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I N A S S E M B L Y

March 1, 2012

Introduced by M. of A. LUPARDO, P. LOPEZ, GUNTHER, REILLY, JAFFEE, WEISENBERG, CROUCH, SAYWARD, CALHOUN, MONTESANO -- Multi-Sponsored by -- M. of A. FINCH, MAGEE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to permitting apportionment of state aid where a school was not in session due to extraordinary weather conditions, disasters or emergencies

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

1 Section 1. Section 3604 of the education law is amended by adding a
2 new subdivision 7-a to read as follows:
3 7-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION SEVEN OF THIS
4 SECTION, FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR,
5 THE COMMISSIONER SHALL DISREGARD SUCH REDUCTION, UP TO TEN DAYS, IN THE
6 APPORTIONMENT OF PUBLIC MONEY, IF THE SCHOOLS OF THE DISTRICT WERE NOT
7 IN SESSION FOR ONE HUNDRED EIGHTY DAYS BECAUSE OF EXTRAORDINARILY
8 ADVERSE WEATHER CONDITIONS, FEDERAL DECLARATIONS OF NATURAL DISASTERS, A
9 STATE DISASTER EMERGENCY AS DEFINED IN SECTION TWENTY OF THE EXECUTIVE
10 LAW, THE CLOSING OF TRANSPORTATION ROUTES PURSUANT TO A DECLARED LOCAL
11 STATE OF EMERGENCY, IMPAIRMENT OF HEATING FACILITIES, INSUFFICIENCY OF
12 WATER SUPPLY, SHORTAGE OF FUEL, LACK OF ELECTRICITY, OR THE DESTRUCTION
13 OF A SCHOOL BUILDING EITHER IN WHOLE OR IN PART, AND IF, FURTHER, THE
14 DISTRICT SUPERINTENDENT CERTIFIES THAT SUCH DISTRICT CANNOT MAKE UP SUCH
15 DAYS OF INSTRUCTION BY USING FOR THE SECONDARY GRADES ALL SCHEDULED
16 VACATION DAYS WHICH OCCUR PRIOR TO THE FIRST SCHEDULED REGENTS EXAMINA-
17 TION DAY IN JUNE, AND FOR THE ELEMENTARY GRADES ALL SCHEDULED VACATION
18 DAYS WHICH OCCUR PRIOR TO THE LAST SCHEDULED REGENTS EXAMINATION DAY IN
19 JUNE; AND IF, FURTHER, THE DISTRICT SUPERINTENDENT CERTIFIES TO THE
20 COMMISSIONER THAT TO DO SO WOULD IMPERIL STUDENTS, FACULTY AND STAFF
21 WHILE REPAIRS CONTINUE. FOR THE PURPOSES OF THIS SUBDIVISION, "SCHEDULED
22 VACATION DAYS" SHALL MEAN DAYS ON WHICH THE SCHOOLS OF THE DISTRICT ARE
23 NOT IN SESSION AND FOR WHICH NO PROHIBITION EXISTS IN SUBDIVISION EIGHT
24 OF THIS SECTION FOR THEM TO BE IN SESSION.
25 S 2. This act shall take effect immediately.

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

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