



P-12 Education
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TO: Superintendents of School Districts Receiving State Funds for
Prekindergarten
Program Contacts in School Districts Receiving State Funds for
Prekindergarten

FROM: Jason Breslin, Director of the Office of Early Learning

SUBJECT: Prekindergarten Collaboration Requirement

DATE: May 11, 2020

The purpose of this memo is to remind school districts receiving state funding for Pre-K of the collaboration requirement and to discuss the implications for districts.

Collaboration Requirement

Section 3602-e of Education Law, which establishes the Universal Prekindergarten (UPK) program, requires that a school district set aside not less than 10 percent of its UPK allocation to collaborate with existing community-based organizations (CBOs) that provide early childhood education services. For purposes of the UPK grant, the term “collaboration” means that the CBO is providing the instructional program to a specified number of enrolled Pre-K students; that is the classroom teacher and paraprofessional(s) are employees of the CBO.

Selecting Collaborating CBOs

The requirements for the competitive process are set forth in Section 151-1.6 of 8NYCRR, including the specific information that must be obtained from each applicant through the request for proposals. The district must review proposals to determine whether the applying CBOs meet the requirements specified in the regulations and have the capacity to implement the program as required by the district. Section 151-1.6 also specifies criteria that districts must consider in rating the proposals. The results of the competitive process must be announced at a public meeting of the Board of Education.

School districts are encouraged to use the “[Find Child Care](#)” function on the NYS Office of Children and Family Services (OCFS) website to assist them in identifying potential CBO collaborators. This site allows a search by a variety of elements, including school district of location and allows districts to review additional information about potential collaborators, including the inspection history.

Contract Requirement

A school district that collaborates with one or more CBOs should enter into contracts or formal agreements with the selected collaborators. The statute and regulations do not specify the duration of such contracts, not the frequency of the competitive process. The

contract/formal agreement should clearly delineate the type of services and programs for which the district is contracting, as well as the responsibilities of the CBO and the district. The school district must conduct at least one site visit to settings where the Pre-K program will be located prior to entering into a contract for services. Section 151-1.3(f) of 8NYCRR requires school districts to monitor compliance of collaborating CBOs with all fiscal and program requirements, to assess student progress in the Pre-K program, and to correct any identified deficiencies.

Variance from the Collaboration Requirement

Section 3602-e of Education Law provides the State Education Department (SED) with the authority to grant variances from the collaboration requirement. A request for a variance will be considered based on documented evidence that the school district has been unable to develop a collaborative arrangement for reasons that are outside its control. Examples of factors outside the control of the school district include, but are not limited to, the following:

- No CBOs that provide early childhood services are located within the district boundaries.
- Existing CBOs are not willing to meet the Pre-K program requirements (for example, the CBO program is less than five days per week and they do not want to change it; CBO program includes religious instruction).
- Existing CBOs are not able to meet the Pre-K program requirements (for example, no certified teachers and no certified on-site supervisor).
- Existing CBOs are not interested in collaborating with the school district (for example, per pupil amount is too low).
- There is good cause for not collaborating with an interested CBO (for example, uncorrected or recurring OCFS regulatory violations; observed health and safety issues; CBO is fiscally unstable).

A school district may request a variance from the collaboration requirement as part of its Pre-K application that is submitted through the business portal. When requesting a variance from the collaboration requirement, the school district must describe its efforts to identify a CBO with which to collaborate, state the reason(s) why a variance is needed, and provide specific details supporting the reasons for not collaborating. When a variance from the collaboration requirement is granted it is effective for the school year in which it was granted. Documentation supporting the request must be maintained on file by the district and must be made available to SED upon request. School districts must revisit the availability of CBO collaborators annually.

Questions regarding this field memo or any other aspect of the Pre-K programs may be directed to the Office of Early Learning by email at oel@nysed.gov or by telephone at (518) 474-5807.