

# **Family FAQs for Universal Pre-Kindergarten (UPK) and Kindergarten**

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## UPK Eligibility

### **Q: What is UPK?**

**A:** In New York State, UPK is a State and federally funded prekindergarten program offered to families free of charge. The only eligibility requirement for UPK in New York State is a child's residency and age. UPK is not an entitlement in New York State and not all families currently have access to UPK. In districts where UPK is available, entry is based on a lottery system and not all families who register are guaranteed a spot. Families should check with their local school district to see if they offer UPK and when registration begins.

### **Q: Is UPK free?**

**A:** Yes. However, New York State UPK does not guarantee that every child will have access. Not all families who register for UPK are guaranteed a spot.

### **Q: Is UPK participation mandatory?**

**A:** No. UPK is a voluntary program for both districts and children. Parents and/or caregivers may choose, but are not required, to enroll their child(ren) in a UPK program. However, once enrolled, the school district's attendance policy must be applied.

### **Q: Is my child entitled to UPK?**

**A:** No. While access to UPK programs continue to expand in New York State, UPK is not currently available to all families in all districts. In districts where UPK is available, entry is based on eligibility and a lottery system. Not all families who register for UPK are guaranteed a spot.

### **Q: Who is eligible to register for UPK?**

**A:** [Section 3602-e of Education Law](#) defines an "eligible child" as a resident child who is four years old on or before December 1st of the school year in which they are enrolled **or** who will otherwise be first eligible to enter public school kindergarten the following school year. For those districts that have State UPK allocational funding for resident children of three years of age, the same policies apply.

- For example, in a district whose cutoff date is December 1st, a child who turns five years of age on November 30 would be eligible for kindergarten, **not** UPK.

**Q: Is UPK available to three-year-old students?**

**A:** Some districts in New York State provide access to a 3-year-old UPK program. Families should check with their local school district to confirm if a 3-year-old UPK program is offered and when the registration process begins.

**Q: What is the difference between UPK in a district classroom and UPK in an Eligible Agency, such as a Community-Based Organization (CBO)?**

**A:** UPK programs offered throughout New York State are located in both district classrooms and CBOs. While UPK programs throughout the State may look different, all must offer a developmentally appropriate program that aligns with the New York State Prekindergarten Learning Standards. Additionally, UPK classrooms must follow the laws and regulations outlined in [Education Law §3602-e](#), [Commissioner's Regulations §100.3](#), and [Commissioner's Regulations Subpart 151-1](#). These laws and regulations must be followed regardless of who is delivering the UPK instruction.

**Q: If I decide I do not want to register my child for UPK because they are not ready, can I enroll them in UPK the following year?**

**A:** No. According to [Section 3602-e of Education Law](#), a child is eligible for UPK when they are four years of age on or before December 1<sup>st</sup> of the school year in which they are enrolled or will otherwise be first eligible to enter public school kindergarten the following school year. Therefore, a child would only be eligible for UPK for one year.

**Q: If I don't think my child is ready for kindergarten, can I hold them back in UPK?**

**A:** No. According to [Section 3602-e of Education Law](#), a child is eligible for UPK when they are four years of age on or before December 1<sup>st</sup> of the school year in which they are enrolled or who will otherwise be first eligible to enter public school kindergarten commencing with the following school year. Therefore, a child would only be eligible for UPK for one year.

However, families can choose to send their child to a private prekindergarten program after attending UPK or deliver home instruction. Per [Education Law §3205](#), the compulsory education age in New York State is 6 years of age by December 1<sup>st</sup>. If a child turns 6 on or after December 1<sup>st</sup> compulsory education begins the following September. Please note that [NYS Education Law §1709\(3\)](#) authorizes a school board to determine the placement of each student upon their entry (or reentry) to public school.

**Q: Will my child be required to be screened prior to starting UPK?**

**A:** Yes. Commissioner's Regulations §117.1 requires that all students in prekindergarten through grade 12 be screened upon entry to the school district to determine which students are possibly gifted or have or are suspected of having a disability and/or have limited English proficiency.

## **UPK Program and Staff Qualifications**

**Q: What do UPK programs look like in New York State?**

**A:** Each district/organization in the State is able to run its UPK program in a way that best meets the needs of their students, which means each program might look a little different. However, any program receiving UPK funding from the State must provide programming that is developmentally appropriate and aligned with the New York State Prekindergarten Learning standards. Additionally, these programs must follow the laws and regulations outlined in Education Law §3602-e and 3602-ee (if applicable) and Commissioner's Regulations Subpart 151-1.

**Q: What qualifications do teachers need to have to teach in a UPK classroom?**

**A:** Commissioner’s Regulations §151-1.3(e) states that teachers in school district operated UPK classrooms must hold: (1) a teaching license or certificate valid for service in the early childhood grades; (2) a teaching license or certificate for students with disabilities valid for service in early childhood grades; (3) for eligible agencies collaborating with the district, a bachelor’s degree in early childhood education or a teaching license or certificate valid for services in the childhood grades; or (4) a school district may annually apply to the Commissioner by August 1 of the current school year for a waiver that would allow personnel employed by an eligible agency that is collaborating with the district and licensed by an agency other than the department, to meet the staff qualifications of the licensing agency.

## UPK Education

**Q: How do UPK programs ensure that children are learning?**

**A:** According to [Section 3602-e of Education Law](#) UPK programs provide a developmentally appropriate curriculum and activities which are child-centered. Each program also periodically measures each child’s development of language and literacy, cognitive, and social and emotional skills.

**Q. Do UPK programs serve children who receive special education programs and/or related services?**

**A.** Yes, in order to receive approval from the Commissioner, UPK programs must, as appropriate, encourage the enrollment of children with disabilities. Each school district is responsible for ensuring the implementation of Individualized Education Program (IEP) programs and services in the least restrictive environment so that all young children with disabilities have access to inclusive high-quality early learning opportunities with individualized and appropriate support.

## Kindergarten Eligibility

**Q: Is kindergarten mandatory in NYS?**

**A:** No, currently, kindergarten is not mandatory throughout New York State. However, [Section 3205\(2\)\(c\) of Education Law](#) allows the Boards of Education of any school district in NYS to require kindergarten attendance by any child who is five years of age on or before December 1<sup>st</sup>. The law exempts children whose parents elect not to enroll them in school until the following September, children who are enrolled in nonpublic schools, and children who are receiving home instruction. Education Law §3202(1) provides that a person over five and under 21 years of age who does not possess a high school diploma is entitled to attend the public schools maintained in the district where he or she resides. Furthermore, a child over the age of five is entitled to attend public school regardless of whether the district maintains a kindergarten program. Districts without a kindergarten program must admit such a child to the 1<sup>st</sup> grade (*Appeal of Carney*, 15 Ed Dept Rep 325 (1976); *Formal Opinion of Counsel No. 75*, 1 Ed Dept Rep 775 (1952)).

**Q: What is the age eligibility for entrance to kindergarten?**

**A:** For districts that maintain a kindergarten, [Section 1712\(1\) of Education Law](#) allows districts to choose the age of kindergarten entry to be between four and six years of age, and permits boards to fix a higher minimum age for admission to such kindergartens. However, in most districts, children must turn five on or before December 1<sup>st</sup> of the school year in which they wish to enroll in kindergarten. Families should check with their local school district to confirm age eligibility for kindergarten.