

Education Law Center

THE ABBOTT PRESCHOOL PROGRAM: A 10-YEAR PROGRESS REPORT

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In 1998, the New Jersey Supreme Court mandated full-day preschool programs for all three- and four-year-old children in Abbott school districts. Under the Abbott rulings, and regulations of the New Jersey Department of Education (NJDOE), all three- and four-year-old children are entitled to attend the Abbott preschool program and districts are directed to maintain enrollment levels of *at least* 90 percent of the universe of all children in the community.

Over the last ten years, ELC has carefully monitored the progress of the State and districts in meeting the Abbott program goal of universal enrollment of all children, and the regulatory target of enrolling 90 percent of the eligible universe of children in each community.

In this report, we examine data on approved and actual enrollments in Abbott districts from 1999-00 through 2009-10 provided by the NJDOE's Division of Early Childhood Education.

Our analysis shows that, ten years after the Abbott program was launched, only 82 percent of the eligible children in the Abbott districts are enrolled in the preschool program. This means over 9,000 three- and four-year-old children remain unserved or unaccounted for.

We issue this report at a crucial time: New Jersey is now committed to expand public preschool programs across the state. Under the School Funding Reform Act (SFRA) of 2008, Abbott quality preschool will be expanded to all three- and four-year-olds in District Factor Groups¹ (DFG) A and B, all three- and four-year-olds in DFG CD districts with 40 percent or greater low-income students, and all low-income three- and four-year-olds in the remaining school districts. While the decision to expand Abbott-quality preschool to children outside the Abbott districts is applauded, the state must not shirk its commitment to the children in the Abbott districts and must improve outreach and expand capacity so that all eligible children are enrolled. Though SFRA has eliminated the Abbott designation in funding decisions, the state is still required to meet the mandates of previous court rulings regarding preschool implementation. This report highlights the improvements that still must be made to fulfill that obligation.

¹ New Jersey's school districts are classified into eight District Factor Groups that provide an approximate measure of a community's relative socioeconomic status (SES). DFG's range from A (lowest SES) to J (highest SES). DFG categories are updated every ten years with the release of the Census Bureau's Decennial Census data.

Key Findings

- **Despite initial gains, progress toward universal enrollment in the Abbott districts has slowed in recent years.** After nearly doubling from 1999 to 2003, actual preschool enrollment in the Abbott districts has only grown from 36,265 in 2003 to 41,165 in 2010.
- **A substantial number of children that are entitled to preschool are not enrolled.** In 2009-10, an estimated 9,141 three- and four-year-olds in the Abbott districts were not enrolled in preschool.
- **The Department of Education only approved funding for about four-fifths of the eligible preschoolers in 2009-10.** The percentage of the universe with approved funding barely improved between 2004-05 and 2008-09, during which time it increased from 83 to 86 percent. In 2009-10, the percentage fell to 85.
- **Three-year-old enrollment in Abbott preschool still lags, despite research findings that support the academic advantage of two years of preschool.** The percent of eligible four-year-olds enrolled in preschool programs consistently outpaces the percent of three-year-olds enrolled. While the gap between three- and four-year-old enrollments has decreased, there is still much room for improvement in enrolling eligible three-year-olds in preschool.
- **The DOE's new method for estimating the preschool universe under SFRA severely undercounts the number of eligible three- and four-year-olds.** By excluding the private school population, many districts are under-representing the number of preschoolers they are required to serve, possibly by as many as 6,000 children. This modification could affect planning and recruitment efforts.

Recommendations

- **The NJDOE and Abbott districts should assess the barriers that currently exist to achieving universal enrollment, especially insufficient classroom facilities and recruitment of hard-to-reach populations in the districts.** Plans to provide temporary and permanent classroom space, along with aggressive recruitment programs, should be developed, adequately funded, and promptly implemented, as required by the *Abbott VI (2000)* and *Abbott VIII (2002)* rulings.
- **Districts should focus on increasing the number of 3-year-olds enrolled in preschool.** Outreach to parents should include information on the benefits of two years of preschool as demonstrated in the APPLES report.²
- **The DOE must revise the method used to estimate the eligible preschool population.** Plans to revise the universe calculation methodology should be developed in an effort to make a more accurate estimate of the number of eligible preschoolers, by taking into account both the public and private school population residing within the district.

² Frede, E., Jung, K., Barnett, W.S., & Figueras, A. (2009). *The APPLES Blossom: Abbott Preschool Program Longitudinal Effects Study (APPLES) Preliminary Results through 2nd Grade, Interim Report*. New Brunswick, NJ: National Institute for Early Education Research.

Overview

The New Jersey Supreme Court's 1998 ruling in *Abbott v. Burke (Abbott V)* represents the first judicial directive in the nation that public education must include a high-quality, well-planned preschool program starting at age three. This unprecedented decision applies to 31 urban school districts, known as the Abbott districts, which serve approximately 25 percent of the State's public school students.

The New Jersey Supreme Court based its preschool mandate on the body of research demonstrating that intensive, high-quality preschool programs can close much of the early achievement gap for lower income children.^{3,4} The Court also recognized that children who attend quality preschool programs perform better in school, leading to more productive participation in the social and economic life of their communities as adults.⁵ *Abbott V* directed that the preschool program begin in the 1999-2000 school year. The 2009-2010 school year marked the eleventh year in which the Abbott districts implemented the preschool program.

In 2007, the National Institute for Early Education Research (NIEER) published a study, the Abbott Preschool Program Longitudinal Effects Study (APPLES), focusing on the Abbott program's long- and short-term impact.⁶ The APPLES study concluded that children who attend Abbott preschools, regardless of setting (in-district or private provider), improve in language, literacy and math skills through the end of their kindergarten year. Additionally, children who attend the preschool education program for two years significantly outperform those who attend for only one year or do not attend at all. In 2009, a follow-up study measured progress through first and second grade.⁷ Students who attended Abbott preschool outperformed their peers in the areas of oral language, conceptual knowledge, and mathematics, and those who received two years of preschool generally had greater benefits than those attending only one. Perhaps the most striking findings relate to grade retention: students who received two years of Abbott preschool were half as likely to repeat a grade as those who did not attend the program. The positive findings of this research underscore the need to increase enrollment in Abbott preschool so that all children receive the benefits of early education.

³See Barnett, W. S., 2002, *Early childhood education*, in Molnar, A. ed., *School Reform Proposals: The Research Evidence*. Greenwich, CT: Information Age Publishing; &

⁴New Jersey Administrative Code, Preschool Program General Provisions, N.J.A.C. 6A:10-2.1(a).

⁵See Frede, E., 2003, *Closing the gap at the starting gate: Why the New Jersey Supreme Court ordered preschool*. Presented at the African-American Education Achievement: Progress Made, Challenges Ahead. Educational Testing Service, Princeton, NJ.

⁶Frede, E., Jung, K., Barnett, W.S, Lamy, C.E., & Figueras, A. (2007). *The Abbott Preschool Program Longitudinal Effects Study (APPLES)*. New Brunswick, NJ: National Institute for Early Education Research.

⁷Frede et al. 2009.

Methodology

Education Law Center (ELC) issues this report to gauge progress made in achieving the Abbott universal preschool mandate. The New Jersey Department of Education (NJDOE) Division of Early Childhood Education provided the source data for this report. These data were, in turn, provided to the NJDOE by the districts themselves. Our analysis examines approved and actual enrollment data, defined as follows:

- *State-approved enrollment* figures are the number of seats allotted for students in the coming school year.
- *Actual enrollment* figures reflect the actual number of students served as measured in each district's Application for State School Aid in the fall of each school year.
- This report contains data for *general education* students only. The decision to exclude special education preschoolers from this report is based on the desire to compare actual enrollment levels to the preschool universe. NJDOE only reports actual enrollment for general education students; additionally, the estimated preschool universe only reflects general education students. Because of these data limitations, and for consistency, we limit the discussion in the report to general education students only.

We also analyze Abbott preschool enrollment by provider type. The Abbott preschool program operates through a mixed-delivery system. Preschoolers are served in three types of settings:

- *In-District* programs are those run by the district itself.
- *Head Start* programs were brought into the program in 2002 and are required to upgrade their program to conform to Abbott program quality.
- *Private providers* are community childcare providers that contract with the district to provide Abbott-quality preschool.

The Abbott Preschool Program

The following is a listing of the major components of the Abbott preschool mandate:

High-Quality Preschool Programs

Abbott school districts are required to provide a six-hour day, 182-day preschool program for all three- and four-year-old children residing in the district. The New Jersey Supreme Court has set out basic quality standards for the program. They are:

- Certified teacher and an assistant for each class;
- Maximum class size of 15 students;
- Adequate facilities;
- Transportation, health and other related services, as needed;
- Developmentally appropriate preschool curriculum that meets the NJDOE's Early Childhood Education Program Expectations Standards of Quality (2002) and is linked with New Jersey's Core Curriculum Content Standards (CCCS); and
- Adequate state funding for all community provider and in-district programs.

Preschool Eligibility

- All three- and four-year-old children residing in an Abbott district are eligible, with enrollment on demand.
- Age eligibility for three- and four-year-olds is based on the date the district uses to determine age eligibility for kindergarten.

Preschool Universe

Abbott districts were required by NJDOE regulation to reach and maintain a preschool enrollment of 90 percent of the preschool universe by 2005-06. The following uniform method was used by the NJDOE for calculating the universe of eligible three- and four-year-old children up through the 2008-09 school year:

- For each Abbott district, the number of children attending first grade (based on figures from the Application for State School Aid (ASSA) report) was added to the first grade enrollment data for non-public schools in the district, and then doubled.
- Abbott districts can make adjustments to the number of preschool children to be served in the next school year based on: 1) documented history of actual enrollments in the three- and four-year-old programs over the last three years; and 2) factors in the community that might affect the growth rate in the three- and four-year-old population, such as a new housing development or a large employer moving in or out of the district.

For the 2009-10 school year, NJDOE changed its method for calculating the universe as follows:

- The new estimate is based on the number of first graders (from the ASSA) multiplied by two.
- It does not take into account children in private schools, thus artificially lowers the estimated number of preschoolers in districts where a large number of students attend private school.

For 2009-10, this report relies on an alternative estimate that combines public school enrollment data with Census estimates of private school attendance to provide a more accurate representation of the preschool universe (a more detailed discussion of the methodology follows).

Community Providers and Head Start

Abbott districts can both operate their own preschool programs and enter into contracts with community childcare and Head Start programs for the provision of Abbott preschool programs. The community or Head Start program must be willing and able to meet the Abbott standards of quality preschool. There are two types of Head Start programs: Enhanced Head Start, the program under which existing Head Start seats are upgraded to meet Abbott standards; and Expanded Head Start, the program serving children previously not enrolled in Federal Head Start.

Findings

Abbott Preschool under SFRA: Modifying the "Universe"

Up through 2008-09, the eligible universe of preschoolers in Abbott districts was calculated by multiplying the number of first graders in public and private school by two. Under SFRA, a change was made to that calculation so that the estimate is based only on the number of first graders in public school. This change took effect for the 2009-10 school year. Eliminating the population of first graders who attend private school unfairly deflates the estimate of the number of children eligible for preschool. This new calculation significantly biases the universe estimates in those districts that have sizeable private school populations.

The effect of this change is shown in **Table 1**.

- Twenty-six of the Abbott districts saw a decline in their estimated universe between 2008-09 and 2009-10.
- Hoboken saw the greatest decrease at 28 percent, while Paterson and Neptune both declined by 26 percent.
- Overall, the estimated universe in the Abbott districts was reduced by 6,891, or 15 percent, in one year as a result of this change. The eligible universe for 2009-10 was only 44,841, down from 51,732 in 2008-09.

Table 1. Change in Estimated Universe under SFRA Modification

District	Estimated Universe		Change	
	2008-09	2009-10	Number	Percent
Hoboken	542	392	-150	-28%
Neptune	726	536	-190	-26%
Paterson	4,578	3,383	-1,195	-26%
Passaic	2,408	1,876	-532	-22%
Plainfield	1,454	1,166	-288	-20%
East Orange	2,038	1,648	-390	-19%
Newark	8,644	7,012	-1,632	-19%
Jersey City	5,860	4,768	-1,092	-19%
Burlington City	258	210	-48	-19%
Union City	1,866	1,584	-282	-15%
Asbury Park	518	454	-64	-12%
Pleasantville	658	580	-78	-12%
Elizabeth	3,848	3,430	-418	-11%
Phillipsburg	432	388	-44	-10%
Gloucester	290	262	-28	-10%
Irvington	1,516	1,372	-144	-9%
New Brunswick	1,470	1,332	-138	-9%
Keansburg	292	268	-24	-8%
Bridgeton	880	808	-72	-8%
Vineland	1,484	1,424	-60	-4%
Camden	2,830	2,716	-114	-4%
Long Branch	802	772	-30	-4%
City of Orange	812	798	-14	-2%
Trenton	2,474	2,432	-42	-2%
Garfield	678	668	-10	-1%
Perth Amboy	1,486	1,466	-20	-1%
Pemberton	722	726	4	1%
Millville	826	848	22	3%
West New York	964	1,034	70	7%
Harrison	228	264	36	16%
Salem	148	224	76	51%
TOTAL	51,732	44,841	-6,891	-15%

General education students only

Source: NJ DOE, Division of Early Childhood Education

By reducing the estimate of the eligible population, districts appear to be serving a greater percentage of their preschoolers, even if they made no real improvements. This has significant policy implications because districts are required by regulation to maintain a preschool enrollment at 90 percent of the universe. Many districts were artificially pushed over this threshold as a result of this misleading change.

Table 2 displays enrollment data and the percent of eligible preschoolers served in 2008-09 and 2009-10, using DOE's revised universe estimates for 2009-10.

- Overall, enrollment increased by only 2 percent, but the percent of eligible served increased by 18 percent.
- Ten districts were below the 90 percent threshold in 2008-09 and then moved above 90 percent in 2009-10.

Table 2. Abbott Preschool Enrollment and Percent of Eligible Served Based on DOE's Revised Universe Estimate

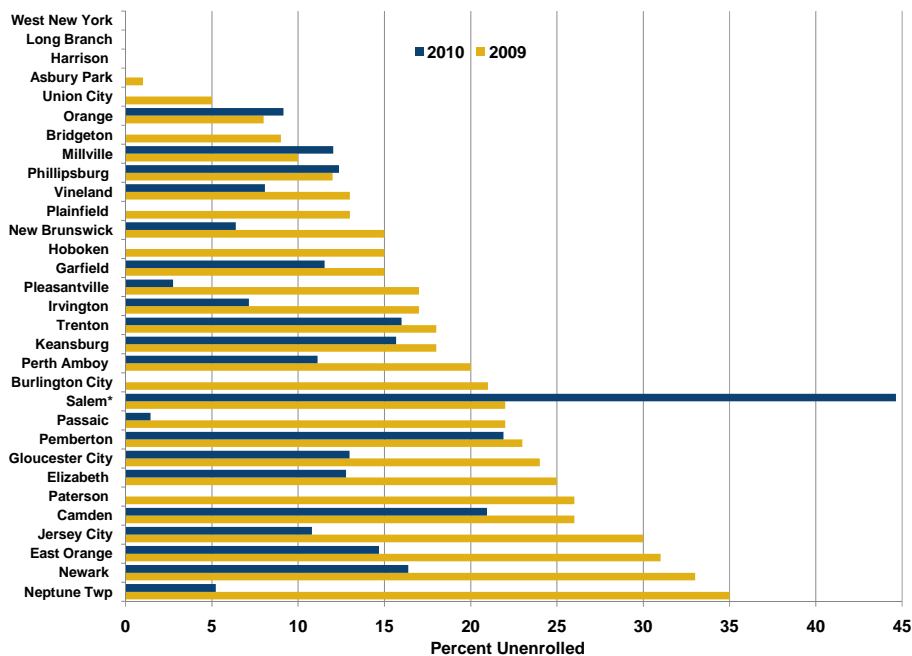
District	Total Enrollment		Percent of Eligible Served	
	2008-09	2009-10	2008-09	2009-10
Asbury Park	511	488	99%	100%
Bridgeton	801	842	91%	100%
Burlington City	204	227	79%	100%
Camden	2,095	2,147	74%	79%
East Orange	1,402	1,406	75%	87%
Elizabeth	2,901	2,992	85%	88%
Garfield	575	591	76%	87%
Gloucester City	219	228	100%	100%
Harrison	330	313	85%	100%
Hoboken	461	497	83%	93%
Irvington	1,258	1,274	70%	89%
Jersey City	4,118	4,253	82%	84%
Keansburg	238	226	100%	100%
Long Branch	811	887	90%	88%
Millville	740	746	65%	95%
Neptune Twp	475	508	85%	94%
New Brunswick	1,249	1,247	67%	84%
Newark	5,813	5,864	92%	91%
Orange	747	725	69%	85%
Passaic	1,870	1,849	78%	99%
Paterson	3,403	3,387	74%	100%
Pemberton	554	567	77%	78%
Perth Amboy	1,185	1,303	80%	89%
Phillipsburg	381	340	88%	88%
Plainfield	1,265	1,338	87%	100%
Pleasantville	547	564	83%	97%
Salem*	116	124	78%	55%
Trenton	2,031	2,043	82%	84%
Union City	1,780	1,815	95%	100%
Vineland	1,288	1,309	87%	92%
West New York	1,071	1,065	100%	100%
TOTAL	40,439	41,165	78%	92%

General education students only
Source: NJ DOE, Division of Early Childhood Education

The change in method for calculating the universe may interfere with districts' planning efforts to expand facilities and outreach efforts to serve all eligible children. The artificially deflated estimates of the universe may encourage districts to scale back their efforts and leave many eligible preschoolers unaccounted for. Despite the misleading appearance of better enrollment based on the percentage of eligible children who are enrolled, the raw numbers of children attending preschool reveal that many 3- and 4-year-olds are still unserved.

- As seen in **Figure 1**, in 2008-09, only eight districts fulfilled the requirement of enrolling 90 percent of the preschool-age population.
- In 2009-10, according to DOE estimates, seventeen districts fulfilled the 90 percent enrollment requirement.
- Further, the enrollment patterns in 2009-10 seem to be completely unrelated to those in 2008-09, suggesting that the new estimate has an uneven effect across districts.

Figure 1. Impact of Change of Universe Estimate on Percent of Abbott Preschool Population Not Enrolled



General education students only

**The large increase in the percent not enrolled in Salem is due to a large increase (50%) in the number of first graders from 2008-09 to 2009-10, but a relatively stable preschool population (increasing only 7%). Because Salem is a small district, year to year fluctuations in population can have a large impact.*

Source: NJ DOE, Division of Early Childhood Education

All three- and four-year-olds are eligible for Abbott preschool, regardless of whether they are likely to continue to private or public schooling. The change in the calculation of the eligible population under SFRA is misleading and harmful. The department must revise their method to more accurately count all three- and four-year-olds.

Unfortunately, there are no reliable, annual estimates of the number of private school students. The most accurate data on private school attendance are from the Decennial Census. In order to calculate a yearly estimate, the optimal method is to apply the 2000 Census estimate of the percentage of elementary-aged students attending private school within each district (grades 1-4) to the NJDOE's universe estimate:

The Census-based estimate includes both public and private school first graders in the approximation of the preschool population by district. As shown in **Table 3**, the Census-estimated 2009-10 universe is closer to the 2008-09 universe than the SFRA-modified 2009-10 universe. The 2009-10 Census estimate is 1,426 students lower than the 2008-09 estimate, showing a small decline compared to the drastic 6,891 reduction using SFRA. For the purposes of this report, the Census-based estimate is used in order to more accurately reflect the number of three- and four-year-olds eligible for the Abbott preschool program.

Table 3. Comparison of Abbott Preschool Universe Estimates

District	2008-09 DOE Estimate	2009-10 SFRA Estimate	2009-10 Census Estimate
Asbury Park	518	454	487
Bridgeton	880	808	857
Burlington	258	210	232
Camden	2,830	2,716	2,821
East Orange	2,038	1,648	1,889
Elizabeth	3,848	3,430	3,792
Garfield	678	668	784
Gloucester	290	262	330
Harrison	228	264	284
Hoboken	542	392	496
Irvington	1,516	1,372	1,661
Jersey City	5,860	4,768	5,745
Keansburg	292	268	312
Long Branch	802	772	910
Millville	826	848	915
Neptune*	726	536	536
New Brunswick	1,470	1,332	1,518
Newark	8,644	7,012	7,174
Orange	812	798	948
Passaic	2,408	1,876	2,286
Paterson	4,578	3,383	3,909
Pemberton	722	726	778
Perth Amboy	1,486	1,466	1,580
Phillipsburg	432	388	415
Plainfield	1,454	1,166	1,302
Pleasantville	658	580	662
Salem	148	224	267
Trenton	2,474	2,432	2,813
Union	1,866	1,584	1,798
Vineland	1,484	1,424	1,667
West New York	964	1,034	1,138
TOTAL	51,732	44,841	50,306

*The Census does not provide an estimate of private school attendance in Neptune. The universe is based on public school enrollment only.

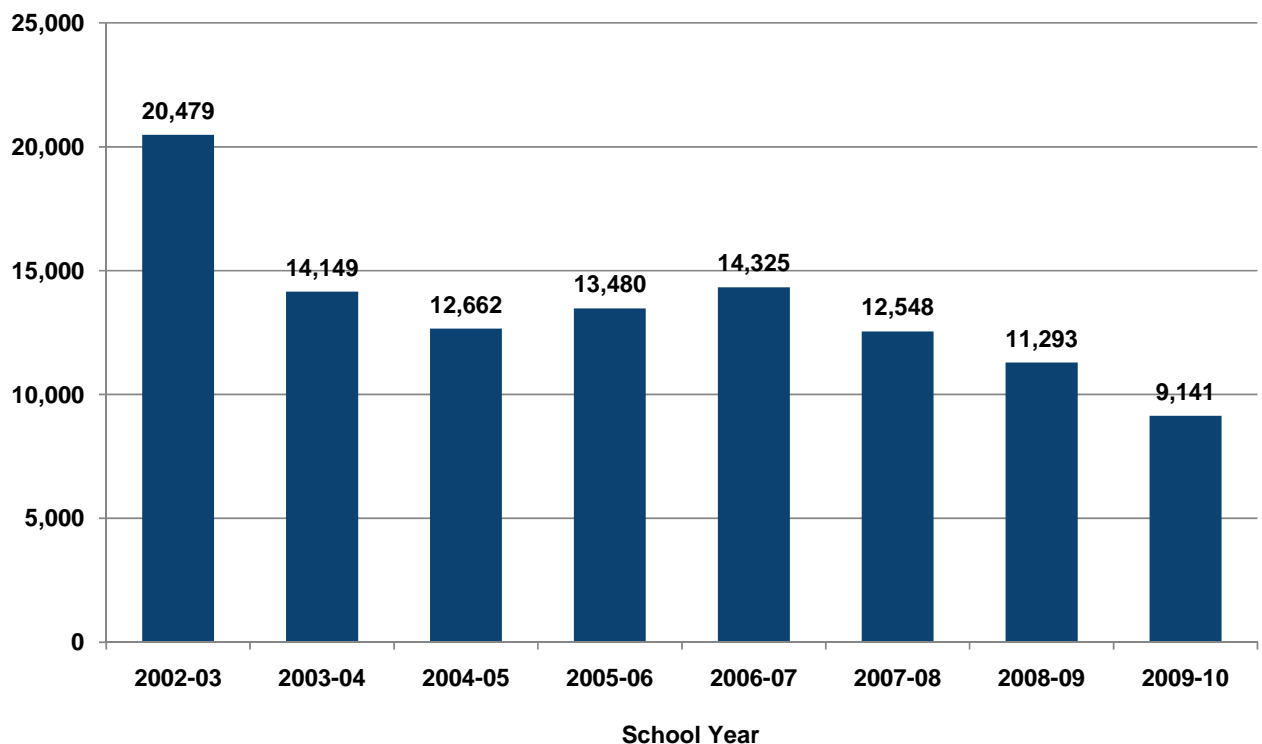
Source: NJ DOE Division of Early Childhood Education, U.S. Census Bureau

Overall Abbott Preschool Enrollment

We examine Abbott preschool enrollment by examining trends in actual enrollment, approved enrollment, or funded seats, each with respect to the universe of eligible children. **Figure 2** shows the trend in the estimated number of three-and four-year-olds who are eligible for, but not enrolled in the Abbott preschool program.

- Over 9,000 eligible children were not enrolled in Abbott preschool in 2009-10.
- After a significant reduction in the number of unenrolled children in 2003-04, the number of unserved children has remained relatively steady and substantial through 2006-07.
- From 2007-08 on there appears to be some progress in reducing the number of unenrolled children, though there remains much room for improvement.

Figure 2. Number of Eligible Abbott Preschoolers Not Enrolled

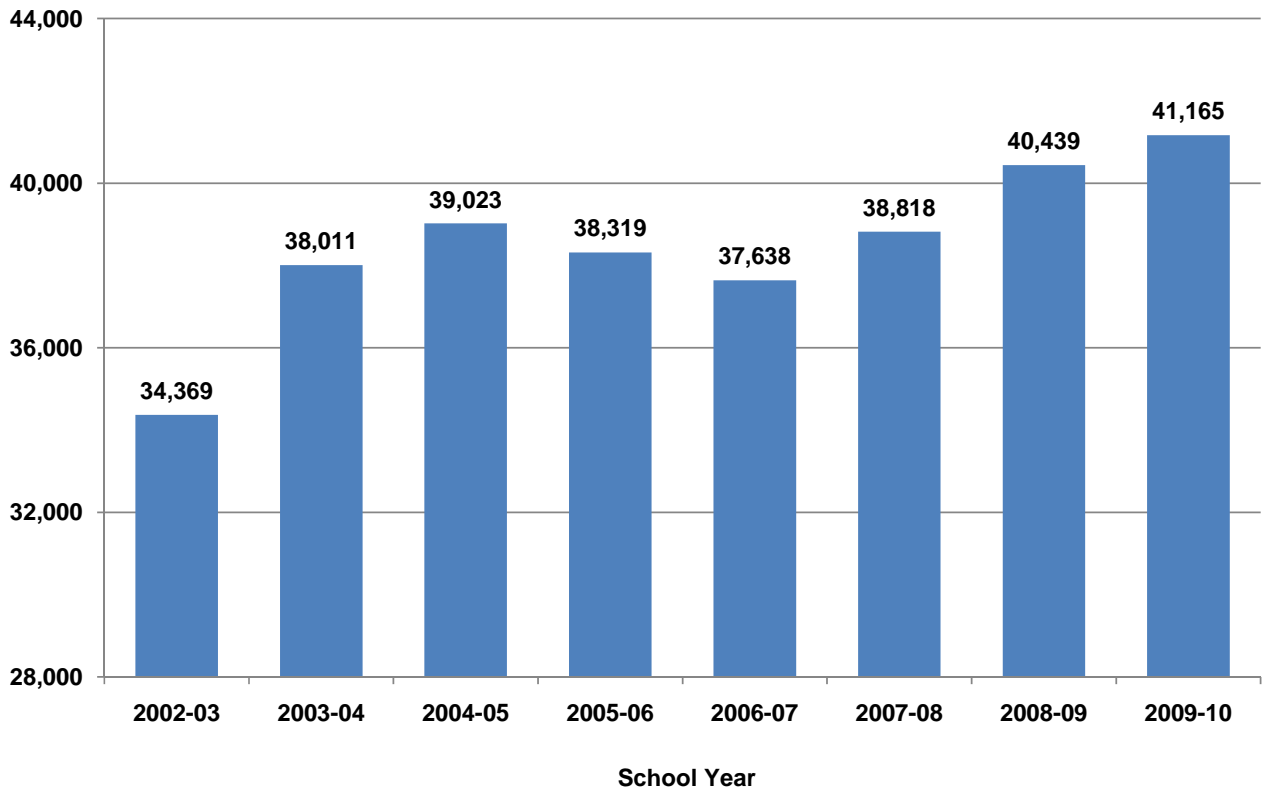


*General education students only
Source: NJ DOE Division of Early Childhood Education, U.S. Census Bureau*

Figure 3 shows the actual enrollment trends and demonstrates that enrollment in Abbott preschool has seen moderate, but consistent growth since 2006-07. Actual enrollment figures show that there was a 726-student enrollment increase from 2008-09 to 2009-10, a growth of about 2 percent. With a substantial number of eligible children

still unenrolled, it is important that school districts make efforts to enroll any unserved children.

Figure 3. Number of Eligible Abbott Preschoolers Enrolled

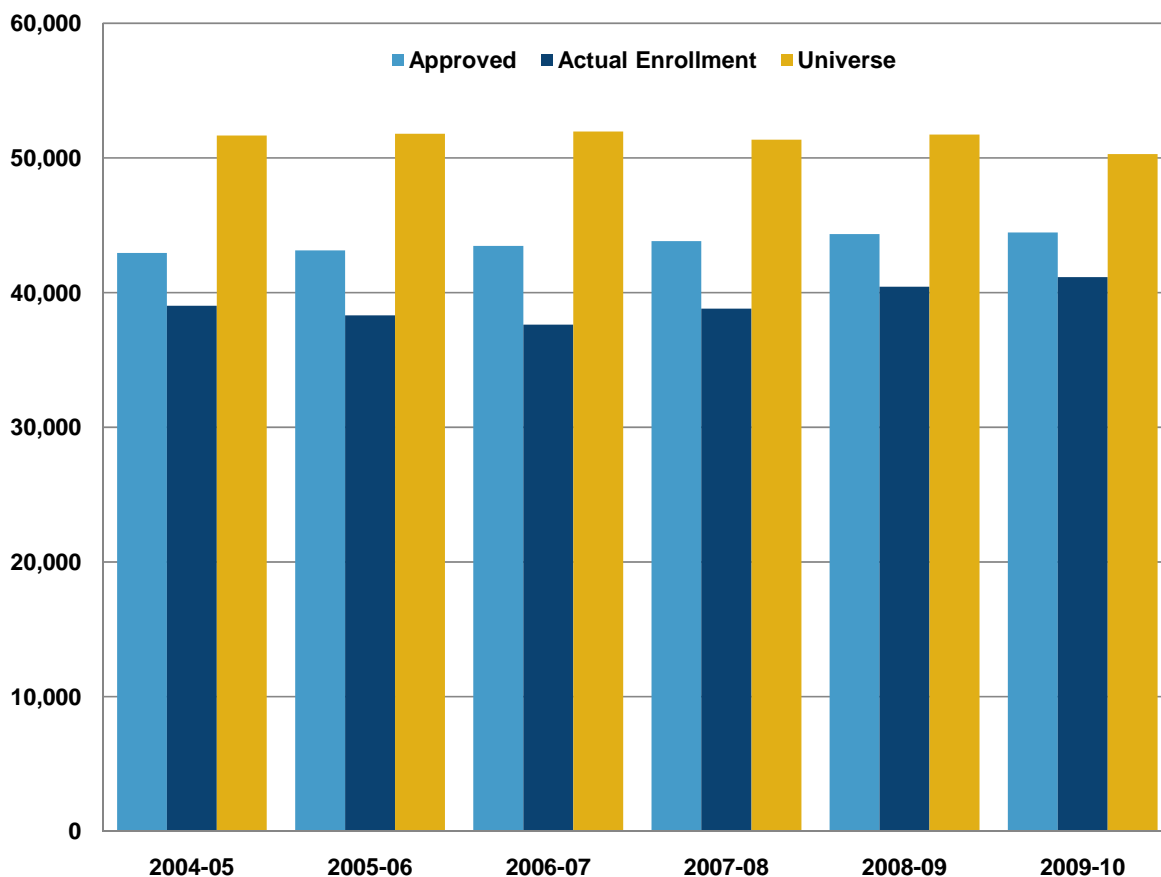


*General education students only
Source: NJ DOE, Division of Early Childhood Education*

After a steady increase in approved preschool slots between 2000 and 2004, approval of additional seats has slowed, as seen in **Figure 4**.

- The gap between actual and approved enrollment is shrinking, with 92 percent of approved seats filled in 2009-10.
- Similarly, the gap between approved seats and the estimated universe is closing, with 83 percent of eligible seats approved for funding in 2004-05 and 88 percent of eligible seats funded in 2009-10.
- However, these data show that not only is the state failing to fully fund preschool for all eligible children, as seen in the gap between the universe and approved enrollment, but districts are also failing to fill all the available seats allotted in their budgets.

Figure 4. Universe, Approved, and Actual Preschool Enrollment in Abbott Districts



*Actual enrollments include general education students only.
 Approved enrollments include special education students.
 Source: NJ DOE, Division of Early Childhood Education*

Table 4 shows that for the 2009-10 school year, only five districts – Harrison, Hoboken, Asbury Park, Plainfield, and Union – have approved enrollment budgets that would facilitate enrollment of all eligible children in preschool.

- Over 60 percent of the Abbott districts had approved enrollment projections that were below the 90 percent enrollment requirement.
- In total, there were nearly 8,000 potential preschool slots that did not get funded in the 2009-10 school year, representing about 15 percent of the estimated preschool population.

Table 4. Approved Abbott Preschool Enrollment as Percent of Eligible Population

District	Approved Enrollment	As % of eligible population
Harrison Town	349	123%
Hoboken	546	110%
Asbury Park	507	104%
Plainfield	1,348	104%
Union City	1,822	101%
Bridgeton City	828	97%
West New York	1,080	95%
Phillipsburg	389	94%
Burlington City	215	93%
Neptune Township	495	92%
New Brunswick	1,372	90%
Paterson	3,512	90%
Pleasantville	580	88%
Newark	6,222	87%
Keansburg	268	86%
Long Branch	780	86%
Millville City	782	85%
Elizabeth	3,225	85%
Perth Amboy	1,326	84%
Passaic City	1,894	83%
Vineland City	1,368	82%
Irvington	1,357	82%
Orange	760	80%
East Orange	1,505	80%
Pemberton Township	599	77%
Camden City	2,147	76%
Jersey City	4,333	75%
Garfield City	588	75%
Trenton	2,046	73%
Gloucester City	234	71%
Salem	147	55%
Total	42,624	85%

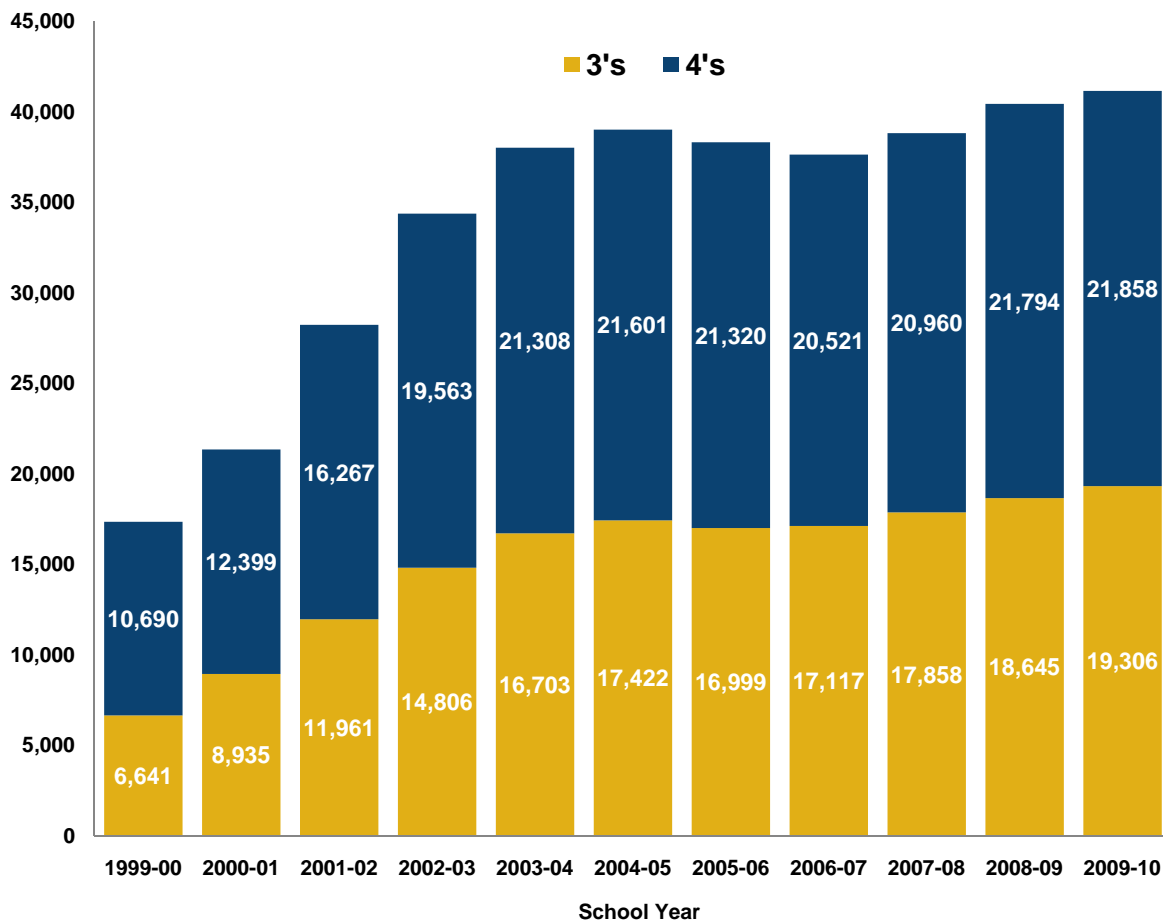
*General education students only
Source: NJ DOE, Division of Early Childhood Education*

Abbott Enrollment by Age

Figure 5 shows the enrollment in Abbott preschool for three- and four-year-olds over the past decade.

- Enrollment of four-year-olds continues to outpace enrollment of three-year-olds, though improvements have been made.
- Three- and four-year-olds do, however, follow the same pattern of growth and decline in enrollment over time.
- In 1999-00, the ratio of three- and four-year-olds enrolled in Abbott preschools was about 3:5. By 2009-10, the ratio improved to better than 7:8.

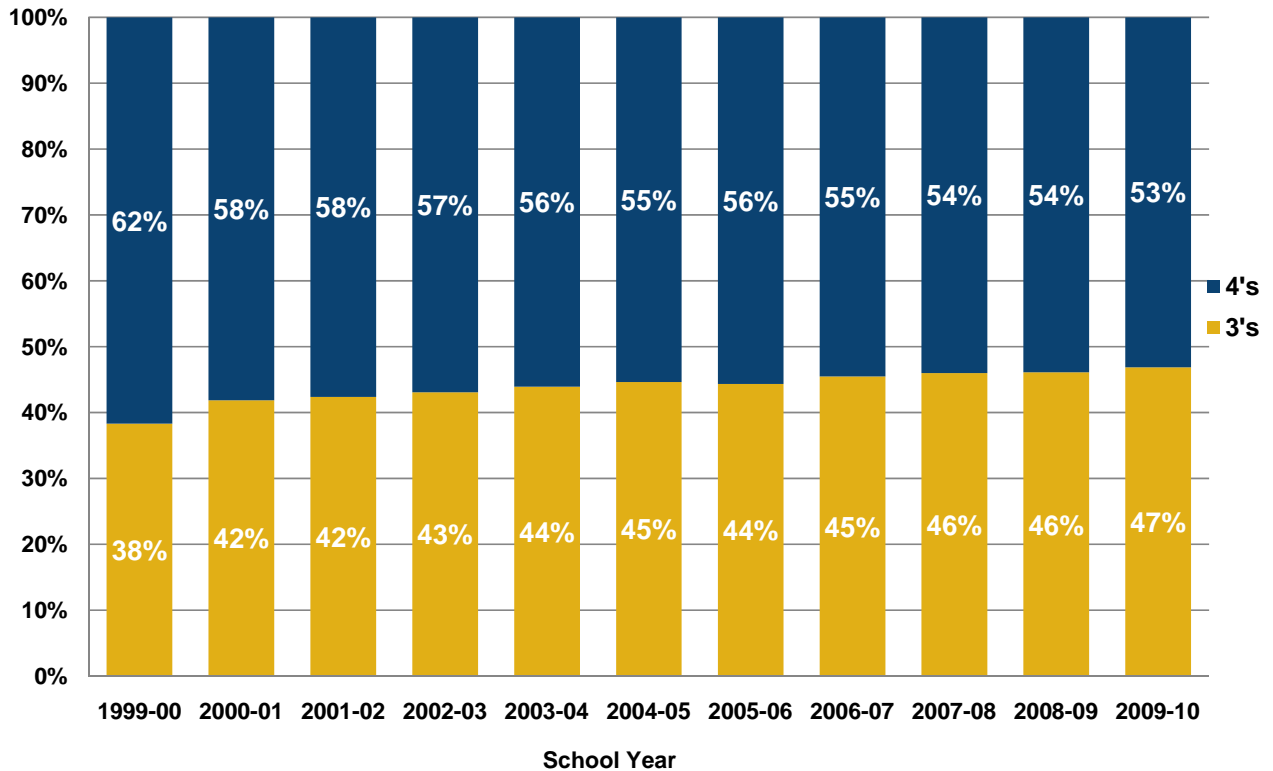
Figure 5. Abbott Preschool Enrollment by Age



General education students only
 Source: NJ DOE, Division of Early Childhood Education

The lag in enrolling three-year-olds can also be seen below in **Figure 6**.

Figure 6. Abbott Preschool Population Served by Age



General education students only
 Source: NJ DOE, Division of Early Childhood Education

While the gap between three- and four-year-old enrollments has improved, there is still room for improvement in enrolling all eligible three-year-olds in preschool. If the participation levels for three-year-olds were brought to the levels of four-year-old participation, the number of underserved children in Abbott districts would be reduced from 9,141 to 6,589. Research has shown that children who attend preschool for two years at both ages three and four significantly out-perform those who attend for only one year at four years of age or do not attend at all.⁸ As such, efforts should be undertaken to bolster lagging three-year-old enrollment.

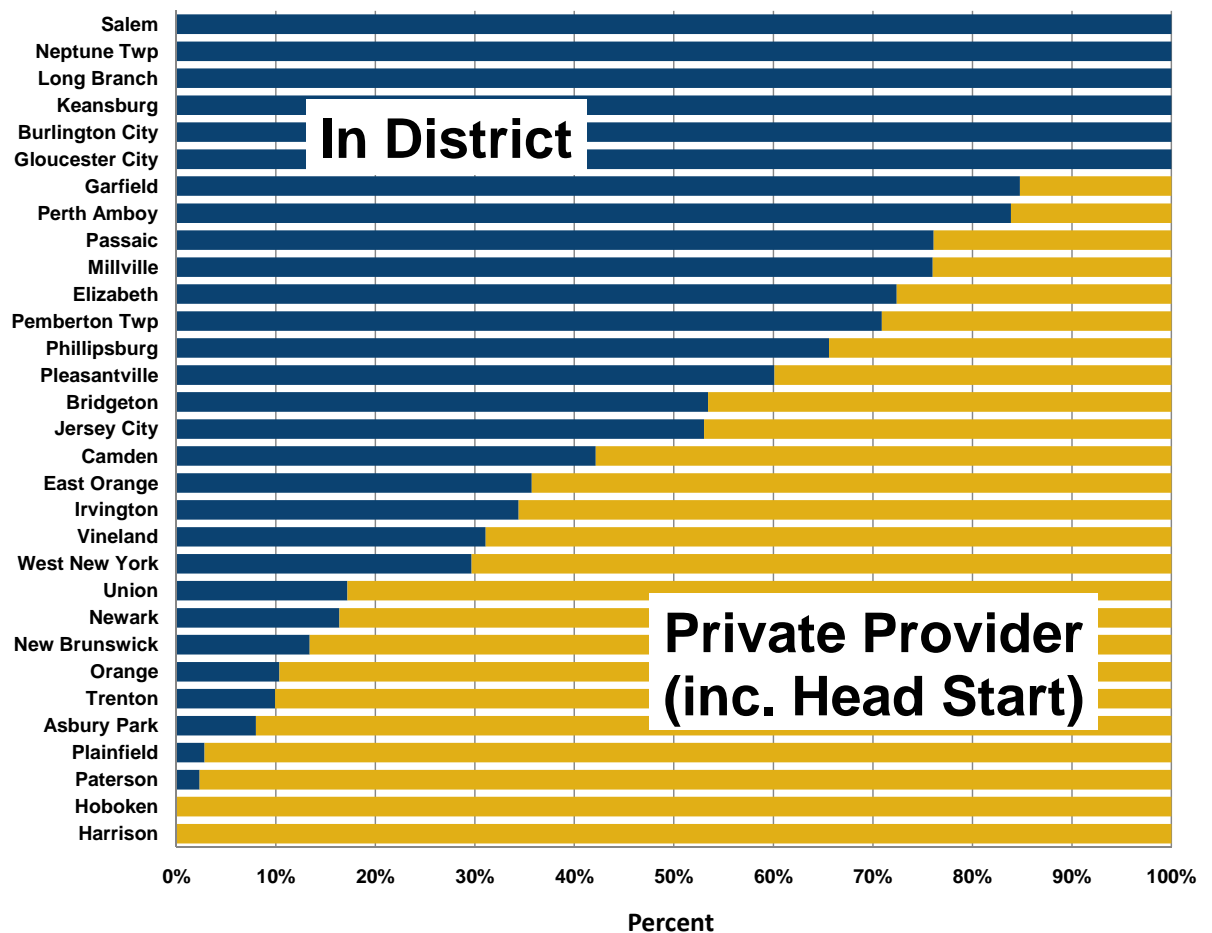
⁸ Frede, E. et al., 2007, 2009

Abbott Enrollment by Provider Type

The Abbott preschool program is a mixed-delivery system with preschoolers served in both private and public settings. Overall, just under 40 percent of preschoolers are served in district-run programs, with the remainder attending private provider or Head Start centers. **Figure 7** shows that there is a great deal of diversity among districts in terms of the providers used.

- Six districts relying entirely on in-district placements (Long Branch, Keansburg, Gloucester City, Burlington City, Neptune, and Salem).
- Two districts rely fully on private and Head Start settings (Hoboken, Harrison).
- The remaining 23 districts use some combination of settings.

Figure 7. Abbott Preschool Enrollment by Provider Type and District, 2009-10



General education students only
 Source: NJ DOE, Division of Early Childhood Education

Conclusion

The Abbott rulings have guaranteed every three- and four-year-old child living in an Abbott district the right to high quality preschool. Unfortunately, the state is not meeting its obligation and there are over 9,000 eligible children who are not in the program. New Jersey's preschool program is a model for the nation, but its success is dependent on the ability to serve all those children who are entitled to it.

While considerable progress has been made since the advent of the program in 1999, progress has somewhat stalled in the past few years. While some districts have been successful at meeting the 90 percent enrollment requirement, others lag behind. While this report is unable to specifically identify the reasons for under-enrollment, there are two commonly accepted explanations. First, districts may lack the necessary classroom space to adequately serve the population. Wherever possible, districts should continue to work with community providers to upgrade existing childcare facilities and Head Start providers to meet the Abbott requirements.

In addition to a deficit of facilities and space, there appears to be a problem with recruitment efforts. Many districts are unable to fill even the seats that are allotted in their budgets. There are a number of explanations in the literature as to why parents would not take advantage of free preschool programs. A study of low- and moderate-income families in Chicago found that parents faced transportation obstacles and scheduling problems, but also that many parents did not have enough information about the availability of preschool, were not aware of the benefits, or simply did not feel that their young children were ready for school.⁹ Districts should step up their recruitment efforts and ensure that parents have the information they need about the benefits and demonstrated success of the Abbott preschool program.

In order to ensure that all eligible children in Abbott districts are enrolled in universal preschool, it is crucial that NJDOE reconsider the new method of calculating the eligible universe. In 2009-10, the exclusion of private school children from the calculation left many children unrepresented in the estimates. The new NJDOE estimates provide districts with artificially inflated percentages of children served, a situation that is extremely harmful to those children who remain unenrolled. With a lower estimated universe, districts more easily attain the 90 percent enrollment requirement, leaving many uncounted preschoolers unserved.

With the passing of the new school funding formula, New Jersey has extended the opportunity for high-quality preschool to children outside the Abbott districts. With preschool expansion, New Jersey has committed to providing preschool for all children in poor districts and all poor children living in non-poor districts. These preschool programs are also required to meet the Abbott regulations. As New Jersey moves forward in extending access to preschool for children across the state, it should bring a renewed commitment and sustained effort to providing preschool for all eligible children both within and outside of Abbott districts.

⁹ POWER-PAC, 2009. *Why isn't Johnny in preschool?* Chicago, IL: COFI

Appendix

Abbott Preschool Enrollment by Provider Type, Age, and District, 2009-10

District	Total	In-District		Private Providers (inc. Head Start)	
		3's	4's	3's	4's
Asbury Park	488	25	14	232	217
Bridgeton	842	0	450	367	25
Burlington City	227	112	115	0	0
Camden	2,147	337	568	611	631
East Orange	1,406	232	270	425	479
Elizabeth	2,992	659	1,507	794	32
Garfield	591	230	271	35	55
Gloucester City	228	97	130	0	0
Harrison	313	0	0	154	159
Hoboken	497	0	0	271	226
Irvington	1,274	214	224	388	448
Jersey City	4,253	304	1,952	1,841	156
Keansburg	226	93	133	0	0
Long Branch	887	448	439	0	0
Millville	746	201	366	178	1
Neptune Twp	508	220	288	0	0
New Brunswick	1,247	65	102	461	619
Newark	5,864	227	733	2,435	2,469
Orange	725	22	53	313	337
Passaic	1,849	632	775	233	209
Paterson	3,387	38	41	1,563	1,745
Pemberton Twp	567	67	335	165	0
Perth Amboy	1,303	529	564	102	108
Phillipsburg	340	99	124	56	61
Plainfield	1,338	19	19	574	726
Pleasantville	564	142	197	87	138
Salem	124	73	51	0	0
Trenton	2,043	0	203	928	912
Union	1,815	55	257	853	650
Vineland	1,309	167	240	415	487
West New York	1,065	6	310	512	237
TOTAL	41,165	5,313	10,731	13,993	11,127

General education students only

Source: NJ DOE, Division of Early Childhood Education

About Education Law Center

Founded in 1973, ELC is recognized as one of the nation's premier education advocacy organizations working on behalf of public school children for access to an equal and adequate education under state and federal laws. ELC focuses on improving public education for disadvantaged children, and children with disabilities and other special needs using multiple strategies, including public education and engagement, policy initiatives, research, communications and legal action.

ELC has achieved significant success in improving education for school children in New Jersey's high poverty urban school districts through implementation of the programs and reforms ordered by the New Jersey Supreme Court in the landmark *Abbott v. Burke* education equity case.

In addition, because of its expertise in school finance, preschool, and other areas of education law and policy, ELC provides support to attorneys and advocates in other states seeking to improve their public schools.

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