

5912

2009-2010 Regular Sessions

I N S E N A T E

June 18, 2009

Introduced by Sen. OPPENHEIMER -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to authorizing the commissioner of education to disregard for state aid purposes the failure of a school to be in session for the required number of days due to an epidemic

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 BECAUSE OF AN EPIDEMIC OR OTHER PUBLIC HEALTH EMER-
22 GENCY IN WHICH A SCHOOL IS CLOSED UPON RECOMMENDATION OR DIRECTION OF

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

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1 STATE OR LOCAL PUBLIC HEALTH OFFICIALS, PROVIDED THAT UP TO AN ADDI-
2 TIONAL FIVE DAYS MAY BE EXCUSED BECAUSE OF AN EPIDEMIC WHERE STATE OR
3 LOCAL PUBLIC HEALTH OFFICIALS HAVE RECOMMENDED OR DIRECTED CLOSURE OF A
4 SCHOOL FOR A PERIOD OF MORE THAN FIVE SCHOOL DAYS, and if, further, the
5 commissioner finds that such district cannot make up such days of
6 instruction by using for the secondary grades all scheduled vacation
7 days which occur prior to the first scheduled regents examination day in
8 June, and for the elementary grades all scheduled vacation days which
9 occur prior to the last scheduled regents examination day in June. For
10 the purposes of this subdivision, "scheduled vacation days" shall mean
11 days on which the schools of the district are not in session and for
12 which no prohibition exists in subdivision eight of this section for
13 them to be in session.

14 S 2. Notwithstanding any provision of law to the contrary, for the
15 2008-2009 school year in applying the provisions of subdivision 7 of
16 section 3604 of the education law and any other provisions of the educa-
17 tion law that require one hundred eighty days of session as a condition
18 of aid, the commissioner of education may excuse a total deficiency of
19 up to ten days in meeting the requirement of one hundred eighty days of
20 session for a school district that closed one or more schools after
21 consultation with local health officials in response to the H1N1 (swine
22 flu) virus epidemic, inclusive of the number of days excused pursuant to
23 such subdivision 7 of section 3604 for such school year for other
24 reasons, provided further that the commissioner of education finds that
25 such district cannot make up such days of instruction by using for the
26 secondary grades all scheduled vacation days which occur prior to the
27 first scheduled regents examination day in June 2009, and for the
28 elementary grades all scheduled vacation days which occur prior to the
29 last scheduled regents examination day in June 2009.

30 S 3. This act shall take effect immediately; provided, however that
31 section one of this act shall take effect July 1, 2009 and shall apply
32 to days of session in the 2009-2010 school year and thereafter.