

STATE OF NEW YORK

6156

2017-2018 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. SKARTADOS, PALMESANO, FITZPATRICK, DiPIETRO --
read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the required number of
days school is in session and providing schools the option to operate
one hundred eighty days of instruction or the equivalent number of
hours of pupil instruction

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

1 Section 1. Legislative findings. The legislature finds and declares
2 that a number of schools nationwide have implemented a flexible school
3 week schedule while still maintaining the statutorily required amount of
4 instructional time. This type of flexibility has resulted in savings on
5 such items as energy, transportation and substitute teacher costs, along
6 with better attendance, less time lost to extracurricular activities,
7 more opportunities for teacher training and appointments, and longer
8 class periods for instructional time. Many of the districts in other
9 states which have already implemented flexible school schedules tend to
10 be smaller and rural with long transportation routes to and from
11 schools, and with no other option to save costs other than to close
12 schools or layoff staff. Given the fiscal crisis facing New York as well
13 as rising fuel, energy, and transportation costs, a flexible school week
14 schedule based on the equivalent hours of pupil instruction may offer
15 schools operational flexibility without jeopardizing the amount of
16 instructional time required by law.

17 New York state is without legal authority to operate less than one
18 hundred eighty days of instruction without forfeiting state aid. The
19 lack of operational flexibility in school districts, in particular
20 regard to instructional days, is a problem largely unaddressed in state
21 statute or regulation. A well-planned alternative school week schedule
22 can be cost-effective, and can provide flexibility for those school
23 districts in fiscal crisis, while maintaining a quality education.

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

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1 Therefore, the legislature finds that enactment of this legislation is
2 necessary and appropriate to make certain that school boards, after
3 thorough review and public comment, have the discretion and authority to
4 provide local school districts with operational flexibility to modify
5 the number of instructional days per year, while maintaining the quality
6 of education at the particular school or schools requesting a flexible
7 school week schedule.

8 § 2. Section 551 of the education law, as added by chapter 414 of the
9 laws of 1972, is amended to read as follows:

10 § 551. Apportionment. 1. In order to meet proper health, welfare and
11 safety standards in qualifying schools for the benefit of the pupils
12 enrolled therein, there shall be apportioned health, welfare and safety
13 grants by the commissioner to each qualifying school for the school
14 years beginning on and after July first, nineteen hundred seventy-one,
15 an amount equal to the product of thirty dollars multiplied by the aver-
16 age daily or equivalent hourly attendance of pupils receiving instruc-
17 tion in such school, to be applied for costs of maintenance and repair.
18 Such apportionment shall be increased by ten dollars multiplied by the
19 average daily or equivalent hourly attendance of pupils receiving
20 instruction in a school building constructed prior to nineteen hundred
21 forty-seven. In no event shall the per pupil annual allowance computed
22 under this section exceed fifty per centum of the average per pupil cost
23 of equivalent maintenance and repair in the public schools of the state
24 on a state-wide basis, as determined by the commissioner, and in no
25 event shall the apportionment to a qualifying school exceed the amount
26 of expenditures for maintenance and repair of such school as reported
27 pursuant to section five hundred fifty-two of this article.

28 2. The apportionment pursuant to this section shall be reduced by one
29 one hundred eightieth for each day less than one hundred eighty days
30 that such school was actually in total session in the base year, or a
31 school failing to comply with the equivalent number of hours of pupil
32 instruction shall forfeit from its apportionment an amount determined by
33 applying a ratio of the number of hours the school was in noncompliance
34 in relation to the required minimum equivalent number of hours of pupil
35 instruction, except that the commissioner may disregard such reduction
36 up to five days or the equivalent number of hours if he finds that the
37 school was not in session for one hundred eighty days or the equivalent
38 number of hours of pupil instruction because of extraordinary adverse
39 weather conditions, impairment of heating facilities, insufficiency of
40 water supply, shortage of fuel or the destruction of a school building,
41 and if the commissioner further finds that such school cannot make up
42 such days or the equivalent number of hours of instruction during the
43 school year. No such reduction shall be made, however, for any day on
44 which such school was in session for the purpose of administering the
45 regents examinations or the regents scholarship examinations, or any
46 day, not to exceed three days, or the equivalent number of hours when
47 such school was not in session because of a conference of teachers
48 called by the principal of the school.

49 § 3. Subdivision 2 of section 1704 of the education law, as amended by
50 chapter 543 of the laws of 1971, is amended to read as follows:

51 2. Except as otherwise provided by law, no board of education or
52 community board in the city school district of the city of New York
53 shall provide for a school year consisting of fewer than one hundred
54 eighty days of school or the equivalent number of hours of pupil
55 instruction.

§ 4. Paragraphs a and c of subdivision 2 of section 2117 of the education law, as added by chapter 744 of the laws of 1952, are amended to read as follows:

a. The whole time school has been maintained in their district during the year ending on June thirtieth previous to the date of such report, and stating what portion of the time such school has been taught by qualified teachers, and the whole number of days, or the equivalent number of hours of pupil instruction, including holidays, in which the school was taught by qualified teachers.

c. The number of children taught in the district during such year by qualified teachers, and the aggregate days' or equivalent hours' attendance of all such children.

§ 5. The first undesignated paragraph of section 3107 of the education law, as amended by chapter 784 of the laws of 1961, is amended to read as follows:

In cities having a population of one million or more, employees of the board of education who are members of the New York city teachers' retirement system shall be granted sick leave due to personal illness. Such sick leave shall be on the basis of at least ten days for each year of service, cumulative to a maximum of two hundred days. Members shall upon application be granted a retirement leave of absence with full pay consisting of one-half of their accumulated unused sick leave, up to a maximum of one school term or the equivalent number of school days or the equivalent number of hours of pupil instruction.

§ 6. Paragraph a of subdivision 4 of section 3204 of the education law is amended to read as follows:

a. A full time day school or class, except as otherwise prescribed, shall be in session for not less than one hundred ninety days each year, or the equivalent number of hours of pupil instruction, inclusive of legal holidays that occur during the term of said school and exclusive of Saturdays.

§ 7. Paragraphs d, k and l 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, are amended to read as follows:

d. "Average daily attendance" shall mean the total number of attendance days or the equivalent number of hours of pupil instruction 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 or the equivalent number of hours of pupil instruction for such pupils receiving homebound instruction including pupils receiving instruction through a two-way telephone communication system, divided by the number of days or equivalent hours 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 or equivalent hourly 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 thousand. Average daily or equivalent hourly attendance shall include the equivalent attendance of the school district. For the purposes of secondary school weighting, such equivalent attendance shall be consid-

1 ered as average daily or equivalent hourly attendance in grades seven
2 through twelve.

3 (2) In computing average daily or equivalent hourly attendance, school
4 districts may, with the commissioner's approval, exclude attendance for
5 those days or equivalent number of hours of pupil instruction, on which
6 school attendance was adversely affected because of an epidemic or
7 manmade or natural disaster or act of terrorism. In computing such
8 attendance, the school district shall: (i) determine the number of reli-
9 gious holidays which fall on a school day in which school is scheduled
10 to be in session within a school year according to regulations estab-
11 lished by the commissioner, such religious holidays to be duly recog-
12 nized as such for purposes of this section by duly adopted resolution of
13 the board of education; (ii) deduct the aggregate attendance on such
14 religious holidays from the total aggregate attendance, by grade level;
15 (iii) deduct such religious holidays from the total number of days or
16 equivalent number of hours of pupil instruction of session, by grade
17 level; and (iv) compute the average daily or equivalent hourly attend-
18 ance for the school year.

19 k. "Attendance ratio" shall mean the number computed to four decimals
20 without rounding when the aggregate days or equivalent hours attendance
21 is divided by the possible aggregate attendance of all pupils in attend-
22 ance in the district, as computed for each school district by the
23 commissioner by June first of the year following the attendance year.

24 l. "Average daily membership" shall mean the possible aggregate
25 attendance of all pupils in attendance in a public school of the school
26 district in kindergarten through grade twelve, or equivalent ungraded
27 programs, including possible aggregate attendance for such pupils
28 receiving homebound instruction, including pupils receiving instruction
29 through a two-way telephone communication system, with the possible
30 aggregate attendance of such pupils in one-half day kindergartens multi-
31 plied by one-half, divided by the number of days or equivalent number of
32 hours of pupil instruction the district school was in session as
33 provided in this section. The full time equivalent enrollment of pupils
34 with disabilities attending under the provisions of paragraph c of
35 subdivision two of section forty-four hundred one of this chapter shall
36 be added to average daily or equivalent hourly membership. Average
37 daily or equivalent hourly membership shall include the equivalent
38 attendance of the school district, as computed pursuant to paragraph d
39 of this subdivision. In any instance where a pupil is a resident of
40 another state or an Indian pupil is a resident of any portion of a
41 reservation located wholly or partly within the borders of the state
42 pursuant to subdivision four of section forty-one hundred one of this
43 chapter or a pupil is living on federally owned land or property, such
44 pupil's possible aggregate attendance shall be counted as part of the
45 possible aggregate attendance of the school district in which such pupil
46 is enrolled.

47 § 8. Paragraphs a and b of subdivision 2 of section 3602 of the educa-
48 tion law, as amended by section 13 of part B of chapter 57 of the laws
49 of 2007, are amended to read as follows:

50 a. Computation of resident weighted average daily or equivalent hourly
51 attendance. For purposes of this section weighted average daily or
52 equivalent hourly attendance of a school district for any school year
53 shall be computed as follows:

54 (1) Weighted average daily or equivalent hourly attendance shall be
55 determined by using the average daily or equivalent hourly attendance of
56 public school pupils in a full-day kindergarten and grades one through

1 six as the basic unit, with the attendance of such pupils in one-half
2 day kindergartens measured at one-half of such basic unit and the
3 attendance of such pupils in grades seven through twelve measured at one
4 and one-quarter of such basic unit. The sum of all such units of
5 attendance shall be the weighted average daily or equivalent hourly
6 attendance.

7 (2) In computing such attendance, the school district shall (i) deter-
8 mine the number of religious holidays which fall on a school day in
9 which school is scheduled to be in session within a school year accord-
10 ing to regulations established by the commissioner, such religious holi-
11 days to be duly recognized as such for purposes of this section by duly
12 adopted resolution of the board of education; (ii) deduct the aggregate
13 attendance on such religious holidays from the total aggregate attend-
14 ance, by grade level; (iii) deduct such religious holidays from the
15 total number of days or equivalent number of hours of session, by grade
16 level; (iv) compute the weighted average daily or equivalent hourly
17 attendance for the school year.

18 (3) In any instance where a pupil is a resident of another state or an
19 Indian pupil is a resident of any portion of a reservation located whol-
20 ly or partly within the borders of the state pursuant to subdivision
21 four of section forty-one hundred one of this chapter or a pupil is
22 living on federally owned land or property, such pupil's attendance
23 shall be counted as part of the weighted average daily or equivalent
24 hourly attendance of the school district in which such pupil is
25 enrolled.

26 (4) Resident weighted average daily or equivalent hourly attendance
27 for purposes of determining the aid ratio of a school district for any
28 school year shall be the weighted average daily or equivalent hourly
29 attendance for the school year immediately preceding the base year, less
30 the weighted average daily or equivalent hourly attendance of nonresi-
31 dent pupils attending public schools in the district for such school
32 year, plus the weighted average daily or equivalent hourly attendance of
33 pupils resident in the district but attending public schools in another
34 district or state plus the weighted average daily or equivalent hourly
35 attendance of pupils resident in the district but attending full-time a
36 school operated by a board of cooperative educational services or a
37 county vocational education and extension board for such school year.
38 The attendance of nonresident pupils attending public school in the
39 district and resident pupils attending such schools outside of the
40 district shall be determined by applying to the number of such pupils
41 registered during the school year in each case the ratio of aggregate
42 days or equivalent hours attendance to the possible aggregate days or
43 equivalent hours attendance of all pupils in attendance in the district.
44 Indian pupils of a reservation attending public school, or pupils living
45 on the United States military reservation at West Point attending public
46 school, shall be deemed to be resident pupils of the district providing
47 such school, for purposes of this paragraph. Where a school district has
48 entered into a contract with the state university pursuant to subdivi-
49 sion two of section three hundred fifty-five of this chapter under which
50 the school district makes payments in the nature of tuition for the
51 education of certain children residing in the district, such children
52 for whom such tuition payments are made shall be deemed to be resident
53 pupils of such district for the purposes of this paragraph.

54 (5) In determining the resident weighted average daily or equivalent
55 hourly attendance of a component school district of a central high
56 school district for computing the aid ratio the weighted average daily

1 or equivalent hourly attendance of high school pupils residing in such
2 component district and attending the central high school shall be
3 included. The resident weighted average daily or equivalent hourly
4 attendance of a central high school district itself shall be the sum of
5 the resident weighted average daily or equivalent hourly attendance of
6 each component school district computed as provided in the first
7 sentence of this paragraph.

8 (6) Notwithstanding the provisions of subparagraphs four and five of
9 this paragraph, when a school district shall experience an increase in
10 resident weighted average daily or equivalent hourly attendance during
11 the current year because of the closing in whole, or in part, of a non-
12 public school or a campus school, or a school previously operated by the
13 United States government on the United States military reservation at
14 West Point, the commissioner, in computing any aid ratio of such
15 district, shall permit the use of such additional resident weighted
16 average daily or equivalent hourly attendance for aid ratio purposes
17 during the current year and the next succeeding year, provided that such
18 additional resident weighted average daily or equivalent hourly attend-
19 ance attributable to such closing, or part thereof, shall be in excess
20 of one hundred students; provided, however, that such district which
21 qualifies for an increase in total wealth pupil units pursuant to para-
22 graph f of this subdivision, shall use the increase in resident weighted
23 average daily or equivalent hourly attendance, even if such increase in
24 resident weighted average daily or equivalent hourly attendance is less
25 than one hundred.

26 b. Computation of adjusted average daily or equivalent hourly attend-
27 ance. For purposes of this section adjusted average daily or equivalent
28 hourly attendance of a school district for any school year shall be
29 computed as follows:

30 (1) Adjusted average daily or equivalent hourly attendance shall be
31 determined by using the average daily or equivalent hourly attendance of
32 public school pupils in a full-day kindergarten and grades one through
33 twelve as the basic unit, with the attendance of such pupils in one-half
34 day kindergartens measured at one-half of such basic unit. The sum of
35 all such units of attendance shall be the adjusted average daily or
36 equivalent hourly attendance.

37 (2) In computing such attendance, the school district shall (i) deter-
38 mine the number of religious holidays which fall on a school day in
39 which school is scheduled to be in session within a school year accord-
40 ing to regulations established by the commissioner, such religious holi-
41 days to be duly recognized as such for purposes of this section by duly
42 adopted resolution of the board of education; (ii) deduct the aggregate
43 attendance on such religious holidays from the total aggregate attend-
44 ance, by grade level; (iii) deduct such religious holidays from the
45 total number of days or equivalent number of hours of session, by grade
46 level; (iv) compute the adjusted average daily or equivalent hourly
47 attendance for the school year.

48 (3) In any instance where a pupil is a resident of another state or an
49 Indian pupil is a resident of any portion of a reservation located whol-
50 ly or partly within the borders of the state pursuant to subdivision
51 four of section forty-one hundred one of this chapter or a pupil is
52 living on federally owned land or property, such pupil's attendance
53 shall be counted as part of the adjusted average daily attendance of the
54 school district in which such pupil is enrolled.

§ 9. Paragraph e of subdivision 1 of section 3602-c of the education law, as amended by chapter 740 of the laws of 1982, is amended to read as follows:

e. "Average daily attendance" shall mean the total number of attendance days or the equivalent number of hours of pupils receiving services divided by the number of days or equivalent hours the public school was in session for each attendance period. For each such attendance period the total number of attendance days or equivalent number of hours for each such pupil shall be determined by multiplying the number of days or equivalent hours on which each such pupil was in attendance by the ratio obtained by dividing the number of class periods of each such pupil by the total number of class periods, not to exceed five, operated by the public school during the school day. Only pupils residing in this state shall be included in such computation.

§ 10. Paragraph m of subdivision 12 and subdivision 16 of section 3602-e of the education law, paragraph m of subdivision 12 as amended by section 19 of part B of chapter 57 of the laws of 2007 and subdivision 16 as amended by section 18 of part A of chapter 57 of the laws of 2013, are amended to read as follows:

m. a process for the waiver of the time requirements established pursuant to this subdivision in order to authorize the operation of a summer universal prekindergarten program limited to the months of July and August, upon a finding by the commissioner that the school district is unable to operate the program during the regular school session because of a lack of available space pursuant to regulations of the commissioner. Notwithstanding any other provision of this section to the contrary, such process shall provide for a reduction of the aid per prekindergarten pupil payable for pupils served pursuant to such waiver by one one-hundred eightieth of the aid per prekindergarten pupil determined pursuant to paragraph a of subdivision ten [~~or subparagraph (i) of paragraph b of subdivision ten-a~~] of this section for each day or equivalent hour less than one hundred eighty days or the equivalent number of hours that the summer program is in session.

16. The grant payable to a school district pursuant to this section in the current year shall be reduced by one one-hundred eightieth for each day less than one hundred eighty days that the universal prekindergarten classes of the district were actually in session, or a district failing to comply with the equivalent number of hours of pupil instruction shall forfeit from its total state aid allocation an amount determined by applying a ratio of the number of hours the district was in noncompliance in relation to the required minimum equivalent number of hours of pupil instruction, except that the commissioner may disregard such reduction for any deficiency that may be disregarded in computing total foundation aid pursuant to subdivision seven or eight of section thirty-six hundred four of this [~~chapter~~] part and in addition may disregard a reduction for any deficiency that is caused by a delay in the opening of public school classes due to extraordinarily adverse weather conditions or other cause cited in such subdivision seven of section thirty-six hundred four that results in cancellation of the prekindergarten program or of transportation to such program.

§ 11. 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 and five new subdivisions 7-c, 7-d, 7-e, 7-f and 7-g are added 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 qualified teacher or by successive qualified teachers or by qualified teachers for not less than one hundred eighty days or the equivalent number of hours of pupil instruction. The moneys payable to a school district pursuant to section thirty-six hundred nine-a of this ~~chapter~~ part in the current year shall be reduced by one one-hundred eightieth of the district's total foundation aid for each day less than one hundred eighty days that the schools of the district were actually in session, or a district failing to comply with the equivalent number of hours of pupil instruction shall forfeit from its total state aid allocation an amount determined by applying a ratio of the number of hours the district was in noncompliance in relation to the required minimum equivalent number of hours of pupil instruction, except that the commissioner may disregard such reduction, up to five days, or the equivalent number of hours in the apportionment of public money, if he finds that the schools of the district were not in session for one hundred eighty days or the equivalent number of hours 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 or equivalent hours 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.

7-c. For the purposes of this section, "one hundred eighty days" means one hundred eighty days of instruction or the equivalent number of hours of pupil instruction per school year based on a different number of days of instruction approved by the school district governing board or charter school governing body.

7-d. The local school board, in its discretion, may authorize some or all of its schools to modify the number of instructional days per year after thorough review and public comment. Before authorizing some or all of its schools to modify the number of instructional days per year, the school board, shall within its review, include, but not be limited to, consideration of the following:

- a. how the school or schools will maintain a quality education;
- b. the reason for the request;
- c. the educational benefit to pupils;
- d. ways to negotiate the changes with the collective bargaining unit representing the employees affected by the changes;
- e. input from employees affected by the changes but not represented by a collective bargaining agreement;
- f. the impact of an alternative school week schedule on primary grade pupils; and

1 g. the impact of an alternative school week schedule on working
2 parents who may be required to find child care services for their school
3 age children due to the shortened school week.

4 7-e. After review, but not limited to the considerations set forth in
5 subdivision seven-d of this section, a school board shall conduct at
6 least one public hearing, to gather public input, and to provide at
7 least thirty days notice to the public prior to such hearing. The
8 school board may authorize some or all of its schools to modify the
9 number of instructional days per year provided the total number of hours
10 of instruction per year is no less than the minimum number of instruc-
11 tional hours per year established by the commissioner's regulations for
12 that particular group of pupils. Subject to a policy developed and
13 adopted by the board of any school district, the board may provide for a
14 school term consisting of school hours.

15 7-f. A district failing to comply with the required minimum hours of
16 pupil instruction per year as established by the commissioner's regu-
17 lations, shall forfeit from its total state aid allocation an amount
18 determined by applying a ratio of the number of hours the district was
19 in noncompliance in relation to the required minimum number of hours as
20 established by the commissioner. Not later than August first, the board
21 of each district shall certify to the department the number of hours of
22 pupil instruction in the previous school year. If the district did not
23 provide at least the required minimum number of hours of pupil instruc-
24 tion as established by the commissioner, the deduction of state aid
25 shall be made in the following fiscal year from the first payment of
26 state school aid.

27 7-g. The commissioner shall promulgate regulations establishing the
28 minimum number of hours of pupil instruction per year.

29 8. No school shall be in session on a Saturday or a legal holiday,
30 except general election day, Washington's birthday and Lincoln's birth-
31 day, and except that driver education classes may be conducted on a
32 Saturday. A deficiency not exceeding four days or the equivalent number
33 of hours during any school year caused by teachers' attendance upon
34 conferences held by superintendents of schools of city school districts
35 or other school districts employing superintendents of schools shall be
36 excused by the commissioner, notwithstanding any provision of law, rule
37 or regulation to the contrary, a school district may elect to schedule
38 such conference days or the equivalent number of hours in the last two
39 weeks of August, subject to collective bargaining requirements pursuant
40 to article fourteen of the civil service law, and such days or the
41 equivalent number of hours shall be counted towards the required one
42 hundred eighty days of session, provided however, that such scheduling
43 shall not alter the obligation of the school district to provide trans-
44 portation to students in non-public elementary and secondary schools or
45 charter schools. The commissioner shall excuse a deficiency not exceed-
46 ing four days or the equivalent number of hours during such school year
47 caused by teachers' attendance upon conferences held by such superinten-
48 dents, provided that at least two such conference days or the equivalent
49 number of hours during such school year shall be dedicated to staff
50 attendance upon conferences providing staff development relating to
51 implementation of the new high learning standards and assessments, as
52 adopted by the board of regents. Notwithstanding any other provision of
53 law, rule or regulation to the contrary, school districts may elect to
54 use one or more of such allowable conference days or the equivalent
55 number of hours in units of not less than one hour each to provide staff
56 development activities relating to implementation of the new high learn-

ing standards and assessments. A district making such election may provide such staff development during the regularly scheduled daily or equivalent hourly session and apply such units to satisfy a deficiency in the length of one or more daily or equivalent hourly sessions of instruction for pupils as specified in regulations of the commissioner. The commissioner shall assure that such conference days or the equivalent number of hours include appropriate school violence prevention and intervention training, and may require that up to one such conference day or the equivalent number of hours be dedicated for such purpose.

§ 12. Subdivision 2-a of section 3635 of the education law, as amended by chapter 424 of the laws of 2005, is amended to read as follows:

2-a. The superintendent of each city school district, in a city having a population in excess of one million, shall prepare a public school calendar and shall notify officials of nonpublic schools to which transportation has been requested not later than the first day of June in each year, of the days on which the public schools ~~[will]~~ are scheduled to be in session in the following school year. Such school district which provides transportation to nonpublic schools shall provide such transportation for the same number of days as the public schools are open but shall not provide transportation services for more than one hundred eighty days. Officials of each nonpublic school to which transportation is provided by a city school district of a city having a population in excess of one million may notify such district, not later than the first day of July of each school year, of a maximum of five days, exclusive of Saturdays, Sundays or legal holidays upon which public schools are required to be closed, on which the public schools are scheduled to be closed, except that in any year in which the first or last day of Passover and Easter Sunday are separated by more than seven days, such officials may notify the district of a maximum of ten days, but such school district will be required to provide for transportation to such nonpublic school provided that such five or ten additional days, whichever is applicable, are limited to the following: the Tuesday, Wednesday, Thursday and Friday after Labor Day, Rosh Hashanah, Yom Kippur, the week in which public schools are closed for spring recess, December twenty-fourth and the week between Christmas day and New Year's day, the Tuesday, Wednesday, Thursday and Friday after the observance of Washington's birthday, and, in the boroughs of Brooklyn and Queens only, Anniversary Day as designated in section twenty-five hundred eighty-six of this chapter.

§ 13. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.