

Executive Order No. 103 Notices

Education

Commissioner of Education

Notice of Rule Waiver/Modification/Suspension Pursuant to Executive Order No. 103 (2020)

COVID-19 State of Emergency

Operation of High-Quality Preschool Programs in Public Schools, Contracted Private Providers, and Local Head Start Agencies

N.J.A.C. 6A:13A-4.6, 5.5, and 8.1

Authorized: June 15, 2020, by Lamont O. Repollet, Ed.D. Commissioner, Department of Education.

Authority: N.J.S.A. App.A:9-45 and App.A:9-47; and Executive Order No. 103 (2020).

Effective Date: June 15, 2020.

Expiration Date: Upon the Termination of the Emergency Declaration Made Pursuant to Executive Order No. 103 (2020).

This is an emergency adoption of temporary waivers and modifications to rules governing the operation of high-quality preschool programs in public schools, contracted private providers, and local Head Start agencies pursuant to N.J.A.C. 6A:13A. Section 6 of EO 103 and Section 1 of EO 117, issued in response to the COVID-19 pandemic, authorize agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Commissioner of Education is waiving or modifying Department of Education rules as follows:

1. N.J.A.C. 6A:13A-4.6(c)2 requires the Early Childhood Education Council established by a district board of education to meet quarterly.

In light of the extended public health-related school closures, a fourth quarter meeting may not be able to be conducted since school buildings are closed and not all members of an Early Childhood Education Council may have access to a virtual platform. Therefore, it is necessary to allow councils to forgo the final meeting for 2019-2020 school year if they cannot meet remotely.

Under the modified rules, the elected co-chairs of the Early Childhood Education Council will be required to preside at quarterly meetings virtually, remotely or via telephone, unless an alternative platform is not available to all members during the effective dates of Executive Orders 103 and 119.

2. N.J.A.C. 6A:13A-5.5(a) requires school districts to annually use a reliable classroom quality assessment instrument to assess program quality in each in-district, contracted private provider, and/or Head Start preschool classroom, aggregate data, and develop a Professional Development (PD) plan for all teaching staff. In light of the extended public health-related school closures, a classroom quality assessment cannot be conducted. Therefore, it is necessary to waive the requirement to complete classroom quality assessments during the effective dates of Executive Orders 103 and 119.
3. N.J.A.C. 6A:13A-8.1 requires the district board of education to participate in a self - assessment validation system to inform the school district of the status of its preschool program implementation using a protocol developed by the Department. The self-assessment and validation system must include the following: a detailed, annual self-

assessment by the district board of education of its preschool program to inform the five-year preschool program plan and/or annual update; and a validation visit by a State team at least once every three years.

In light of the extended public health-related school closures, a validation visit cannot be conducted. Therefore, it is necessary to waive the validation visits that would have occurred during the COVID 19 Public Health Emergency. Those validation visits scheduled during the Public Health Emergency will be rescheduled when the Department resumes validation visits in the 2020-2021 school year.

Full text of the modified rule text follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

6A:13A-4.6 Family and community involvement

(a) – (b) (No change.)

(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. (No change.)

2. Elected co-chairs shall preside at quarterly council meetings. **The meetings may occur virtually, remotely, or via telephone, unless an alternative platform is not available to all members during remote instruction.**

[6A:13A-5.5 Classroom quality assessment

(a) Starting in the first year of preschool program implementation, the school district shall, at least annually, use a reliable classroom quality assessment instrument described in the five-year preschool program plan and/or annual update, as required and approved by the Department, to assess program quality in each in-district, contracting 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 contracting private provider or local Head Start agency if any classroom falls below the minimum acceptable score established by the district board of education in their preschool program contract. Development of the action plan shall involve participation of the school district and the contracting 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 contracting 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 contracting private provider or local Head Start agency classroom, steps shall be taken to remove the contracting private provider or local Head Start agency teacher from the classroom or terminate or not renew the preschool program contract between the contracting 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 8. Program Evaluation

6A:13A-8.1 Self assessment and validation

- (a) The district board of education shall participate in a self-assessment and validation system to inform the school district of the status of its preschool program implementation using a protocol developed by the Department. The self-assessment and validation system shall include the following:
1. (No change.)
 2. A validation visit by a State team at least once every three years. **For those districts who were required to have a validation visit during the 2019-2020 school year and the visit was scheduled to occur after March 18, 2020, and did not occur due to the mandated public health school closures, the validation visit will occur in the 2020-2021 school year;** and
 3. (No change.)