

Questions and Answers

June 8, 2021

**Prekindergarten Head Start/Community Based Organization Collaboration
Opportunity Webinar**

1. What is the collaboration requirement for Universal Prekindergarten (UPK) program?

[Education Law 3602-e](#) requires that districts use at least 10% of their UPK allocation to contract with one or more eligible agencies for the provision of the instructional program for a specified number of enrolled children. Districts must undertake a competitive process as outlined in 8 NYCRR 151-1.6 in the selection of their contracted agencies.

2. Is it possible for home daycare providers to get involved with UPK or just for larger group providers? What is an eligible agency?

Yes, Family Child Care are eligible agencies if they have a qualified teacher and/or supervisor. UPK teachers employed by an eligible agency are not required to hold certification. However, these teachers must have a five-year plan that will lead to obtaining NYS teacher certification in Early Childhood Education (Birth – Grade 2). The eligible agency must provide to the district a copy of the five-year plans as part of the RFP process. All eligible agencies who have uncertified teachers providing instruction in a UPK classroom must have an on-site education director who holds a valid NYS teacher certification in either Early Childhood Education (Birth – Grade 2) or Childhood Education (N – Grade 6). If the eligible agency is unable to provide an on-site education director who holds certification, the district may opt to assign an individual to be on-site during the hours of UPK operation and perform this function.

“Eligible agencies”, as defined in [8 NYCRR 151-1.2\(b\)](#) mean a provider of child care and early education, a day care provider, early childhood program or center or community based organization (CBO) including, but not limited to, an approved preschool special education program, Head Start, nursery schools, libraries, and museums which meet the standards and requirements of Subpart 151-1.

3. I would like to know if you can only have UPK from the school district your CBO site is in. Do eligible agencies have to be located within the school district’s boundaries?

For the purpose of the NYS UPK program, it is allowable for participating school districts to contract with eligible early childhood providers physically located within or outside of the district’s geographic boundaries, assuming the process for establishing a collaboration is followed and the eligible agency is located in a contiguous district or otherwise transportation to and from the child’s home to the eligible agency does not impose a hardship for the child, the family, or the district.

4. Can a school district give preference for UPK enrollment to children who are from families that are Economically Disadvantaged (ED)?

No. [Section 3602-e of Education Law](#) requires that school districts must establish a process to select eligible children to receive UPK services on a random basis when there are more eligible children than can be served in a given school year.

5. How do districts select collaborating agencies?

Districts must select the eligible agencies with which it will collaborate through a competitive process. [Section 151-1.6 of Commissioner's Regulations](#) explicitly describes the process for issuing an RFP as well as the criteria to consider for selecting which eligible agency or agencies will receive funds from the district to provide the UPK program.

6. If the school district is happy with our current CBO partners, how often should we put out a new RFP? Does a school district have to conduct a competitive process every year?

After the implementation of the initial competitive process and the selection of an eligible agency or agencies to provide the program, districts must develop a purchase of service contract with such agencies. Contracts may be of varying lengths depending on the arrangements established between the agency and the district. It is imperative the district's attorney or legal team ensures the contract is valid and that districts have clauses for discontinuing or extending a contract. The Office of Early Learning has every right to ask the district for its contracts with eligible agencies.

7. The school district currently contracts with multiple agencies. This year, the school district is receiving increased funding for UPK. Do we have to issue the RFP for the additional funds?

There is not a clear-cut answer to this question. While a district may be happy with their current providers, there also may be eligible agencies in the community that would like the opportunity to participate in the UPK program. In addition, the district should take into consideration the capacity of the current providers to serve additional UPK children and be in continued compliance with [Commissioner's Regulations 8 NYCRR 151-1](#). Districts should also consider other factors such as the ease with which families can use the current providers and whether there are unserved areas of the district.

8. Are all school districts given the same amount per child?

Universal Prekindergarten (UPK) grant funds are allocated to school districts in accordance with a formula set forth in [Section 3602-e \(10\)](#) of Education Law, therefore the amount varies from school district to school district. The [2021-2022 UPK Allocations List](#) can be accessed on the NYSED Office of Early Learning website.

9. What is the anticipated reimbursement rate? Is there a set per pupil rate that the district gives their eligible agencies? If so, how should this be calculated; by attendance... enrollment... cost?

No. As part of the RFP process, any eligible agency who is interested in running a UPK program should be submitting to the district a budget of what it would cost to run a high-quality UPK program at their agency.

10. Do I have to be able to accommodate 18 or 20 UPK slots, or can I take a smaller number of slots in my current site?

As part of the RFP process, any eligible agency who is applying to run a UPK program should indicate the number of slots that they could accommodate at their site on their application to the school district for collaboration. Any number is allowable within the allocation. Within the CBO classroom, there can be children who are funded through UPK and also children who are funded in other ways, such as Head Start funding or private pay students.

11. Are school districts required to give more than 10% of the UPK allocation to eligible agencies?

No. A district is not required to go beyond the 10% minimum set-aside to partner with eligible agencies. However, the district should keep in mind that these are district children attending the programs and should be receiving the same high-quality UPK program regardless if they attend UPK in-district or at an eligible agency. There are districts, due to space limitations, that choose to use all CBO classrooms and run no in-district classrooms.

12. Regarding the RFP process, what are the general requirements that school districts must follow when they issue the RFP?

[Section 151-1.6 of Commissioner's Regulations](#) explicitly describes the process for issuing an RFP as well as the criteria to consider for selecting which eligible agency or agencies will receive funds from the district to provide the UPK program.

a. Do they have to include scoring criteria?

Yes, a scoring criterion must be included within the RFP.

b. Is there a state regulation on minimum time allowed to respond to an RFP?

There is no state regulation on the minimum time allowed to respond to an RFP. School district are asked that CBOs are given ample time as it is a lengthy form to complete.

c. Typically what documentation/certifications will a CBOs need to provide...insurance? financial? other?

[Section 151-1.6 of Commissioner's Regulations](#) lists the documentation that CBOs are asked to submit to the school district as part of the RFP process. The school district may also ask for other documentation such as insurance, copies of the teachers' certifications/degrees (if applicable), or a copy of the child care license.

13. Do you have a sample/best practice RFP you can share with CBO's and school districts??

Please visit <https://www.ccf.ny.gov/files/8216/2315/0672/UniversalPreKSampleRFP.pdf> for the Sample RFP. Please note that this is an example and that districts should modify it based on their specific needs.

14. How does a school district get a waiver if there are no eligible CBOs?

The variance request to not collaborate with CBOs will be available in the yearly UPK application. A school district can apply for a variance request for the 10% collaboration requirement if: (1) no eligible agencies are willing to collaborate, (2) there are no eligible agencies located within the district's boundaries, or (3) there is good cause for not contracting with any eligible agency who has submitted an RFP.

There are several "good cause" reasons as to why a district can choose not to partner with an eligible agency who has submitted an RFP. Those "good cause" reasons include: (1) the eligible agency has health and safety violations, (2) teacher(s) at the eligible agency are not willing to develop a 5-year plan towards obtaining teacher certification, (3) the district would have fiscal solvency issues due to the collaboration, (4) the eligible agency is a new provider without a record of program effectiveness or fiscal solvency, or (5) the eligible agency has continued to not meet the terms of prior contracts with the district.

15. Are community-based organization able to mix 3s and 4s in same classroom if blended model already exists due to small center size?

Yes, as long as those being funded through the State Funded program meet the requirements to be an "eligible student". Classrooms also have to show how there is a distinction in the curriculum for both the 3-year-old students and 4-year old students, ensuring that the 3-year-old students won't have a duplicative curriculum during their 4 year old prekindergarten year. Those students who are not funded through the state, the district should report such children as "other funded" on the Basic Educational Data System (BEDS) report.

16. Are there any resources/programs that are available that can help the school district and CBO support the quality of the classrooms and program?

Yes, a list of resources and supports are listed under question 30. In addition to those resources and supports, New York State has QUALITYstars which is the state's Quality Rating and Improvement System for early childhood program. QUALITYstars can provide both support and resources to support early childhood educators. You can obtain more information and apply to be part of their system at: <https://qualitystarsny.org/apply/>

17. Should district classrooms and community-based organizations utilize the same assessments and curriculums?

Curricula and assessment selection is the responsibility of the district. It is highly recommended that the same curricula be used in all UPK classrooms regardless of the setting. However, the district does have the discretion to allow eligible agencies to use alternative curricula if, upon review, it is determined that such curricula are aligned with the New York State Learning Standards and provides a continuity of learning with the district's early elementary program. More information regarding curricula can be found on [OEL's curriculum web page](#).

Also, districts should be flexible when a CBO has in place curricula and assessments that are working well, and perhaps are already required for the CBOs other funders. This is something that should be discussed during the contracting process.

18. Do 'report cards' have to be the same between our district and the collaborating CBO?

No, 'report cards' do not have to be the same. This should be an item that is discussed and decided between the CBO and school district, in terms of how to appropriately convey the developmental growth that the student has made over the UPK year.

19. How much should the district provide support with:

a. Professional Development

This should be a symbiotic collaboration between CBO and school district, to ensure that both parties mutually benefit from professional development that is appropriate for the UPK program. This could also be addressed within the contract between the CBO and school district.

b. Materials/Supplies

The CBO should provide the cost of materials and supplies on the budget that they submit with their RFP to the school district. Whatever is decided should also be included in the contract between the CBO and school district.

c. Support staff

The CBO could provide the cost of support staff (such as a nurse) on the budget that they submit with their RFP to the school district, but that cost may not supplant funds. The school district could allocate a small portion of the support staff's salary on their UPK budget to help support the program. Whatever is decided should also be included in the contract between the CBO and school district.

d. Daily oversight

Daily oversight is not needed by the district as the CBO should have an appropriate teacher and/or supervisor to administer the UPK program.

e. Meals

See [“Eligibility of Statewide Universal Full-Day Prekindergarten Program and Half-Day Prekindergarten Programs for Child Nutrition Programs”](#) for clarification on what is required for meals.

f. Transportation

The district is not required to transport prekindergarten students as outlined in [Education Law Section 3635\(g\)](#). Furthermore, Education Law 3635(g) states that if the district is transporting prekindergarten students to district buildings, it must also transport those students who attend UPK in their eligible agencies. CBOs cannot be charged for transportation costs as it is the responsibility of the district. The only students that **must** be transported are McKinney- Vento students who must be transported to their district of origin.

20. What are good ways to advertise for our UPK slots that are in CBO’s?

School districts are able to do any type of outreach so that parents are aware that the program is available. School districts have advertised in the newspaper, social media, in doctors’ offices and on their website. The school district and CBOs can collaborate and can also advertise in places such as shopping centers, laundromats, on buses/the bus station, hair salons, parks, festivals/fairs, libraries and WIC agencies.

21. Do CBO’s have any restrictions on what is charged for a wrap-around program?

No, there are no restrictions on what can be charged for the wrap-around program as long as it is optional to attend. Caregivers should be given the choice to opt out and only have the student attend during the designated UPK hours that are free to the family.

22. How does OEL hold districts accountable for the requirements outlined in the expansion grant? (Ex. 10% collaboration with CBOs, etc.).

Every year, the school district submits an application to OEL, which includes a list of the CBOs that are participating with the UPK program, and also a programmatic budget which specifies the amount of funding that is for each collaborating program.

23. Do the school districts include CBO staff in training/in-service days so that all the children receive equitable programming? If so, who covers the costs of subs for this training?

It is the responsibility of the school district to ensure that all staff in eligible agencies receive the amount and type of professional development that supports their ability to provide a high-quality instructional program meeting the needs of the children enrolled.

If district-planned staff development is relevant to UPK, it makes good program sense to include UPK teachers/staff from the eligible agencies. Conversely, most eligible agencies have professional development for their own staff, including district staff in these opportunities could also be beneficial.

Contracted UPK is for a minimum of 180 days, usually following the district's calendar that has superintendent conference days included. The district has options that may include, but are not limited to, requiring participation in some or all of the district's professional development as part of their contract with the eligible agency. Many agencies close UPK classes on district conference days so staff can attend. In some situations, the agency or district agree to provide substitutes for the UPK class to permit staff to attend the professional development opportunities.

Whatever is decided upon should be included in the contract with the CBO.

- 24. What if the collaborating CBO has a calendar that is not in perfect alignment with the school district (ex, if our CBO closes on certain Jewish holidays and the district does not) - is it ok if our calendars are slightly different but both share the 180 instructional days?**

It is allowed as long as each UPK student is provided 180 calendar days of prekindergarten.

- 25. We are regulated by OCFS as a child care center, the district is regulated by State Ed. When regulations are not the same, who do we follow?**

In the rare cases where the SED and OCFS regulations don't align, the stricter regulation must be followed.

- 26. If the school district provides free breakfast and lunch for children, does the CBO have to do that? How would that look? What options does a child care center have for providing meals if they do not have a kitchen equipped to do such? Are CBOs able to contract with local businesses to deliver the food daily? How have other centers handled this?**

Prekindergarten programs that operate for less than three hours must provide a nutritional meal and/or snack. Programs operating more than three hours must provide appropriate meals and snacks to ensure the nutritional needs of children are met. The CBO can utilize CACFP for free meals or include meals in their contract with the district to provide USDA or CACFP meals. See ["Eligibility of Statewide Universal Full-Day Prekindergarten Program and Half-Day Prekindergarten Programs for Child Nutrition Programs"](#) for more details about what is required in terms of meals.

For the 2021-2022 school year, the school lunch program is free and open to all students.

All licensed/permitted not-for-profit Day Care Centers (with a determination from the IRS that they are a 501(c)(3) organization are eligible for CACFP. To participate, the not-for-profit would complete the Potential New Sponsor Application and be approved to participate. For-profit centers are eligible to participate in CACFP, if at least 25% or more of the children that they provide care for are receiving subsidized tuition or they are from low-income households and qualify for free or reduced-price meals in CACFP.

Information on the Child and Adult Care Food Program can be obtained through the [New York State Department of Health](#).

For more information on the Free and Reduced Lunch program, contact your district's school lunch coordinator or the [NYSED Child Nutrition Knowledge Center](#).

27. Are the costs of meals and snack allowable expenses under the grant?

*Yes. The cost of meals and snacks are allowable expenses under the grant. In addition, districts and eligible agencies may access USDA reimbursement for all children, including prekindergarten students, through the Free and Reduced Lunch (FRL) Program or the Child and Adult Food Program **through June 2022**. If districts choose to charge parents for the cost of meals and/or snacks, parents must be provided the option of providing their own meal or snack for their child(ren), rather than purchasing.*

28. How can our agencies ensure that classrooms housed in public school buildings will be developmentally appropriate? (Ex. desks, 3yr olds eating in the cafeteria, worksheets, academic based curriculum vs. play based curriculum, among other things.)

All of the above examples should be a discussion and decided on between the school district and CBO.

29. How can the school district ensure that the staff for the classrooms in CBOs will have appropriate EC education and experience?

UPK teachers employed by an eligible agency are not required to hold certification. However, these teachers must have a five-year plan that will lead to obtaining NYS teacher certification in Early Childhood Education (Birth – Grade 2). The eligible agency must provide the district a copy of the five-year plans as part of the RFP process.

All eligible agencies who have uncertified teachers providing instruction in a UPK classroom must have an on-site education director who holds a valid NYS teacher certification in either Early Childhood Education (Birth – Grade 2) or Childhood Education (N – Grade 6). If the eligible agency is unable to provide an on-site education director who holds certification, the district may opt to assign an individual to be on-site during the hours of UPK operation and perform this function.

The district and CBOs should decide together the process that will be used to hire teachers before the contract is signed.

For general questions around teaching certifications, please contact the Office of Teaching Initiatives at tcert@nysed.gov

For questions about onsite supervisors or teachers on a 5-year plan, please contact the NYSED Office of Early Learning at oel@nysed.gov

- 30. When a certified supervisor is “on-site”, is that in the strictest interpretation? Or, for example, could a NYS-certified supervisor that exists in one center, provide oversight for other regional centers?**

Yes, “on-site” must be interpreted strictly to mean that the supervisor must be physically at the site during the universal prekindergarten program hours.

- 31. How is the state supporting ongoing professional development and coaching to administrators, staff & itinerant teachers/related providers to support statewide initiatives such as interest driven learning, embedding standards through children's play, and the Pyramid Model? Are programs and districts encouraged to jump on the initiatives?**

There are various resources and professional development opportunities that the NYSED Office of Early Learning offers every year. One of them will be the upcoming P-3 [Summer Institute](#), which will be held virtually in July and August 2021, for no cost for participants. Experts from the education field will virtually present workshops that can be viewed at any time.

Also, there are [written resources](#) for educators such as [Developmentally Appropriate Briefs](#) (including a brief on [Play](#)) and [resources for families](#) that can be distributed, along with NYSED Office of Early Learning's [Video series](#).

- 32. Are Districts required to have a Board of Ed approved UPK plan? If yes, is the RFP bound to the District's Board of Ed. approved UPK plan?**

Any new plan or initiative within the school district requires Board of Education approval. The RFP should be developed in conjunction with the district's legal team.

- 33. What are the specific criteria for the ENL support required?**

Please see [“NYSED- OEL-Supporting Special Populations”](#) for the specific criteria to support students who are ENL.

New Questions and Answers- July 15, 2021

- 1. What is the definition of a CBO?**

A CBO or “community-based organization” shall mean a provider of child care and early education, a day care provider, early childhood program or center, approved preschool special education program, Head Start or other such community-based organization.

2. If I am a CBO, who wants to collaborate with a school district, what would be the steps to take to start this process?

As a CBO, you could check the [allocations lists](#) on the NYSED-OEL website to see if the school district is allocated Universal Prekindergarten Funds. It should be noted that just because the school district has these funds, this does not mean that they are currently running a state funded UPK program. After reviewing the allocations list, you may want to ask the school district when they are soliciting RFPs for collaboration, what the process would look like, and where to find the announcement for future RFPs. All districts have unique processes and RFPs for collaboration.

It should be noted that each school district administers their prekindergarten program slightly differently so learning about by having a conversation between both the school district and potential CBOs is beneficial.

If the school district does have allocation funds, and is not running a UPK program, this could be a great opportunity to have a conversation with the school district about collaboration and maybe running the UPK program using CBO collaborators.

3. Who determines if children will attend full or half day programming?

This will depend on the type of slot that the school district is allocated for and the capacity of the program. A CBO can accept half day slots, and then offer a wrap around program to make it a full day. If a wrap around program is offered, it cannot be required for a student to stay the full day in order to participate in the half day UPK program; there must be an option for the parent/caregiver to opt out of this additional programming and for the child to be allowed to leave after the half day UPK program is complete.

4. Can a CBO "operate" a UPK program on a district location/campus without having to obtain OCFS approval or licensure?

According to the [OCFS Child Care Regulations](#), with OCFS approval, a CBO program can be located in a district building without an OCFS license. so long as compulsory school aged students use the building too.

The OCFS regulation states: Child day care centers located in public school buildings currently used for elementary, middle or secondary public education programs approved by the New York State Education Department are exempt from the requirements set forth in 418-1.2(a)(2)-(9) of this Subpart. Each such program must submit a copy of the current certificate of occupancy issued by the State Education Department as part of the application. For those programs not issued such certificates of occupancy, the appropriate local equivalent, acceptable to the State Education Department, must be submitted.

The district must send a letter to OCFS stating that they are assuming responsibility of the CBOs classroom, that is located within the school's building. Once approved, the district then becomes the oversight agency of the classroom.

5. What if the school district does not take the funding? Can a CBO access the funding?

At this time, the state funds are allocated to school districts and it is their decision whether to accept these funds and run the UPK program. CBOs cannot access or apply for the UPK funds directly from the New York State Education Department.

6. What should districts consider when determining the extent of CBO participation? In other words, what might be a reason for a district to operate its PK program entirely through CBO providers? Or on the other hand, what would be a good reason to cap CBO at the 10% requirement with the rest provided by the district?

There are multiple factors that should be considered when assessing how to partner with CBOs to administer the state funded prekindergarten program. Factors to consider include but are not limited to; capacity and availability of the CBOs, capacity/space of the district classrooms, qualified teachers and administrators for the district and CBO classrooms (see question 29 and 30 for qualifications), and quality of the CBO programs. Meeting families' needs should be a focus of this discussion. Do families need care for a full work day? If yes, then a CBO can provide continuity for the child all day. Less transitions to other programs is usually preferred. This could be a discussion between the CBO programs and district to see what is possible within school district boundaries.

7. I'm a teacher in a CBO who is interested in becoming a UPK teacher, but unsure of how to create a five-year plan for myself. Is there someone who could help me?

Yes, there is help with this process. New York State has Early Childhood Career Development centers, located in six regions, that help support current and aspiring early childhood professionals. Please visit <https://earlychildhoodny.org/cdsc/> to find more information and contact details for the regional center closest to you.

8. What is the lottery system for UPK? Can parents get to choose which CBO they send child to?

*Section 3602-e of Education Law requires that all districts have a random selection process (lottery system) in place **if** there are more children registered than there are seats available. Even if a district never has a waiting list, this random selection process should still be in place in case it is needed in the future.*

Regardless of if the lottery system is activated for that current UPK year, districts should list all of their sites, including CBO collaborations on the student application for UPK, and allow caregivers to select and rank their choices of sites. A caregiver may have a specific reason for selecting that site such as another sibling attends the program, it's a program that the child has already attended, or the site is close to home/work. The child is not guaranteed to attend that specific site through the UPK program, based on availability of slots, but caregivers should be given the opportunity to indicate their choice.

