

STATE OF NEW YORK

10189

IN ASSEMBLY

March 24, 2020

Introduced by M. of A. ORTIZ -- 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, including the city school district of the city of New York, are entitled to an apportionment of state aid and the closure of schools due in response to the novel coronavirus, COVID-19

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 chapter 605 of the laws of 2019, is amended to read as
3 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 part in the current year shall be reduced by one one-hundred eightieth
12 of the district's total foundation aid for the base year for each day
13 less than one hundred eighty days that the schools of the district were
14 actually in session, except that the commissioner may disregard such
15 reduction in the apportionment of public money[~~7~~]; (i) for any day or
16 days on which session had been previously scheduled but the superinten-
17 dent was required to close the school or schools due to a properly
18 executed declaration of a state or local state of emergency pursuant to
19 article two-B of the executive law; or (ii) for up to five days if he or
20 she 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

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

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1 school building either in whole or in part, and if, further, the commis-
2 sioner finds that such district cannot make up such days of instruction
3 by using for the secondary grades all scheduled vacation days which
4 occur prior to the first scheduled regents examination day in June, and
5 for the elementary grades all scheduled vacation days which occur prior
6 to the last scheduled regents examination day in June; or (iii) for
7 where the superintendent or the chancellor of the city school district
8 of the city of New York has determined that it is in the public health
9 or safety of the school district to close the school or schools in
10 response to the novel coronavirus, COVID-19. For the purposes of this
11 subdivision, "scheduled vacation days" shall mean days on which the
12 schools of the district are not in session and for which no prohibition
13 exists in subdivision eight of this section for them to be in session.

14 § 2. This act shall take effect immediately.