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

6389

2009-2010 Regular Sessions

I N A S S E M B L Y

March 3, 2009

Introduced by M. of A. JOHN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to authorizing school authorities to close school buildings used as polling places on days of general election, spring primary, and fall primary

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

Section 1. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph z to read as follows:

Z. "ELECTION DAY" MEANS ANY DAY ON WHICH IS HELD THE FALL PRIMARY, SPRING PRIMARY, OR GENERAL ELECTION, AS PROVIDED IN SUBDIVISION ONE OF SECTION 8-100 OF THE ELECTION LAW.

S 2. Paragraph d of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

d. "Average daily attendance" shall mean the total number of attendance days of pupils in a public school of a school district in kindergarten through grade twelve, or equivalent ungraded programs, plus the total number of instruction days for such pupils receiving homebound instruction including pupils receiving instruction through a two-way telephone communication system, divided by the number of days the district school was in session as provided in this section. The attendance of pupils with disabilities attending under the provisions of paragraph c of subdivision two of section forty-four hundred one of this chapter shall be added to average daily attendance.

(1) Equivalent attendance shall mean the quotient of the total number of student hours of instruction in programs in a public school of a school district or a board of cooperative educational services leading to a high school diploma or a high school equivalency diploma as defined in regulations of the commissioner for pupils under the age of twenty-one not on a regular day school register of the district, divided by one

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

LBD09763-01-9

thousand. Average daily attendance shall include the equivalent attendance of the school district. For the purposes of secondary school weighting, such equivalent attendance shall be considered as average daily attendance in grades seven through twelve.

(2) In computing average daily attendance, school districts may, with the commissioner's approval, exclude attendance for those days on which school attendance was adversely affected because of an epidemic or manmade or natural disaster or act of terrorism. In computing such attendance, the school district shall: (i) determine the number of religious holidays which fall on a school day within a school year according to regulations established by the commissioner, such religious holidays to be duly recognized as such for purposes of this section by duly adopted resolution of the board of education; (ii) deduct the aggregate attendance on such religious holidays from the total aggregate attendance, by grade level; (iii) deduct such religious holidays from the total number of days of session, by grade level; and (iv) compute the average daily attendance for the school year. IN COMPUTING SUCH ATTENDANCE, THE SCHOOL DISTRICT SHALL: (V) DETERMINE THE NUMBER OF ELECTION DAYS WHICH FALL ON A SCHOOL DAY WITHIN A SCHOOL YEAR, SUCH ELECTION DAYS TO BE DULY RECOGNIZED AS SUCH FOR PURPOSES OF THIS SECTION BY DULY ADOPTED RESOLUTION OF THE SCHOOL AUTHORITIES, IF THEY SO ELECT, AS TO ANY SCHOOL BUILDING USED AS A POLLING PLACE ON ELECTION DAY AND OTHERWISE SCHEDULED TO BE USED FOR THE INSTRUCTION OF PUPILS ON SUCH DAY; (VI) DEDUCT THE AGGREGATE ATTENDANCE ON SUCH ELECTION DAYS FROM THE TOTAL AGGREGATE ATTENDANCE, BY GRADE LEVEL; (VII) DEDUCT SUCH ELECTION DAYS FROM THE TOTAL NUMBER OF DAYS OF SESSION, BY GRADE LEVEL; AND (VIII) COMPUTE THE AVERAGE DAILY ATTENDANCE FOR THE SCHOOL YEAR.

S 3. Subparagraph 2 of paragraph a of subdivision 2 of section 3602 of the education law, as amended by section 13 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(2) In computing such attendance, the school district shall (i) determine the number of religious holidays which fall on a school day within a school year according to regulations established by the commissioner, such religious holidays to be duly recognized as such for purposes of this section by duly adopted resolution of the board of education; (ii) deduct the aggregate attendance on such religious holidays from the total aggregate attendance, by grade level; (iii) deduct such religious holidays from the total number of days of session, by grade level; AND (iv) compute the weighted average daily attendance for the school year. IN COMPUTING SUCH ATTENDANCE, THE SCHOOL DISTRICT SHALL: (V) DETERMINE THE NUMBER OF ELECTION DAYS WHICH FALL ON A SCHOOL DAY WITHIN A SCHOOL YEAR, SUCH ELECTION DAYS TO BE DULY RECOGNIZED AS SUCH FOR PURPOSES OF THIS SECTION BY DULY ADOPTED RESOLUTION OF THE SCHOOL AUTHORITIES, IF THEY SO ELECT, AS TO ANY SCHOOL BUILDING USED AS A POLLING PLACE ON ELECTION DAY AND OTHERWISE SCHEDULED TO BE USED FOR THE INSTRUCTION OF PUPILS ON SUCH DAY; (VI) DEDUCT THE AGGREGATE ATTENDANCE ON SUCH ELECTION DAYS FROM THE TOTAL AGGREGATE ATTENDANCE, BY GRADE LEVEL; (VII) DEDUCT SUCH ELECTION DAYS FROM THE TOTAL NUMBER OF DAYS OF SESSION, BY GRADE LEVEL; AND (VIII) COMPUTE THE WEIGHTED AVERAGE DAILY ATTENDANCE FOR THE SCHOOL YEAR.

S 4. Subparagraph 2 of paragraph b of subdivision 2 of section 3602 of the education law, as amended by section 13 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(2) In computing such attendance, the school district shall (i) determine the number of religious holidays which fall on a school day within a school year according to regulations established by the commissioner,

such religious holidays to be duly recognized as such for purposes of this section by duly adopted resolution of the board of education; (ii) deduct the aggregate attendance on such religious holidays from the total aggregate attendance, by grade level; (iii) deduct such religious holidays from the total number of days of session, by grade level; AND (iv) compute the weighted average daily attendance for the school year. IN COMPUTING SUCH ATTENDANCE, THE SCHOOL DISTRICT SHALL: (V) DETERMINE THE NUMBER OF ELECTION DAYS WHICH FALL ON A SCHOOL DAY WITHIN A SCHOOL YEAR, SUCH ELECTION DAYS TO BE DULY RECOGNIZED AS SUCH FOR PURPOSES OF THIS SECTION BY DULY ADOPTED RESOLUTION OF THE SCHOOL AUTHORITIES, IF THEY SO ELECT, AS TO ANY SCHOOL BUILDING USED AS A POLLING PLACE ON ELECTION DAY AND OTHERWISE SCHEDULED TO BE USED FOR THE INSTRUCTION OF PUPILS ON SUCH DAY; (VI) DEDUCT THE AGGREGATE ATTENDANCE ON SUCH ELECTION DAYS FROM THE TOTAL AGGREGATE ATTENDANCE, BY GRADE LEVEL; (VII) DEDUCT SUCH ELECTION DAYS FROM THE TOTAL NUMBER OF DAYS OF SESSION, BY GRADE LEVEL; AND (VIII) COMPUTE THE ADJUSTED AVERAGE DAILY ATTENDANCE FOR THE SCHOOL YEAR.

S 5. This act shall take effect immediately.