

5462

2009-2010 Regular Sessions

I N S E N A T E

May 7, 2009

Introduced by Sen. OPPENHEIMER -- 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 exemptions from the
reduction of school aid

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

1 Section 1. Subdivision 7 of section 3604 of the education law, as
2 amended by section 31 of part B of chapter 57 of the laws of 2007, is
3 amended to read as follows:
4 7. No district shall be entitled to any portion of such school moneys
5 on such apportionment unless the report of the trustees or board of
6 education for the preceding school year shall show that the public
7 schools were actually in session in the district and taught by a quali-
8 fied teacher or by successive qualified teachers or by qualified teach-
9 ers for not less than one hundred eighty days. The moneys payable to a
10 school district pursuant to section thirty-six hundred nine-a of this
11 chapter in the current year shall be reduced by one one-hundred eight-
12 ieth of the district's total foundation aid for each day less than one
13 hundred eighty days that the schools of the district were actually in
14 session, except that the commissioner may disregard such reduction, up
15 to five days, in the apportionment of public money, if he finds that the
16 schools of the district were not in session for one hundred eighty days
17 because of extraordinarily adverse weather conditions, impairment of
18 heating facilities, insufficiency of water supply, shortage of fuel,
19 lack of electricity, natural gas leakage, unacceptable levels of chemi-
20 cal substances, [or] the destruction of a school building either in
21 whole or in part, OR, FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE
22 SCHOOL YEAR, CLOSURES RELATED TO THE H1N1 (SWINE FLU) OUTBREAK THAT
23 REQUIRED THE SCHOOL'S CLOSURE TO PROTECT THE HEALTH, SAFETY AND WELL-BE-
24 ING OF ITS STAFF AND STUDENTS, and if, further, the commissioner finds
25 that such district cannot make up such days of instruction by using for

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

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1 the secondary grades all scheduled vacation days which occur prior to
2 the first scheduled regents examination day in June, and for the elemen-
3 tary grades all scheduled vacation days which occur prior to the last
4 scheduled regents examination day in June. For the purposes of this
5 subdivision, "scheduled vacation days" shall mean days on which the
6 schools of the district are not in session and for which no prohibition
7 exists in subdivision eight of this section for them to be in session.
8 S 2. This act shall take effect immediately and apply to state aid
9 payments for the 2008-09 school year.