

# STATE OF NEW YORK

8304

## IN SENATE

April 27, 2018

Introduced by Sen. PHILLIPS -- 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 allowing school districts to start classes before the first of September

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 3 of part B of chapter 54 of the laws of 2016, 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. Boards of education and

10 community boards of school districts in this state shall be authorized  
11 to start the school year up to seven days before the first of September,  
12 provided, however, that such school year consists of at least one  
13 hundred eighty days as set forth in this subdivision. The moneys payable

14 to a school district pursuant to section thirty-six hundred nine-a of  
15 this [~~chapter~~] part in the current year shall be reduced by one one-hun-  
16 dred eightieth of the district's total foundation aid for each day less  
17 than one hundred eighty days that the schools of the district were actu-  
18 ally in session, except that the commissioner may disregard such  
19 reduction, up to five days, in the apportionment of public money, if he  
20 finds that the schools of the district were not in session for one  
21 hundred eighty days because of extraordinarily adverse weather condi-  
22 tions, impairment of heating facilities, insufficiency of water supply,  
23 shortage of fuel, lack of electricity, natural gas leakage, unacceptable  
24 levels of chemical substances, a credible threat to student safety as  
25 reasonably determined by a lead school official or the destruction of a  
26 school building either in whole or in part, and if, further, the commis-  
27 sioner finds that such district cannot make up such days of instruction  
28 by using for the secondary grades all scheduled vacation days which

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

LBD15202-01-8

1 occur prior to the first scheduled regents examination day in June, and  
2 for the elementary grades all scheduled vacation days which occur prior  
3 to the last scheduled regents examination day in June. For the purposes  
4 of this subdivision, "scheduled vacation days" shall mean days on which  
5 the schools of the district are not in session and for which no prohibi-  
6 tion exists in subdivision eight of this section for them to be in  
7 session.

8 § 2. This act shall take effect ninety days after it shall have become  
9 a law. Effective immediately, the addition, amendment and/or repeal of  
10 any rule or regulation necessary for the implementation of this act on  
11 its effective date are authorized to be made and completed on or before  
12 such date.