



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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Office of Early Learning  
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To: Superintendents of Schools in Districts receiving Universal Prekindergarten Grants (UPK) and/or Statewide Universal Full-Day Prekindergarten (SUFDPK) funding  
Superintendents of School Districts with Kindergarten Programs  
Pre-K Program Contacts for Agencies receiving Statewide Universal Full-Day Prekindergarten (SUFDPK) funding

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A: No. State statute (Education Law §3602-e(1)(c) and §1712(1)) clearly define eligibility age and district residency as the only criteria required for entrance into prekindergarten and kindergarten. The district does not have the authority to apply additional criteria, such as being toilet trained, as a condition for enrollment or attendance.

Q: Are there any special considerations for emergent multi -lingual learners (EMLs)?

A: Yes. Different cultures have different expectations regarding toileting and when it should be achieved. It is the program's collective responsibility to learn about the student's culture and toileting expectations in addition to building relationships with both students and their families. In addition to the best practices identified above, the program must ensure that the learning environment is a place that feels safe and where students can see themselves represented and reflected (e.g., photographs, texts i



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