STATE OF NEW YORK

10364

IN ASSEMBLY

April 18, 2018

Introduced by M. of A. NOLAN -- (at request of the State Education Department) -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the attendance of minors upon full day instruction and the conditions under which districts are entitled to an apportionment of state aid; and repealing certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph c of subdivision 1 and subparagraph (i) of paragraph c of subdivision 2 of section 3205 of the education law, paragraph c of subdivision 1 as amended by chapter 518 of the laws of 1993 and subparagraph (i) of paragraph c of subdivision 2 as amended by chapter 277 of the laws of 2017, are amended to read as follows:

c. For purposes of this article, a minor who becomes six years of age on or before the first of December in any school year shall be required to attend upon full time instruction from the first day that the [~~appropriate~~] public schools are in session [~~in September of~~] *for* such school year, and a minor who becomes six years of age after the first of December in any school year shall be required to attend upon full time instruction from the first day of session in the following [~~September~~] *school year*; and, except as otherwise provided in subdivision three of this section, shall be required to remain in attendance until the last day of session in the school year in which the minor becomes sixteen years of age.

(i) Minors whose parents elect not to enroll their children in school until the following [~~September~~] *school year*.

§ 2. Subdivisions 7 and 8 of section 3604 of the education law, subdivision 7 as amended by section 3 of part B of chapter 54 of the laws of 2016 and subdivision 8 as amended by chapter 260 of the laws of 2012, are amended to read as follows:

7. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees or board of education for the preceding school year shall show that the public schools were actually in session in the district and taught by a quali-

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

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fied teacher or by successive qualified teachers or by qualified teachers for not less than one hundred eighty days. The moneys payable to a school district pursuant to section thirty-six hundred nine-a of this chapter in the current year shall be reduced by one one-hundred eightieth of the district's total foundation aid **for the base year** for each day less than one hundred eighty days that the schools of the district were actually in session, except that the commissioner may disregard such reduction[~~, up to five days,~~] in the apportionment of public money, **(i) for any day on which session had been previously scheduled but the superintendent was required to close the school or schools due to a properly executed declaration of a state or local state of emergency pursuant to article two-B of the executive law or (ii) for up to five days** if he **or she** finds that the schools of the district were not in session for one hundred eighty days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, a credible threat to student safety as reasonably determined by a lead school official or the destruction of a school building either in whole or in part, and if, further, the commissioner finds that such district cannot make up such days of instruction by using for the secondary grades all scheduled vacation days which occur prior to the first scheduled regents examination day in June, and for the elementary grades all scheduled vacation days which occur prior to the last scheduled regents examination day in June. For the purposes of this subdivision, "scheduled vacation days" shall mean days on which the schools of the district are not in session and for which no prohibition exists in subdivision eight of this section for them to be in session.

8. No school shall be in session on a Saturday or a legal holiday, except general election day, Washington's birthday and Lincoln's birthday, and except that driver education classes may be conducted on a Saturday.

8-a. A deficiency not exceeding four days during any school year caused by teachers' attendance upon conferences held by superintendents of schools of city school districts or other school districts employing superintendents of schools shall be excused by the commissioner, notwithstanding any provision of law, rule or regulation to the contrary, a school district may elect to schedule such conference days in the last two weeks of August, subject to collective bargaining requirements pursuant to article fourteen of the civil service law, and such days shall be counted towards the required one hundred eighty days of session, provided however, that such scheduling shall not alter the obligation of the school district to provide transportation to students in non-public elementary and secondary schools or charter schools. [~~The commissioner shall excuse a deficiency not exceeding four days during such school year caused by teachers' attendance upon conferences held by such superintendents, provided that at~~] **At** least two such conference days during such school year shall be dedicated to staff attendance upon conferences providing staff development relating to implementation of the new high learning standards and assessments, as adopted by the board of regents. Notwithstanding any other provision of law, rule or regulation to the contrary, school districts may elect to use one or more of such allowable conference days in units of not less than one hour each to provide staff development activities relating to implementation of the new high learning standards and assessments. A district making such election may provide such staff development [~~during the regularly sched-~~

~~uled daily session~~] **on any day during which sessions are allowed** and apply such units to satisfy a deficiency in the length of one or more daily sessions of instruction for pupils as specified in regulations of the commissioner. The commissioner shall assure that such conference days include appropriate school violence prevention and intervention training, and may require that up to one such conference day be dedicated for such purpose.

§ 3. Subdivisions 7-a and 7-b of section 3604 of the education law are REPEALED.

§ 4. This act shall take effect July 1, 2018.