



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

Office of Early Learning
Erik Sweet, Executive Director
89 Washington Avenue, Room 510 West
Albany, New York 12234
Tel. (518) 473-7737 / Fax: (518) 474-7558

To: Superintendents in Districts receiving UPK and/or SUFDPK Funding;
Prekindergarten (PreK) Program District Contacts receiving UPK and/or SUFDPK
Funding; and Eligible Agency Partners Contracting with a School District for PreK
Services

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

Subject: Guidance for Commissioner's Regulations Section 151-1.3 regarding the staffing
qualifications for eligible agencies who partner with a public school district for
the provision of prekindergarten (PreK) services.

Date: June 1, 2023

Teacher preparation, programming, and instruction are a part of the New York State Education Department's (NYSED) ongoing commitment to ensure that all students beginning in Prekindergarten attain the highest level of academic success and become college, career, and civic ready. It is part of the Department's mission to ensure that all State-administered Prekindergarten students, regardless of program location, have the same opportunity to attend a high-quality prekindergarten program taught by educators who hold proper credentials.

On January 9, 2023, the Board of Regents formally amended Commissioner's Regulations Section 151-1.3(e) to further clarify staffing qualifications of eligible agencies who partner with a public school district for the provision of Prekindergarten services. These changes in the Regulations impact eligible agencies, and the purpose of this memo is to further clarify eligible agency staffing requirements. Please see below for guidance regarding such requirements.

Eligible Agency PreK Teacher Staffing Requirements

Teachers at eligible agencies, at minimum, must **either**

- Have a New York State Certification valid for service in the early childhood or childhood grades or students with disabilities in early childhood grades **OR**
- A bachelor's degree in early childhood education.

If teachers at an eligible agency do not meet **either of** the criteria listed above:

- Teachers must meet the hiring requirements of the agency that oversees them (i.e., the [Office of Children and Family Services \(OCFS\)](#), [the New York City Department of Health and Mental Hygiene \(NYC DOHMH\)](#), [charter schools](#), [non-public schools](#), **AND**
- The school district must submit a Staffing Qualifications Waiver to the Department as part of the annual State-Administered Prekindergarten application which indicates the number of teacher(s) not meeting the minimum staffing qualifications as identified above by **September 1st** each year. **AND**



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

Office of Early Learning
Erik Sweet, Executive Director
89 Washington Avenue, Room 510 West
Albany, New York 12234
Tel. (518) 473-7737 / Fax: (518) 474-7558

- The agency must employ an on-site education director who is responsible for program implementation and is on-site during the hours in which Prekindergarten services are provided.

Eligible Agency On-Site Director Requirements

Unless **all** universal Prekindergarten teachers at an eligible agency site possess a teaching license or certificate valid for services in the early childhood or childhood grades, the agencies operating such programs should employ an on-site education director during the hours the Prekindergarten program runs. If one or more teachers from the eligible agency does not have certification in the early childhood grades, an on-site director is required and is responsible for program implementation.

If the on-site director does not have the required certification, the agency must employ an on-site education director who has the following:

- At a minimum, a bachelor's degree or higher in early childhood education, **AND**
- Have a study plan to become certified within 5 years upon the start date of their appointment of an on-site director.
- These study plans must be submitted to the district, who will submit to NYSED a District Oversight plan by **October 31st** of each school year through the NYSED Business Portal's Monitoring and Vendor Performance System (MVPS).

Until the on-site education director meets the requisite on-site education director qualifications as set forth in Commissioner's regulations 151-1.3(e)(2)(i), the school district must oversee prekindergarten program implementation by the eligible agency. A visual representation, showing the requirements outlined above is available on a graphic on page three of this memo.

CBO STAFF QUALIFICATION REQUIREMENTS

All CBO teachers are certified in the early childhood grades, childhood grades, or students with disabilities in early childhood.

You're done!
No Staffing Requirement Waiver or Oversight Plan needed.

One or more CBO teachers are not certified in the early childhood grades, childhood grades, or students with disabilities in early childhood.

Do those teachers have a bachelor's degree in early childhood education?

Yes

No

Teachers must meet the qualifications prescribed by the CBO's licensing agency AND the district must submit a waiver to NYSED.

Is the director of the CBO site with uncertified teachers certified in the early childhood or childhood grades?

Yes

No

You're done!
The director must be onsite during the UPK day.

The director must possess a bachelor's degree or higher in early childhood education AND a written 5-year plan to obtain certification in the early childhood grades. This plan must be submitted with the district's Oversight Plan to NYSED by October 31st.

You're done!

Things to Note:

- This chart only refers to teachers at CBO locations. District UPK teachers must hold proper NYS certification in the early childhood grades.
- Districts receiving SUFDPK grants should know that they are paid at a rate of \$10,000 per student for students taught by a certified teacher, and \$7,000 per student for students taught by an uncertified teacher.