



NJDOE News

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For Release: July 26, 2000

Education Law Center Report on Preschool Activities Riddled with Faulty Assumptions, Data & Conclusions

Commissioner of Education David C. Hespe today dismissed as "seriously flawed and self-serving to a fault" a report by the Education Law Center (ELC) falsely accusing the state of failing to meet the state Supreme Court's mandate to provide quality preschool programs in Abbott districts.

"The only valid conclusion that can be drawn from this document is that the Education Law Center has very little first hand knowledge about what is really going on the Abbott districts," said Hespe. "Instead of heeding the Supreme Court's advice to end its 'adversarial relationship' and collaborate with the state, the Law Center has once again fanned the flames of mistrust and antagonism by spreading mistaken and misleading information."

Hespe said the report indulges in "revisionist history" by distorting what the court said in its latest Abbott ruling. "The court did not direct the Department of Education to serve 'all children' living in Abbott districts, as the ELC claims," the commissioner noted. "It said we should serve all children who want to be served. That's a big difference. We are aggressively trying to let parents know that free preschool is available for their children. But this is a voluntary program. If some parents do not want to take advantage of it, and some may have very good personal reasons not to, that is their decision. No matter what, we are prepared to serve every child that wants to be served."

Representatives of the department's Division of Early Childhood Education have been engaged in a continuing dialog with Abbott districts about their preschool programs. Margretta Fairweather, assistant commissioner in charge of the division, said the discussions have been collegial and productive.

"We have worked hard to give the districts the clarification guidance they need on all aspects of the program," said Ms. Fairweather. "We have implemented monthly early childhood program development institutes for district early childhood supervisors. We have sent districts written information, made site visits and conducted follow up phone interviews to make sure there are no misunderstandings. I am confident that the districts will be ready to provide high quality preschool education this fall."

The state has invested more than \$200 million each year in the Abbott preschool program. This year, the size of the state investment increased by \$7.6 million. The amount could rise even more depending upon the outcome of pending appeals.

Ms. Fairweather said that while the ELC alleges the state has not provided substantive guidance for districts to revise their plans for compliance with the March 7, 2000 court decision, the department took an aggressive approach to inform districts of the new provisions.

"Beginning at our early childhood supervisor meetings on March 8 and 10, 2000, we provided technical assistance," she noted. "All 30 Abbott districts were represented at these meetings. Following these sessions, the commissioner conducted two meetings on March 30 and April 3, 2000 with superintendents to review the Supreme Court decision. At that time, the Commissioner requested that the districts review and submit revised plans by May 1, 2000. Every district also received individual assistance in reviewing and revising their plans for compliance with the decision beginning the week of March 12. On April 25 and 26, 2000, we convened two additional sessions specifically designed to work with districts on any revisions to their plan necessitated by the result of the decision. We believe that we provided appropriate, ongoing and timely assistance to districts."

Ms. Fairweather said the dialog between the department and the districts has resulted in far fewer appeals involving early childhood education plans. Last year, 17 of the then 28 Abbott districts appealed the department's decision regarding their plans. This year, of the 20 districts where time has passed to appeal the department's decisions regarding their plans for next year, only two have actually done so.

The department found fault with several other elements of the ELC report:

- District budgets were built on numbers that were substantiated based on enrollment in past years, as well as on an estimated percentage in which the enrollment could be expected to increase based on past

performance. The information presented by the ELC for each district does not reflect their approved plan. It should be noted that every district was informed that if its actual enrollment exceeded projected enrollment, the department will provide additional funding.

- Contrary to the statements made by the ELC, all approved plans meet the class size required by the Supreme Court's March 7 decision.
- Contrary to statements made by the ELC, throughout the past year, staff from the department and Department of Human Services met with school district supervisors to share successful, innovative recruitment strategies and outreach activities. Through these sessions, districts have worked with the department to formalize their ideas in a publication that outlines these strategies. In our work with districts, we have approved program and budget requests for any enhanced recruitment efforts based on the district's assessment of their needs. For districts that submitted plans without sufficient recruitment and outreach activities, they were required to submit strategies prior to approving their plan.
- The Supreme Court directed the department to adopt substantive educational standards by April 17, 2000. The department complied with this directive with the adoption of the *Early Childhood Education Program Expectations: Standards of Quality*, which was actually referenced by the justices in their March 7 decision.

Ms. Fairweather also took exception with the ELC's criticism of the department's decision to develop a model Abbott preschool contract. "A model contract was developed at the request of school district superintendents to be used as a tool to assist them in working with the community providers," the assistant commissioner said. "A committee consisting of staff from Department of Education, Department of Human Services, school districts and community providers was convened to develop the approved model contract. The ELC is knowingly unfair to characterize this as a 'required' contract. Districts have always had, and will continue to have, an opportunity to use the model contract, modify this contract, or submit their own contract to the department for approval.

"The department is proud of the ongoing commitment, energy and expertise demonstrated by the Abbott districts in implementing early childhood education programs," said Ms. Fairweather. "Our work with the Department of Human Services and community providers is ensuring that children receive a foundation for academic success."

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