



**LOWER HUDSON EDUCATION COALITION**

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March 13, 2026

Dr. Betty A. Rosa  
Commissioner of Education  
New York State Education Department  
89 Washington Avenue  
Albany, New York 12234

RE: Request for Regulatory Amendments to 8 NYCRR § 151-1.3(d) – Universal Prekindergarten Class Size Standards

Dear Commissioner Rosa:

On behalf of the Lower Hudson Education Coalition (LHEC), we write to respectfully request that the New York State Education Department (NYSED) initiate a rulemaking process to amend the universal prekindergarten (UPK) class size and staffing requirements set forth in 8 NYCRR §151-1.3(d). With Governor Hochul and the Legislature advancing a commitment to deliver UPK statewide by the start of the 2028–29 school year, it is imperative that NYSED’s regulatory framework be updated to reflect the realities districts will face in scaling access to every eligible four-year-old in New York State.

**The Challenge Before Us**

The current regulation limits UPK class size to a maximum of 20 students, requires one certified teacher and one paraprofessional for classes of up to 18, and mandates an additional paraprofessional for classes of 19 or 20. While these standards have served the program in its current form, they were established under conditions in which districts were not required to make UPK available to every eligible child. As New York moves to guarantee a pre-K seat for every eligible child, districts across the Lower Hudson Valley and statewide will confront significant constraints in classroom space, certified early childhood teacher supply, and paraprofessional availability—constraints that will be magnified in suburban and rural communities where physical infrastructure and labor markets differ substantially from urban centers.

Without targeted regulatory relief, many districts risk being unable to comply with both the State’s universal access mandate and the current class size and staffing ratios simultaneously. LHEC believes that a modest, carefully structured adjustment to 8 NYCRR §151-1.3(d) can expand district capacity to serve more children while maintaining—and, in many respects, strengthening—the quality protections that families and educators expect.

**Proposed Regulatory Amendments**

**Tiered Class Size and Staffing Structure.** LHEC recommends replacing the current two-tier framework with a three-tier structure that provides a modest increase in maximum class size while preserving strong adult-to-child ratios:

<b>Class Size</b>	<b>Staffing Requirement</b>	<b>Additional Condition</b>
<b>Up to 18 students</b>	1 certified teacher + 1 paraprofessional	None
<b>19–22 students</b>	1 certified teacher + 2 paraprofessionals	None
<b>23–24 students (hard cap)</b>	1 certified teacher + 2 paraprofessionals	Waiver Required

This structure establishes a higher cap of 24 that cannot be exceeded under any circumstances and provides for a waiver requirement at the 23–24 tier, which would ensure NYSED retains oversight and that districts demonstrate the instructional and physical capacity to serve those additional students safely.

**Blended/Co-Teaching Model Allowance.** LHEC further recommends that the amended regulation permit districts to deploy two certified teachers sharing a single classroom of up to 24 students in lieu of the one-teacher-plus-two-paraprofessionals model at the upper tiers.

This co-teaching option would give districts meaningful flexibility to leverage their available certified workforce. In many communities, recruiting and retaining qualified paraprofessionals has become at least as difficult as hiring certified teachers, and a regulatory framework that accommodates either staffing configuration will help districts achieve compliance without sacrificing instructional quality. The co-teaching model is also well-supported by early childhood education research as a vehicle for differentiated instruction, peer coaching, and stronger inclusive practices for students with disabilities.

**Compliance Grace Period.** Finally, LHEC recommends including a 90-day compliance grace period during which districts would not be penalized for class configurations that temporarily exceed their class size and staffing structure, provided they are actively working to bring rosters into compliance. Early-year enrollment in UPK programs is inherently volatile: families register late, transfer between districts, or withdraw. Under the current regulation, a district that opens a class at 19 students may need to immediately hire an additional paraprofessional—only to see enrollment drop below 18 within weeks. A defined grace period, with a requirement that districts document their enrollment management plan would prevent unnecessary staffing churn while preserving accountability.

#### **Current vs. Proposed Framework: Side-by-Side Comparison**

<b>Current Regulation</b>	<b>Proposed Framework</b>
Maximum class size: 20	Maximum class size: 24 (Waiver required above 22)
Up to 18: 1 teacher + 1 para	Up to 18: 1 teacher + 1 para
19–20: 1 teacher + 2 paras	19–24: 1 teacher + 2 paras
No co-teaching alternative	Co-teaching model permitted as staffing alternative
No compliance grace period	90-day grace period

#### **A Framework That Protects Quality While Enabling Universal Access**

We want to emphasize that these recommendations are not a call to weaken quality standards. To the contrary, what we are proposing is to give districts the operational flexibility they need to meet the Governor’s and the Legislature’s ambitious—and welcome—commitment to universal pre-K without forcing impossible choices between access and compliance.

LHEC and its member districts stand ready to work with NYSED, the Board of Regents, and the Legislature to refine these proposals and to support the rulemaking process in any way that would be helpful. We would welcome the opportunity to present this framework to you and your team in greater detail, and to discuss how a phased implementation timeline could align with the State’s broader UPK expansion schedule.

Thank you for your continued leadership on behalf of New York’s youngest learners. We look forward to your response.

CC: Senator Andrea Stewart-Cousins  
Speaker Carl Heastie  
Senator Shelley Mayer  
Assemblymember Michael Benedetto