S T A T E  O F  N E W  Y O R K

4261

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 2, 2009

Introduced by M. of A. CROUCH, MOLINARO -- Multi-Sponsored by -- M. of A. CALHOUN, McDONOUGH, TOWNSEND, WALKER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to exemptions from the reduction of school aid

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 7 of section 3604 of the education law, as amended by section 31 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

7. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees or board of education for the preceding school year shall show that the public schools were actually in session in the district and taught by a qualified teacher or by successive qualified teachers or by qualified teachers for not less than one hundred eighty days. The moneys payable to a school district pursuant to section thirty-six hundred nine-a of this [chapter] PART in the current year shall be reduced by one one-hundred eightieth of the district's total foundation aid for each day less than one hundred eighty days that the schools of the district were actually in session, except that the commissioner may disregard such reduction, up to five days, in the apportionment of public money, if he finds that the schools of the district were not in session for one hundred eighty days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, [or] the destruction of a school building either in whole or in part, OR OTHER EMERGENCY SITUATIONS THAT REQUIRED THE SCHOOL'S CLOSURE FOR THE HEALTH, SAFETY AND WELL-BEING OF ITS STAFF AND STUDENTS, and if, further, the commissioner finds that such district cannot make up such days of instruction by using for the secondary

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

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grades all scheduled vacation days which occur prior to the first scheduled regents examination day in June, and for the elementary grades all scheduled vacation days which occur prior to the last scheduled regents examination day in June. For the purposes of this subdivision, "scheduled vacation days" shall mean days on which the schools of the district are not in session and for which no prohibition exists in subdivision eight of this section for them to be in session.

S 2. This act shall take effect immediately.