

ASSEMBLY, No. 165

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

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District 24 (Morris, Sussex and Warren)

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Assemblyman Peterson

SYNOPSIS

Requires preschool tuition rates equal actual cost per pupil.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning preschool tuition rates in certain school
2 districts and amending P.L.2007, c.260 and N.J.S.18A:44-4.

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%, shall provide free access to
12 full-day preschool for all three- and four-year old pupils. All other
13 school districts shall provide free access to full-day preschool for
14 at-risk pupils. Preschool education aid shall reflect the cost of the
15 pupil's placement in either a district program, a licensed child care
16 provider program, or a Head Start Program.

17 (1) Preschool education aid shall be calculated for district factor
18 group A and B school districts, and for district factor group CD
19 school districts with a concentration of at-risk pupils equal to or
20 greater than 40%, as follows:

21
$$\text{Aid} = (\text{IDE} \times \text{IDA}) + (\text{PRE} \times \text{PRA}) + (\text{HSE} \times \text{HSA})$$

22 where

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

25 IDA is the per pupil aid amount for an in-district preschool
26 program;

27 PRE is the number of district pupils, other than preschool
28 disabled pupils, in a preschool program operated by a licensed child
29 care provider;

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

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

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

35 A CD school district with a concentration of at-risk pupils equal to
36 or greater than 40% shall be eligible to receive preschool education
37 aid pursuant to the provisions of this paragraph for a minimum of
38 three school years from the time of initial determination of
39 eligibility even if the district's concentration of at-risk pupils falls
40 below a 40% concentration of at-risk pupils. In the event that the
41 district falls below a 40% concentration of at-risk pupils for two
42 consecutive school years, in the third school year the district shall
43 receive preschool education aid for each at-risk pupil and for any
44 four-year old pupil for whom the district received preschool

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.

1 education aid in the prior school year, and that pupil shall receive
2 free preschool education.

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

5
$$\text{Aid} = (\text{ARID} \times \text{IDA}) + (\text{ARP} \times \text{PRA}) + (\text{ARHS} \times \text{HSA})$$

6 where

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

9 IDA is the per pupil aid amount for an in-district preschool
10 program;

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

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

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

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

19 b. In accordance with regulations adopted by the
20 commissioner, all districts shall submit a five-year plan that
21 provides for the full implementation of full-day preschool for all
22 eligible three- and four-year olds by the 2013-2014 school year.
23 For the purposes of this section, "full implementation" means
24 serving 90% of eligible pupils in accordance with the preschool
25 quality standards adopted by the commissioner or such greater
26 percentage as determined by the commissioner. A school district
27 shall annually update the five-year plan based on actual
28 implementation experience and shall revise its pupil projections in
29 accordance with that experience.

30 c. (1) In the case of a school district that did not receive any
31 form of preschool aid in the 2007-2008 school year, the 2008-2009
32 school year shall be a preschool planning year. Beginning in the
33 2009-2010 school year, the school district shall receive preschool
34 education aid calculated in accordance with the provisions of
35 subsection a. of this section based upon projected preschool
36 enrollment.

37 In the 2009-2010 school year the school district may also receive
38 start-up funds in accordance with regulations adopted by the
39 commissioner.

40 (2) In the case of a school district that received Early Launch to
41 Learning Initiative aid in the 2007-2008 school year, for the 2008-
42 2009 school year the district shall receive preschool education aid
43 in an amount equal to the district's allocation of Early Launch to
44 Learning Initiative aid in the 2007-2008 school year. Beginning in
45 the 2009-2010 school year, the school district shall receive
46 preschool education aid calculated in accordance with the
47 provisions of subsection a. of this section based upon projected
48 preschool enrollment.

1 In the 2009-2010 school year the school district may also receive
2 start-up funds in accordance with regulations adopted by the
3 commissioner.

4 (3) In the case of a school district that received early childhood
5 program aid in the 2007-2008 school year but did not receive
6 preschool expansion aid or education opportunity aid in that year,
7 for the 2008-2009 school year the district shall receive preschool
8 education aid equal to the greater of the district's 2007-2008 amount
9 of early childhood program aid for preschool or the district's 2007-
10 2008 per pupil allocation of early childhood program aid as
11 included in the district's original 2007-2008 budget certified for
12 taxes, inflated by the CPI, and multiplied by the district's projected
13 preschool enrollment; except that if the district is able to
14 demonstrate in the five-year plan submitted to the commissioner
15 that it has the capacity to offer a full-day three- or four-year-old
16 program, or a full-day three- and four-year-old program, in the
17 2008-2009 school year, the commissioner may approve the funding
18 of the full-day program calculated in accordance with the provisions
19 of subsection a. of this section based upon projected preschool
20 enrollment. The district shall be informed of the commissioner's
21 determination upon approval of the five-year plan. Beginning in the
22 2009-2010 school year, the school district shall receive preschool
23 education aid calculated in accordance with the provisions of
24 subsection a. of this section based upon projected preschool
25 enrollment.

26 In the 2009-2010 school year the school district may also receive
27 start-up funds in accordance with regulations adopted by the
28 commissioner.

29 (4) In the case of a school district that received preschool
30 expansion aid or education opportunity aid in the 2007-2008 school
31 year, for the 2008-2009 school year the district shall receive
32 preschool education aid in an amount equal to the preschool budget
33 approved by the commissioner for the 2008-2009 school year.
34 Preschool education aid for the 2008-2009 school year shall be
35 adjusted following receipt of the Application for State School Aid
36 in October 2008. Beginning in the 2009-2010 school year, the
37 school district shall receive preschool education aid calculated in
38 accordance with the provisions of subsection a. of this section based
39 upon projected preschool enrollment; except that for any school
40 year the district shall not receive preschool aid in an amount less
41 than either the total amount of preschool aid the district received in
42 the 2008-2009 school year after the State aid adjustment or the
43 district's 2008-2009 school year preschool per pupil aid amount
44 multiplied by the projected number of preschool pupils after the
45 State aid adjustment, whichever is greater.

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

1 d. For the 2008-2009 school year, the preschool per pupil aid
2 amounts shall be \$11,506 for pupils enrolled in an in-district
3 program, \$12,934 for pupils enrolled in a licensed child care
4 provider program, and \$7,146 for pupils enrolled in a Head Start
5 Program. The preschool per pupil aid amounts shall be adjusted by
6 the CPI in the 2009-2010 and 2010-2011 school years as required
7 pursuant to subsection b. of section 4 of this act. For subsequent
8 school years, the preschool per pupil aid amounts shall be
9 established in the Educational Adequacy Report, with the amounts
10 adjusted by the CPI for each of the two school years following the
11 first school year to which the report is applicable.

12 e. A district shall appropriate preschool education aid in a
13 special revenue fund for expenditure. In the event that any
14 preschool education aid is not expended during the budget year, the
15 aid may be carried forward in accordance with regulations adopted
16 by the commissioner.

17 f. In the event that a district has fully implemented a full-day
18 preschool program for three- and four-year old pupils in accordance
19 with its five-year plan and meets the preschool quality standards or
20 has provided preschool education to the number of eligible students
21 to be served during a school year in accordance with that plan and
22 its annual updates and the preschool quality standards, the district
23 may appropriate preschool education aid to support kindergarten
24 through grade 12 **】**or to provide preschool education for three- and
25 four-year old pupils for whom the district is not required to provide
26 preschool education**】** upon the approval of the commissioner. The
27 district shall request approval in its annual plan update and any
28 approval granted by the commissioner shall be made during the
29 annual school budget process.

30 g. A school district shall maintain the preschool quality
31 standards as adopted by the commissioner as a condition of receipt
32 of preschool education aid.

33 (cf: P.L.2007, c.260, s.12)

34

35 2. N.J.S.18A:44-4 is amended to read as follows:

36 18A:44-4. a. **【**Except as otherwise provided pursuant to
37 subsection b. of this section, the**】** The expenses **【**of preschool
38 schools or departments and**】** of kindergarten schools or departments
39 shall be paid out of any moneys available for the general fund
40 expenses of the schools, and in the same manner and under the
41 same restrictions as the expenses of other schools or departments
42 are paid, except when wholly or partly subsidized by restricted
43 funding sources or restricted endowments.

44 b. A district **【**may**】** shall collect tuition from the parents or
45 guardians of students enrolled in a preschool school or department
46 for whom the district does not receive preschool education aid
47 pursuant to section 12 of P.L.2007, c.260 (C.18A:7F-54). The

1 amount of tuition **【may not exceed】** shall equal the per pupil cost of
2 the preschool program.
3 (cf: P.L.2007, c.260, s.69)
4

5 3. This act shall take effect immediately and shall first be
6 applicable to the first full school year beginning after the date of
7 enactment.
8
9

10 STATEMENT
11

12 This bill requires that a school district that offers preschool
13 education programs that are not funded pursuant to the “School
14 Funding Reform Act of 2008,” P.L.2007, c.260, charge a tuition
15 rate equal to the actual per pupil cost of operating the program. The
16 bill also specifies that a school district may not use preschool
17 education aid to provide preschool education to students for whom
18 the district is not required to offer such a program.