



P-12 Education
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TO: **Superintendents of Schools in Districts** receiving Universal Prekindergarten Grants (UPK)
Superintendents of School in Districts receiving 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

FROM: **Jason Breslin, Director - Office of Early Learning**

DATE: **April 1, 2021**

SUBJECT: Guidance for Supporting Toilet Learning for Prekindergarten & Kindergarten Students

This memorandum responds to the many questions our office receives regarding whether children must be toilet trained to attend a New York State-administered prekindergarten (Pre-K) or kindergarten program.

Must children be “toilet trained” to attend Pre-K or Kindergarten?

Children who are not toilet trained cannot be excluded from either Pre-K or kindergarten enrollment. The definitions of an “eligible child” for New York State-administered Pre-K programs and for public school kindergarten are established in education law.

- The definition of an “eligible child” for New York State-administered prekindergarten for four-year-old students requires that school districts must accept for enrollment any child who resides in the district and is four years of age on or before December 1st or otherwise first eligible to attend kindergarten the following school year.
- Similarly, an “eligible child” for State-administered prekindergarten for three-year-old students is defined as a child who is three years of age on or before December 1st or will otherwise be first eligible to attend a four-year-old State-administered prekindergarten program the following school year.
- A child who is five years of age on or before December 1st is entitled to enrollment for kindergarten in the New York State public school system.
- The district does not have the authority to apply additional criteria, such as being toilet trained, as a condition for enrollment or attendance.

Toilet Learning

Toileting is a skill that must be learned by the child. It is not a skill that can be developed overnight. The district should include the family in development of a plan that supports the child using the toilet independently. Working with the family to establish vocabulary words and a routine that can be used consistently at both home and school can assist in developing this skill.

Classroom Guidance:

- Build bathroom times into the classroom schedule so a consistent routine is established, while still allowing children to use the bathroom on an as needed basis, especially those who are being toilet trained.
- Check in with children who are being toilet trained frequently rather than depending on them to tell the adult. This will remind the child to use the toilet facilities before an accident occurs.
- Read books and have them available on the bookshelf about toilet learning.
- Be encouraging to the child. When there is an accident, talk to the child about what happened in a non-shameful way.
- Have a plan in place as for changing the child when there is an accident so as not to disrupt the classroom routine.
- Provide praise and support for the child's efforts.

Sanitation and Safety:

- Child size toilets or modified toilet seats with step stools are recommended. Potty chairs are not recommended for use in preschool or kindergarten classroom settings because sanitary handling of bodily fluids is difficult.
- For guidance on appropriate diapering and handwashing procedures, please refer to the local county health department or the Office of Children and Family Services (OCFS) if the prekindergarten program is provided in an OCFS licensed agency; or the school medical director/school nurse if the program is provided in a school setting.
- Equipment used for diaper changing needs to be appropriate to the size of the child. Diaper changing equipment (e.g. table or pad) should be cleaned after each use with approved green cleaners in accordance with school policy or per OCFS guidance.
- Wet or dirty clothes should be placed in a plastic bag that can be sealed tightly and stored out of reach of children until sent home to be laundered. Rinsing children's clothing or laundering soiled clothing at school is discouraged because it provides an opportunity to contaminate hands and other surfaces.
- Each child should have one or more sets of extra clothes available. Parents may need to be reminded to send in a replacement set of clothing each time that the child has a toileting accident.

Questions regarding this memo may be directed to the Office of Early Learning at OEL@nysed.gov.