



# Square Footage FAQ

As announced in February 2025<sup>1</sup>, the New Jersey Department of Education (NJDOE) and the New Jersey Department of Children and Families (NJDCF) will be proposing regulations to hold state-funded and licensed child care centers and preschool programs to the same minimum space requirement of 42 square feet of usable space per child. For district and childcare center planning purposes, the following FAQ provides additional information on the regulations the Administration intends to propose. Please note:

- The information below reflects the Administration's intended, forthcoming rulemaking proposal; the terms of the regulations are subject to change pending the rulemaking process.
- The Administration anticipates that the revised regulations will go into effect in late 2025, after the start of the 2025-2026 school year.

## General Questions

### 1. Which preschool-serving classrooms will this affect?

This revised standard will apply to school districts that received preschool education aid (PEA) in August 2017 or thereafter; classrooms in licensed child care provider and Head Start programs serving those districts; and to all classrooms relocating as of, or after, the effective date of the rulemaking.

### 2. Within the same childcare center, do classrooms serving different populations of students — e.g., classrooms serving preschool vs. those serving only infants and toddlers - need to abide by the same set of square footage regulations?

Within the same building, square footage requirements will be the same.

### 3. When does this change go into effect?

The NJDOE and NJDCF implementing regulations are expected to be adopted and go into effect by the end of 2025.

### 4. How will this affect classrooms operating under regulatory equivalencies and waivers granted by the NJDOE regarding current square footage requirements?

Prior to the Murphy Administration's February 2025 announcement, the NJDOE's longstanding practice was to approve such regulatory equivalencies and waivers only for classrooms with a minimum of 700 square feet of usable space. All such classrooms will comply with the NJDOE's revised square footage standard, as they necessarily include at least 42 square feet of usable space per child (i.e., the smallest approvable usable space square footage (700) divided by the maximum enrollment of 15 students equates to approximately 46.7 square feet of usable space per child). Therefore, such classrooms will no longer require a waiver following adoption of the NJDOE's revised standard. In light of the February 2025 announcement, the NJDOE modified that practice and will consider regulatory equivalencies and waivers for classrooms with a minimum of 630 square feet of usable space (corresponding to 42 square feet of usable space per child for classrooms at their maximum enrollment of 15 students) and meet all other equivalency and waiver requirements. Prior to adoption of the revised standard, classrooms operating under a waiver will be permitted to continue operating for the duration of the approved waiver.

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<sup>1</sup> [Governor Murphy Unveils Proposal to Align Preschool and Child Care Facilities Standards, Bolstering State's Mixed Delivery Model](#)

**5. What does “usable space” mean?**

Usable space is space for providing classroom services and does not include storage, equipment, or furnishings that are either built in or not easily movable, or the toilet room.

**6. What are the new square footage requirements for toilet rooms and storage/equipment/furnishings?**

For applicable preschool classrooms, toilet rooms must be either: in the classroom (in addition to usable space requirements); or on the same floor as the classroom, designated for use only by preschool and kindergarten students, and where the district guarantees direct supervision of preschool students when utilizing the toilet room. Fixtures must be located and equipped in such a way as to ensure privacy for the students; be accessible to physically disabled students and barrier free in design as per N.J.A.C. 5:23-7; and be equipped with an open front seat with a flood rim height no greater than 14 inches from the floor as well as a sink with a flood rim height no greater than 26 inches from the floor.

**7. Will classrooms need to have fifteen (15) children enrolled?**

15 students is the *maximum* permitted enrollment for state-funded preschool classrooms; such classrooms may enroll fewer than 15 students.

**8. How will serving fewer than fifteen (15) children in a classroom affect funding?**

Preschool funding will continue to be based on the number of children being served, regardless of whether that is 15 children or fewer per classroom.

## **Districts**

**9. At the local level, can we require that our district classrooms use larger classrooms than the 42 square feet?**

Yes. While NJDOE regulations establish minimum square footage requirements, they do not restrict a district’s flexibility to adopt policy exceeding those requirements. If facilities space allows, a district can choose to use a classroom that is larger than 42 square feet per child, but that would be a local decision. School districts cannot require provider classrooms to be larger than 42 square feet per child.

**10. I was approved for a Preschool Facility grant, can I now build smaller rooms, and do I need to submit new plans?**

For a project funded from the Preschool Facilities Expansion Program, the school district must submit new plans if they elect to build smaller rooms. This change can be submitted as their Final Educational Adequacy (FEA) application or if the FEA has already been approved, then any reduction in the size of the rooms would be submitted as part of a change order. It should be noted that the reduction in size could reduce the approved cost that was calculated in the Preliminary/Final Eligible Cost calculations. This could reduce the amount of funds the district will get from the State.

## **Providers**

**11. What providers will be grandfathered with the current 35 square feet requirement?**

Provider classrooms serving state-funded preschool students will be held to the same square footage requirements as the partnering district (see “General Questions” and “District” sections above). All child care providers, licensed prior to the adoption of the regulations, and not receiving preschool education aid, will also be grandfathered to the 35 square feet requirement.

**12. If a provider changes ownership, will they be grandfathered as well or will they have to meet the new 42 square feet requirement?**

If a private provider sells or transfers their center, and they participate in State funded preschool education, then the new provider will need to meet 42 square feet per child for preschool education aid. All other licensed providers, who do not participate in State funded preschool education, will be subject to the same floor space requirements as the former owners.

**13. I am a currently licensed child care center. Does this change mean I need to provide extra space to maintain my current capacity?**

No. For centers that are not contracted with school districts, and licensed prior to the adoption of the revised regulations, those programs will not be subject to the new 42 square feet per child requirement. Most currently licensed centers will continue to be required to provide 35 square feet per child.

**14. I am midway through construction of a new child care center. Do I need to stop and modify plans to account for the increased floor space requirement?**

The new requirement will take effect after the adoption of new regulations. It is anticipated that this will allow several months for centers currently being constructed and newly licensed to obtain licensure under the current 35 square feet per child rule. New applicants who have not begun construction or renovation are highly encouraged to make plans based on the new 42 square feet per child standard.

**15. How will this proposal affect my Head Start or Child Care PEA contract with the district for FY26?**

Pending adoption of the appropriations act, FY26 Preschool Education Aid amounts will be based on February 2025 state aid notices. However, we anticipate that starting in FY27, a district will have the capacity to serve additional children based on the amended regulations.

**16. Will providers meeting the new 42 square footage requirement be permitted to partner with districts for Preschool Education Aid in Fall 2025?**

The revised regulations will go into effect immediately upon the Notice of Adoption's publication in the New Jersey Register, which the NJDOE and NJDCF anticipate will occur by the end of 2025.