



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Student Support Services  
Office of Early Learning  
89 Washington Avenue, Room 319 EB  
Albany, New York 12234  
Tel. (518) 474-5807 / Fax: (518) 473-7737  
[OEL@nysed.gov](mailto:OEL@nysed.gov)

July 23, 2018

**TO:** Superintendents of School Districts with State-Administered  
Prekindergarten (Pre-K) Grants  
CEOs of Agencies with Contracts for Statewide Universal Full-Day Pre-K  
Pre-K Contacts

**FROM:** Office of Early Learning

**SUBJECT:** Q&A: Prekindergarten Class Size and Staff Coverage Requirements

The purpose of this memo is to provide clarification regarding the staff coverage requirements for prekindergarten (Pre-K) classrooms operated under State-Administered Pre-K grant programs. State-Administered Pre-K grant programs include Universal Prekindergarten (UPK), Statewide Universal Full-Day Prekindergarten (SUFDPK), Expanded Prekindergarten (EPK), Prekindergarten for Three-Year Old Students (3PK), Additional Grants for Expanded Prekindergarten (EPK2), and the federal Preschool Development Grant (PDG).

1. What are the class size and staffing requirements for Pre-K classrooms?

*Commissioner's regulation §151-1.3(d) establishes a maximum Pre-K class size of 20 students and requires that for classes of up to 18 students, there must be one teacher and one paraprofessional assigned to each class. For classes of 19 or 20 students, there must be one teacher and two paraprofessionals assigned to each class. A paraprofessional means either a teaching assistant or a teacher aide as defined in Part 80 of Commissioner's regulations. Districts and Statewide Universal Full-Day Pre-K (SUFDPK) direct contract agencies may determine whether to employ teaching assistants or teacher aides.*

2. Within the requirements of the regulation, what does the term "assigned to" mean?

*To meet the requisite staffing requirements of the regulation, the New York State Education Department (NYSED) expects that the teacher and paraprofessional(s) as required, are present in the Pre-K classroom during the hours that are designated as the instructional day.*

3. The district is required to provide specified planning time, an uninterrupted lunch and breaks as part of its collective bargaining agreements with its employees. Does the

regulation provide any flexibility around the Pre-K staffing to accommodate these types of requirements?

*The district must have a plan to ensure appropriate coverage for scheduled breaks and routines, such as lunch and planning. Such plan may include the use of floating paraprofessionals and/or scheduling Pre-K classes in the rotation of "specials," including, but not limited to physical education, library, music, and art.*

4. Can the physical education teacher be solely responsible for a Pre-K class when providing instruction in physical education?

*No. The Pre-K class should be accompanied to physical education, or any other "special," by one or two paraprofessionals, as applicable based on the class size to ensure compliance with Commissioner's regulation §151-1.3(d) throughout the school day.*

5. The Pre-K classroom does not contain a bathroom, necessitating that the teacher aide escort children to the bathroom down the hall, thus leaving the teacher alone in the classroom. Is this acceptable?

*The district must have a plan to ensure appropriate coverage throughout the school day. The determination of the appropriateness of this situation is impacted by variables related to the distance of the bathroom from the classroom, the ages and developmental level of the children, and the time of year. For example, some districts have learned that it is desirable to have an additional aide assigned to classrooms for three-year old students in the early part of the school year when more children may be involved in toilet learning.*

6. Each day the paraprofessional must go to the cafeteria to pick up breakfast in the morning and lunch midday, thus leaving the teacher alone with the class for approximately 10 minutes.

*The district must have a plan to ensure appropriate coverage for daily or routinely occurring events. The determination of the appropriateness of this situation is impacted by variables including the type of activity children are scheduled to be engaged in at this time. For example, this would be a bad time to schedule outdoor play. A whole group activity, such as a read aloud or singing songs, would be more appropriate scheduling.*

7. The Pre-K students eat lunch in the cafeteria. Are the Pre-K teacher and paraprofessional required to remain with the students during their lunch time?

*There are several factors to consider when deciding whether the teacher, the paraprofessional, both, or neither need to remain with students in the cafeteria during their lunch time. These include the number of classes and students in the cafeteria at the time, the number of monitors assigned to the cafeteria when the Pre-K students are there, and the ages and developmental levels of the Pre-K students.*

*If lunch is being counted as part of the instructional day, both the teacher and the paraprofessional(s) must remain in the cafeteria with the students. A guidance memo on providing an instructional lunch is available on the Office of Early Learning website. <http://www.p12.nysed.gov/earlylearning/documents/GuidelinesforPreKInstructionalMealtime.pdf>.*

8. The students in our full-day Pre-K program nap for 30-45 minutes every afternoon. Is this an appropriate time to provide the teacher with planning time or for the teacher and/or paraprofessional to take a lunch break?

*While nap time may seem to be a time when one adult could manage the class, it is a time when children are particularly vulnerable. In the event of an emergency, such as a fire or other crisis, sleeping children who are awakened may be disoriented and scared, increasing the need for full staffing.*

*Further, not all children will nap every day. Best practice guidelines suggest that teachers should plan quiet activities for children in designated areas of the classroom (at a table or quiet activity areas) for those who do not sleep. Additional guidelines for nap time for Pre-K students is available on the Office of Early Learning website. <http://www.p12.nysed.gov/earlylearning/>*

9. Can a teacher or paraprofessional work alone in the classroom if the other is absent due to illness or planned time off?

*No. Whenever a Pre-K staff is absent, whether planned or unplanned, the district or collaborating agency must provide a qualified substitute.*

10. On occasion, the district needs to pull the paraprofessional to assist with other duties in the building or elsewhere in the district. Is this acceptable?

*No. The paraprofessional should not be pulled from the Pre-K classroom for any reason unless a qualified substitute is provided.*

11. The district contracts with a community-based organization (CBO) that is licensed by the NYS Office of Children and Family Services as a day care center. The day care center regulations (Subpart 418-1) specify different staffing requirements than the Pre-K regulations. Which regulations must the collaborating CBO follow?

*A CBO that is operating a program subject to two sets of regulations must comply with both. When those regulations differ, the more stringent requirement takes precedence. In this case, the staff-child ratios for a licensed day care center (one adult for every seven three-year olds and one adult for every eight four-year olds) are more stringent than the requirements of Commissioner's regulation §151-1.3(d) for Pre-K classrooms and must be adhered to by the CBO.*

Questions regarding this memo may be directed to the Office of Early Learning at [oel@nysed.gov](mailto:oel@nysed.gov) or by phone at (518) 474-5807.