



New York State Education Department

**GUIDELINES FOR HEALTH SERVICES IN
PREKINDERGARTEN PROGRAMS**

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The University of the State of New York
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Introduction

Some public school districts in New York State (NYS) have offered Prekindergarten (Pre-K) programs for many years while others have begun offering programs more recently. The number of three and four-year-old children participating in Pre-K programs has increased dramatically since 1998 when State funding for Pre-K was initially expanded. School districts may operate Pre-K programs directly or may collaborate with community-based organizations (CBOs) (including Head Start programs) to provide Pre-K services for their students. Some classrooms are housed in public school buildings while others are located at the sites of CBOs that collaborate with school districts to provide the Pre-K program.

Note: For schools and licensed day care centers located in New York City (NYC) different laws may apply. NYC schools should contact the [NYC Department of Education's Office of School Health](#). NYC licensed daycare centers should contact the [NYC Department of Health and Mental Hygiene's Child Care Office](#).

Public Schools

Education Law Article 19 governs the provision of health services in public schools. Specifically, Education Law §901 requires school health services to “be provided by each school district for all students attending the public schools in this state, except in the city school district of the city of New York, as provided in this article.”¹

Where a public school Pre-K program is provided by the public school district, or where the district contracts with an eligible agency to provide the district’s Pre-K program, upon enrollment in the Pre-K program, the Pre-K students are public school students, and the district is responsible for ensuring that the students receive the same health services provided to K-12 students.

Nonpublic Schools (not including nursery schools)

A nonpublic school may provide a Pre-K program and though they are not required to provide health services under Education Law §901, nonpublic schools must comply with the applicable provisions of the Public Health Law including, Public Health Law §2164 related to immunization requirements, Public Health Law §3000c related to epinephrine auto-injectors, and Public Health Law §1370-d and Public Health Law §2168(7)(d)(i) related to lead screening, and the related provisions of Education Law regarding the scope of practice of licensed health professionals.

Please note that pursuant to Education Law §912, a nonpublic school may request health services from the district of location, which is the school district in which the nonpublic school is located. Education Law §912 limits the provision of health services to nonpublic school students residing within the boundaries of the school district to those services made available to the resident students who attend the public school district. Therefore,

¹ (New York [Education Law Article 19, §901](#))

if a public school district does not provide a Pre-K program, it is not required to make health services available to a nonpublic school Pre-K student.²

For more information on health services for nonpublic schools, see: [New York State Education Department \(NYSED\) Ed Management Services- Health and Welfare Services](#).

Nursery Schools

Nursery schools are private preschools that provide programs only for preschool children less than seven years of age. A nursery school, whose program operates less than three hours each day, is not required to provide health services and may not request health services as a nonpublic school from the district of location under Education Law §912. However, as with nonpublic schools, a nursery school must also comply with the applicable provisions of the Public Health Law including, Public Health Law §2164 related to immunization requirements, Public Health Law §3000c related to epinephrine auto-injectors, and Public Health Law §1370-d and Public Health Law §2168(8)(d)(i) related to lead screening, and the related provisions of Education Law regarding the scope of practice of licensed health professionals.

Pursuant to Social Services Law §390 related to child day care programs, nursery schools that operate three or more hours each day must be licensed by the Office of Children and Family Services.

Voluntarily Registered Nonpublic Nursery Schools & Kindergartens

Voluntarily registered nonpublic nursery schools provide programs for preschool children between the ages of three and five years and must comply with Part 125 of the Commissioner's regulations, including the requisite health requirements. Registered nonpublic kindergarten programs must adhere to the age eligibility requirements established by the public school district where the child resides and must also comply with [Commissioner's Regulations Part 125](#).

Licensed Day Care Programs

Health services provided at a Pre-K program at a licensed day care center, which is not operated pursuant to a contract with a public school district, must be provided in accordance with the Social Services Law and the regulations of the [NYS Office of Children and Family Services](#) (OCFS).

Head Start

Head Start and Early Head Start programs are federally funded by the Office of Head Start to support the comprehensive needs of children birth to age 5 families and their enrolled children, including, health, oral health, mental, social, and emotional

² See also: Appeals of the Board of Education of the Horseheads Central School District, 59 Ed Dept, Decision No. 17741

development. Questions related to health services in NYS Head Start Programs should be directed to The Council on Children and Families' New York State Head Start Collaboration Director, ecac@ccf.ny.gov .

Overview of Health Services

As noted above, providers of Pre-K programs in New York State may be public schools, non-public schools, or community-based organizations (CBO). The following sections of this document review health service requirements for Pre-K students based on the requisite requirements governing the entity providing the Pre-K program.

Below is a summary chart of types of health services, whether they are required for attendance at each entity providing the Pre-K program, or in the case of medications who may administer them. Details on each type of service are on subsequent pages.

Health Service	Public Schools	Day Care Programs (licensed by OCFS)	Nonpublic Schools and Nursery Schools	Voluntarily Registered Nonpublic Nursery Schools and Kindergartens
Physical Examination	Required –school medical director to conduct if not provided to school <i>8 NYCRR §136.3(c)(iii)</i>	Required <i>18 NYCRR Parts 413-418</i>	Not Required	Required <i>8 NYCRR125.5(b)(1)</i>
Dental Exam	School must request <i>Education Law §903</i>	Not required	Not Required	Required <i>8 NYCRR 125.5(b)(1)</i>
Immunizations	Required <i>Public Health Law §2164</i>	Required <i>Public Health Law §2164</i>	Required <i>Public Health Law §2164</i>	Required <i>Public Health Law §2164</i>
Vision Screening	Required <i>Education Law §905</i>	Recommended <i>18 NYCRR Parts 413-418</i>	Not Required	Required <i>8 NYCRR 125.5(b)(1)</i>
Hearing Screening	Required <i>Education Law §905</i>	Recommended <i>18 NYCRR Parts 413-418</i>	Not Required	Required <i>8 NYCRR 125.5(b)(1)</i>
Blood Lead Level	Required to request and provide information to parent <i>Public Health Law §1370-d, §2168(8)(d)</i>	Required to request and provide information to parent <i>Public Health Law § 1370-d, §2168(8)(d)</i>	Required to request and provide information to parent <i>Public Health Law §1370-d, §2168(8)(d)</i>	Required to request and provide information to parent <i>Public Health Law § 1370-d, §2168(8)(d)</i>
Medication Administration	Administered by licensed health professionals only- except for epinephrine auto-injectors and glucagon <i>Education Law Title VIII; Education Law §921</i>	MAT trained personnel only may administer medications- except for those permitted in OCFS regulation <i>18 NYCRR Parts 413-418</i>	Administered by licensed health professionals only- except for epinephrine auto-injectors and glucagon <i>Education Law Title VIII; Education Law §921</i>	Administered by licensed health professionals only- except for epinephrine auto-injectors and glucagon <i>Education Law Title VIII; Education Law §921</i>

Health Examinations

Public Schools

Education Law §903 requires students to provide the school with a health certificate upon entrance into school, and at other designated times in accordance with 8 NYCRR §136.3(c).

Health examinations (aka physical examinations) are required for entrance into Pre-K in a public school program, voluntarily registered nonpublic nursery school or kindergarten, or CBOs that are providing State-funded Pre-K programs in collaboration with a public school district. Consistent with the requirements of §136.3(c)(iii), if the parent/guardian does not provide the required health examination, such exam must be provided by the school district's director of school health services (commonly referred to as the medical director). Public schools are also required to request a dental certificate at the same time a health examination is required, however, please note that failure to provide such a certificate does not preclude a student's attendance at school.

See the New York State Education Department's (NYSED) *School Health Examination Guidelines* on the [NYSED:SSS:School Health Services](#) for further details on health examination requirements in schools.

Licensed Day Care Programs

Licensed day care providers operate under the oversight of the New York State Office of Children and Families (OCFS). Please see the [NYS Office of Children and Family Services](#) for further information.

Immunizations

Public Health Law §2164 requires a child between the ages of two months and eighteen years, attending any public, private or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate or secondary school to provide proof of immunizations. See NYS Department of Health's [Child Care Programs, Schools and Post-Secondary Institutions \(ny.gov\)](#) for more information.

Public Health Law also requires public, private or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate or secondary school complete the annual immunization survey. Public and non-public schools must complete this online survey by December 15th of each year. Licensed day care programs and nursery schools must complete this online survey by March 5th of each year.

Reporting to NYSDOH is done electronically. Information on how to obtain the necessary Health Commerce Account with NYSDOH to access the survey, how to tally immunization counts, and how to submit the survey electronically along with other information is available on the New York State Center for School Health website: [NYSDOH Online Immunization Survey Resources](#)

Public school districts contracting with CBOs should specify in the Memorandum of Understanding (MOU) or contract, who will complete the required immunization survey for the Pre-K program.

Screenings

Vision and Hearing Screenings

Public Schools

All new entrant students attending public schools in New York are required to be screened for vision and hearing within 6 months of entrance to school in accordance with Education Law §905 and 8 NYCRR §136.3(e). Public schools who contract with CBOs to provide their Pre-K program will need to provide the required screenings by a licensed health professional for their Pre-K students if the CBO does not have the capacity to conduct such screenings **and** the screenings were not completed on the student's health examination form.

- Details on vision screenings are available in the [NYSED Vision Screening Guidelines for Schools](#).
- Details on hearing screenings are available in the [NYSED Hearing Screening Guidelines for Schools](#)

Licensed Day Care Programs

Although not required, it is recommended that students attending licensed day care programs have vision and hearing screenings conducted as part of their health examination by their provider.

Lead Screening

Public Health Law §1370-d requires childcare providers, public and private nursery schools, and preschools licensed, certified, or approved by any state or local agency; to obtain from the parent/guardian- prior to or within three months of initial enrollment- evidence that their child under the age of six years has been screened for lead.

If the parent/guardian is unable to provide such evidence, the childcare provider, principal, teacher, owner or person in charge must:

- Provide the parent/guardian with information on lead poisoning in children and lead poisoning prevention; and
- Refer the parent/guardian to their primary care provider or local health department for blood lead test.

Note: A student lacking proof of lead screening **may not be excluded**.

Additionally, Public Health Law §2168(8)(d)(i) requires childcare providers, public and private nursery schools, and preschools licensed, certified, or approved by any state or local agency to provide educational materials on the dangers of elevated lead exposure,

the health risks associated with elevated blood lead levels, as well as programs that may be available for the child and the parent/guardian of a child with elevated blood lead levels.

See [NYSDOH Lead Poisoning Prevention](#) webpage for more information on lead screening.

Medication Administration

With few exceptions, Education Law limits the administration of medications to another person to certain licensed health professionals in accordance with Title VII of the Education Law.

Schools

In public, nonpublic, and private nursery school Pre-K programs that **are not** licensed day care programs, only an appropriately licensed health professional may administer medications to a student. NYSED provides guidance to schools on medication administration in the *Guidelines for Medication Management in Schools* available on [NYSED:SSS:School Health Services](#).

Licensed Day Care Programs

OCFS licensed day care programs may permit a designated staff person who is at least 18 years of age, possesses a current certification in first aid and cardiopulmonary resuscitation (CPR) appropriate to the ages of the children in their care, have completed a medication administration training (MAT) course certifying the staff person (valid for three years) to administer medications orally, topically, or in eyes or ears to children in the day care in accordance with [18 NYCRR Parts 413-418](#). The training in the administration of medications must be provided by a Health Care Consultant who has been certified by the OCFS to administer the approved curriculum. Detailed information on MAT training, health care providers and consultants and other related requirements is available at [OCFS Medication Administration Training](#).

Note: No child under the care of a day care center will be allowed to independently administer medications without the assistance and direct supervision of staff that are certified to administer medications.

Other Health Related Concerns

Invariably, Pre-K students may be injured or become ill while at school regardless of their medical history. As with other health related issues, how a Pre-K program is to handle these situations depend on which laws govern the entity providing the Pre-K program.

Public Schools

Education Law §901, requires public schools to notify parent/guardians of any illnesses or injuries for which follow up care may be required. See the [NYSED Memo: Parent/Guardian Notifications Regarding Student Illness or Injury](#).

Additionally, this law requires the director of school health services, (a.k.a. medical director), to guide parents, children and teachers in procedures for preventing and correcting defects and diseases; to instruct the school personnel in procedures to take in case of accident or illness. Additionally, Education Law Title VIII prohibits unlicensed school personnel from assessing or performing triage to determine what if any actions should be taken, other than for very minor injuries (e.g., small cut needing only a standard band aid). When a school nurse, or other adequately licensed personnel is not present, unlicensed school personnel should be instructed to contact the parent/guardian to pick up their child, or if necessary, call for emergency transport to the nearest emergency room in accordance with school policies.

[The NYS Center for School Health](#) has useful templates and other resources to assist schools in providing health services to students.

Licensed Day Care Programs

The Office of Children and Family Services governs the operations of licensed childcare programs. OCFS regulations, [18 NYCRR Parts 413-418](#) require licensed day care programs to be equipped with a portable first aid kit accessible for emergency treatment. The first aid kit must be stocked to treat a broad range of injuries and situations and must be restocked as necessary. The first aid kit and any other first aid supplies must be kept in a clean container or cabinet not accessible to children. All programs must have at least one staff person who holds a valid certificate in cardio-pulmonary resuscitation (CPR) and first aid, on premise of the program during the program's operating hours. Contact the [NYS Office of Children and Family Services](#) for further information on such childcare programs.