

STATE OF NEW YORK

5757

2019-2020 Regular Sessions

IN SENATE

May 14, 2019

Introduced by Sen. MAYER -- (at request of the State Education Department) -- 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 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 the education law relating thereto

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

1 Section 1. Subdivisions 7 and 8 of section 3604 of the education law,
2 subdivision 7 as amended by section 3 of part B of chapter 54 of the
3 laws of 2016 and subdivision 8 as amended by chapter 260 of the laws of
4 2012, are amended to read as follows:
5 7. No district shall be entitled to any portion of such school moneys
6 on such apportionment unless the report of the trustees or board of
7 education for the preceding school year shall show that the public
8 schools were actually in session in the district and taught by a quali-
9 fied teacher or by successive qualified teachers or by qualified teach-
10 ers for not less than one hundred eighty days. The moneys payable to a
11 school district pursuant to section thirty-six hundred nine-a of this
12 [~~chapter~~ part] in the current year shall be reduced by one one-hundred
13 eightieth of the district's total foundation aid for the base year for
14 each day less than one hundred eighty days that the schools of the
15 district were actually in session, except that the commissioner may
16 disregard such reduction[~~, up to five days,~~] in the apportionment of
17 public money, (i) for any day or days on which session had been previ-
18 ously scheduled but the superintendent was required to close the school
19 or schools due to a properly executed declaration of a state or local
20 state of emergency pursuant to article two-B of the executive law or
21 (ii) for up to five days if he or she finds that the schools of the
22 district were not in session for one hundred eighty days because of

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

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1 extraordinarily adverse weather conditions, impairment of heating facil-
2 ities, insufficiency of water supply, shortage of fuel, lack of elec-
3 tricity, natural gas leakage, unacceptable levels of chemical
4 substances, a credible threat to student safety as reasonably determined
5 by a lead school official or the destruction of a school building either
6 in whole or in part, and if, further, the commissioner finds that such
7 district cannot make up such days of instruction by using for the
8 secondary grades all scheduled vacation days which occur prior to the
9 first scheduled regents examination day in June, and for the elementary
10 grades all scheduled vacation days which occur prior to the last sched-
11 uled regents examination day in June. For the purposes of this subdivi-
12 sion, "scheduled vacation days" shall mean days on which the schools of
13 the district are not in session and for which no prohibition exists in
14 subdivision eight of this section for them to be in session.

15 8. No school shall be in session on a Saturday or a legal holiday,
16 except general election day, Washington's birthday and Lincoln's birth-
17 day, and except that driver education classes may be conducted on a
18 Saturday. A deficiency not exceeding four days during any school year
19 caused by teachers' attendance upon conferences held by superintendents
20 of schools of city school districts or other school districts employing
21 superintendents of schools shall be excused by the commissioner,
22 notwithstanding any provision of law, rule or regulation to the contra-
23 ry, a school district may elect to schedule such conference days in the
24 last two weeks of August, subject to collective bargaining requirements
25 pursuant to article fourteen of the civil service law, and such days
26 shall be counted towards the required one hundred eighty days of
27 session, provided however, that such scheduling shall not alter the
28 obligation of the school district to provide transportation to students
29 in non-public elementary and secondary schools or charter schools. [~~The~~
30 ~~commissioner shall excuse a deficiency not exceeding four days during~~
31 ~~such school year caused by teachers' attendance upon conferences held by~~
32 ~~such superintendents, provided that at~~] At least two such conference
33 days during such school year shall be dedicated to staff attendance upon
34 conferences providing staff development relating to implementation of
35 the new high learning standards and assessments, as adopted by the board
36 of regents. Notwithstanding any other provision of law, rule or regu-
37 lation to the contrary, school districts may elect to use one or more of
38 such allowable conference days in units of not less than one hour each
39 to provide staff development activities relating to implementation of
40 the new high learning standards and assessments. A district making such
41 election may provide such staff development [~~during the regularly sched-~~
42 ~~uled daily session~~] on any day during which sessions are allowed and
43 apply such units to satisfy a deficiency in the length of one or more
44 daily sessions of instruction for pupils as specified in regulations of
45 the commissioner. The commissioner shall assure that such conference
46 days include appropriate school violence prevention and intervention
47 training, and may require that up to one such conference day be dedi-
48 cated for such purpose.

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

51 § 3. This act shall take effect July 1, 2019.