

# STATE OF NEW YORK

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4306

2019-2020 Regular Sessions

## IN SENATE

March 7, 2019

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Introduced by Sen. ANTONACCI -- 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 the impact of school days missed due to a state of emergency on state apportionment to school districts

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. The moneys payable to a  
10 school district pursuant to section thirty-six hundred nine-a of this  
11 chapter in the current year shall be reduced by one one-hundred eight-  
12 ieth of the district's total foundation aid for each day less than one  
13 hundred eighty days that the schools of the district were actually in  
14 session, except that the commissioner may disregard such reduction, up  
15 to five days, in the apportionment of public money, if he finds that the  
16 schools of the district were not in session for one hundred eighty days  
17 because of extraordinarily adverse weather conditions, impairment of  
18 heating facilities, insufficiency of water supply, shortage of fuel,  
19 lack of electricity, natural gas leakage, unacceptable levels of chemi-  
20 cal substances, a credible threat to student safety as reasonably deter-  
21 mined by a lead school official or the destruction of a school building  
22 either in whole or in part, and if, further, the commissioner finds that  
23 such district cannot make up such days of instruction by using for the  
24 secondary grades all scheduled vacation days which occur prior to the

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

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1 first scheduled regents examination day in June, and for the elementary  
2 grades all scheduled vacation days which occur prior to the last sched-  
3 uled regents examination day in June. In the event the governor or execu-  
4 tive of a local municipality declares a weather related state of emer-  
5 gency and the district falls below the required one hundred eighty days  
6 to be in session the commissioner shall disregard the reduction in the  
7 apportionment of public moneys. School districts will not be required to  
8 have utilized all scheduled vacation days prior to receiving this  
9 exemption. For the purposes of this subdivision, "scheduled vacation  
10 days" shall mean days on which the schools of the district are not in  
11 session and for which no prohibition exists in subdivision eight of this  
12 section for them to be in session. For the purposes of this subdivision,  
13 the term "state of emergency" shall follow the definitions set forth in  
14 section twenty of the executive law.

15 § 2. This act shall take effect September 1, 2019.