

# STATE OF NEW YORK

6328

2025-2026 Regular Sessions

## IN SENATE

March 10, 2025

Introduced by Sens. MARTINEZ, BYNOE -- read twice and ordered printed,  
and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the allocation of  
prekindergarten funding to prioritize students eligible for free or  
reduced-price lunch and multilingual learners

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1 Subparagraph (ix) of the opening paragraph of subdivision 10  
2 of section 3602-e of the education law, as amended by section 17-c of  
3 part A of chapter 56 of the laws of 2022, is amended and a new subpara-  
4 graph (x) is added to read as follows:

5 (ix) for the two thousand twenty-two--two thousand twenty-three school  
6 year and thereafter, each school district shall be eligible to receive a  
7 grant amount equal to the sum of (A) the amount set forth for such  
8 school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the comput-  
9 er file produced by the commissioner in support of the enacted budget  
10 for the prior year excluding amounts subject to section thirty-six  
11 hundred two-ee of this part and further excluding amounts paid pursuant  
12 to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old  
13 Universal Prekindergarten Expansion added pursuant to paragraph e of  
14 subdivision nineteen of this section, provided that such school district  
15 has met all requirements pursuant to this section and such grants shall  
16 be added into a four-year-old grant amount based on the amount each  
17 district was eligible to receive in the base year to serve four-year-old  
18 prekindergarten pupils, plus (C) funds allocated pursuant to a universal  
19 prekindergarten expansion under subdivision twenty of this section as of  
20 the school aid computer listing produced by the commissioner in support  
21 of the enacted budget for the current year, provided that such grant  
22 amounts shall be divided into a four-year-old grant amount based on the  
23 amount each district was eligible to receive in the base year to serve  
24 four-year-old prekindergarten pupils, if any, and a three-year-old grant

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 amount based on the amount each district was eligible to receive in the  
2 base year to serve three-year-old pupils, if any, and provided further  
3 that the maximum grant shall not exceed the total actual grant expendi-  
4 tures incurred by the school district in the current school year as  
5 approved by the commissioner[+], and

6 (x) for the two thousand twenty-five--two thousand twenty-six school  
7 year and thereafter and subject to available appropriation, each school  
8 district shall be eligible to receive a grant amount equal to seventeen  
9 thousand five hundred dollars for eligible full-day four-year-old prek-  
10 indergarten pupils. The total allocations for each school district shall  
11 not exceed the amounts they received in the two thousand twenty-four--  
12 two thousand twenty-five school year, unless additional funds are appro-  
13 priated. If such allocation is not sufficient to cover all eligible  
14 full-day four-year-old pre-kindergarten pupils in the district, such  
15 grants shall first be utilized by each school district to serve four-  
16 year-old prekindergarten pupils that are eligible to receive free or  
17 reduced-price lunch or are emergent multilingual language learners. The  
18 dollar amount set forth in this subparagraph shall be adjusted annually  
19 to reflect the percentage increase in the consumer price index.

20 § 2. Subparagraph (i) of subdivision 7 of section 3602-e of the educa-  
21 tion law, as amended by section 19 of part B of chapter 57 of the laws  
22 of 2007, is amended to read as follows:

23 i. [~~establishes~~] for districts that receive funding under paragraph  
24 (x) of subdivision ten of this section, a method for selection of eligi-  
25 ble children to receive prekindergarten program services [~~on a random~~  
26 ~~selection basis where there are more eligible children than can be~~  
27 ~~served in a given school year~~] that must include a priority for students  
28 from families who are eligible for free or reduced-price lunch or emer-  
29 gent multilingual language learners, provided, however, that a school  
30 district that operated a targeted prekindergarten program in the base  
31 year may use the selection process established for such program.

32 § 3. This act shall take effect immediately, and apply to funding  
33 allocations and selection criteria for the 2025-2026 school year.