



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Office of Early Learning
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To: Superintendents in Districts receiving UPK and/or SUFDPK Funding
PreK Program District Contacts receiving UPK and/or SUFDPK Funding
Community-Based Organization Directors Contracting with a School District for
UPK Services

From: Erik Sweet, Executive Director, Office of Early Learning

Subject: Final Approval of Emergency Regulations at the January Board of Regents Meeting

On January 9, 2023, the Board of Regents formally amended Commissioner's Regulations Section 151-1.3 regarding the staffing qualifications of an eligible agency who partners with a public school district for the provision of UPK services. With these regulations in effect, teachers employed by an eligible agency, if not overseen by the New York State Education Department, must meet the qualifications of their licensing oversight agency to be eligible to provide UPK services. For eligible agencies outside of New York City, the oversight agency, if not the New York State Education Department (NYSED) is primarily the [Office of Children and Family Services \(OCFS\)](#) and for eligible agencies located within New York City, the oversight agency is primarily the [New York City Department of Health and Mental Hygiene \(NYC DOHMH\)](#).

Districts collaborating with an eligible agency for the provision of UPK services with uncertified teachers must submit a waiver along with their UPK application indicating the number of uncertified teacher(s) as well as the number of students serviced by those teacher(s) on an annual basis by August 1st.

Until such time that all UPK teachers at eligible agencies possess a teaching license or certificate valid for services in the early childhood or childhood grades, they must employ an on-site education director who is responsible for program implementation and is on-site during the hours in which UPK services are being provided. The amended regulations allow agencies to employ an on-site education director who possesses a bachelor's degree or higher in the



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area of early childhood education. However, if the on-site director is uncertified, they must develop a written plan to obtain a certification valid for service in the early childhood grades within five years of the date such individual begins employment as the on-site director. These plans shall be submitted to the district, who will submit to NYSED all study plans by October 31st of each school year through the NYSED Business Portal's Monitoring and Vendor Performance System (MVPS). Additionally, the school district must oversee program implementation by the eligible agency until the onsite education director meets the requisite on-site education director qualifications as set forth in Commissioner's regulations 151-1.3(2)(i).

Should there be any questions regarding the regulations, please do not hesitate to reach out to the Office of Early Learning at OEL@nysed.gov.