupils enrolled in a licensed child care  
26 provider program, and \$7,146 for pupils enrolled in a Head Start  
27 Program. The preschool per pupil aid amounts shall be adjusted by  
28 the CPI in the 2009-2010 and 2010-2011 school years as required  
29 pursuant to subsection b. of section 4 of this act. For subsequent  
30 school years, the preschool per pupil aid amounts shall be  
31 established in the Educational Adequacy Report, with the amounts  
32 adjusted by the CPI for each of the two school years following the  
33 first school year to which the report is applicable.

34 e. A district shall appropriate preschool education aid in a  
35 special revenue fund for expenditure. In the event that any  
36 preschool education aid is not expended during the budget year, the  
37 aid may be carried forward in accordance with regulations adopted  
38 by the commissioner.

39 f. In the event that a district has fully implemented a full-day  
40 preschool program for three- and four-year old pupils in accordance  
41 with its five-year plan and meets the preschool quality standards or  
42 has provided preschool education to the number of **[eligible]**  
43 students to be served during a school year in accordance with that  
44 plan and its annual updates and the preschool quality standards, the  
45 district may appropriate preschool education aid to support  
46 kindergarten through grade 12 **[or to provide preschool education**  
47 **for three- and four-year old pupils for whom the district is not**

1 required to provide preschool education] upon the approval of the  
2 commissioner. The district shall request approval in its annual plan  
3 update and any approval granted by the commissioner shall be made  
4 during the annual school budget process.

5 g. A school district shall maintain the preschool quality  
6 standards as adopted by the commissioner as a condition of receipt  
7 of preschool education aid.  
8 (cf: P.L.2007, c.260, s.12)

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10 2. This act shall take effect immediately.

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STATEMENT

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15 This bill amends the “School Funding Reform Act of 2008”  
16 (SFRA), P.L.2007, c.260, to eliminate the required expansion of  
17 preschool programs beyond the former Abbott school districts.  
18 Under SFRA, all school districts classified in District Factor Group  
19 (DFG) A or B, and districts classified DFG CD in which at least 40  
20 percent of the students are deemed at-risk, are required to provide  
21 access to full-day preschool to all three- and four-year old children  
22 residing in the district. All other school districts are required to  
23 provide access to full-day preschool to at-risk three- and four-year  
24 old children residing in the district. The law defines “at-risk” as  
25 living in a household with an income that makes the child eligible  
26 to receive free or reduced-price lunch. Districts are to achieve full  
27 implementation of the program by the 2013-2014 school year.

28 The bill eliminates these requirements for most school districts.  
29 The 31 school districts that were classified as Abbott districts prior  
30 to the enactment of SFRA would still be required to provide access  
31 to preschool for all three- and four-year old children. Similarly,  
32 five school districts that received approval from the Commissioner  
33 of Education to begin preschool expansion in the 2008-2009 school  
34 year would also be required to provide similar access. These  
35 districts would receive preschool education aid based on the per  
36 pupil amounts established in SFRA.

37 All other school districts would receive preschool education aid  
38 based on the amount of preschool funding received in prior years.  
39 Districts that received aid through the Early Launch to Learning  
40 Initiative (ELLI) program in the 2007-2008 school year would  
41 receive preschool education aid equal to the amount of ELLI aid.  
42 School districts that received early childhood program aid (ECPA)  
43 in the 2007-2008 school year and are not required to provide  
44 universal preschool under this bill would receive preschool  
45 education aid equal to the amount of per pupil preschool funding  
46 received in the prior year, inflated by the CPI, and multiplied by the  
47 projected enrollment.