

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, and 3602-eof the Education Law and Part A of Chapter 56 of the Laws of 2022.

Subdivision (e) of section 151-1.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(e) Staff qualifications.

(1) Prekindergarten teachers providing instruction through this Part shall possess:

(i) a teaching license or certificate valid for service in the early childhood grades pursuant to Part 80 of this Title; or

(ii) a teaching license or certificate for students with disabilities valid for service in early childhood grades pursuant to Part 80 of this Title; or

(iii) for eligible agencies collaborating with the district to provide prekindergarten services, a bachelor's degree in early childhood education [or a related field,] or a teaching license or certificate valid for services in the childhood grades pursuant to Part 80 of this Title[, and a written plan to obtain a certification valid for service in the early childhood grades within five years]; or

(iv) [eligible agencies collaborating with the district to provide prekindergarten services and licensed by an agency other than the State Education Department may employ staff who meet the standards of the licensing or registering agency, until the beginning of the 2008-2009 school year, at which time all prekindergarten teachers shall meet the qualifications set forth in subparagraphs (i)-(iii) of this paragraph.] a school district may annually apply to the Commissioner by August first of the current school

year, on a form and format prescribed by the Commissioner, for a waiver that would allow personnel employed by an eligible agency that is collaborating with such school district to provide prekindergarten services, and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency.

(2) [Until] Unless all universal prekindergarten teachers at an eligible agency site possess a teaching license or certificate valid for services in the early childhood or childhood grades, the agencies operating such programs shall employ an on-site education director during the hours that the prekindergarten program is in operation that will be responsible for program implementation.

(i) The on-site director shall possess a teaching license or certificate valid for services in the early childhood or childhood grades pursuant to Part 80 of this Title.

(ii) Notwithstanding subparagraph (i) of this paragraph, if the agencies operating such programs are unable to employ an on-site education director who meets the qualifications prescribed in such subparagraph, they may employ an on-site education director who possesses a bachelor's degree or higher in early childhood education, and a written plan to obtain a certification valid for service in the early childhood grades within five years of the date such individual begins employment as a site director. Such plan shall be submitted to the Department by October 31 of each year in a form and format as prescribed by the Commissioner. The school district shall oversee program implementation by the eligible agency until the on-site education director meets the qualifications prescribed in subparagraph (i) of this paragraph.

(3) A prekindergarten teaching assistant providing instructional support in a prekindergarten classroom shall meet qualifications pursuant to Part 80 of this Title.

(4) A prekindergarten teacher aide providing support in a prekindergarten classroom shall meet the requirements prescribed by the local board of education.