

STATE OF NEW YORK

10904

IN ASSEMBLY

August 17, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) --
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 107 of the laws of 2020, 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: (i) for any day or days
16 on which session had been previously scheduled but the superintendent
17 was required to close the school or schools due to a properly executed
18 declaration of a state or local state of emergency pursuant to article
19 two-B of the executive law; or (ii) for up to five days if he or she
20 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 any
7 day or days in the two thousand nineteen -- two thousand twenty school
8 year or the two thousand twenty--two thousand twenty-one school year on
9 which session had been previously scheduled but the chancellor of the
10 city school district of the city of New York or the superintendent of a
11 district closed the school or schools due to a determination by the
12 chancellor or superintendent that it was in the best interest of public
13 health or safety of the school district to close the school or schools
14 in response to the novel coronavirus, COVID-19. For the purposes of this
15 subdivision, "scheduled vacation days" shall mean days on which the
16 schools of the district are not in session and for which no prohibition
17 exists in subdivision eight of this section for them to be in session.
18 § 2. This act shall take effect immediately.