STATE OF NEW YORK

7996

IN SENATE

March 6, 2020

Introduced by Sen. CARLUCCI -- 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 the closure of schools due in response to the novel coronavirus, COVID-19, even when no state of emergency has been declared

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

Section 1. Subdivision 7 of section 3604 of the education law, as amended by chapter 605 of the laws of 2019, is amended 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. The moneys payable to a school district pursuant to section thirty-six hundred nine-a of this part in the current year shall be reduced by one one-hundred eightieth of the district's total foundation aid for the base year for each day less than one hundred eighty days that the schools of the district were actually in session, except that the commissioner may disregard such reduction in the apportionment of public money, (i) for any day or days on which session had been previously scheduled but the superintendent was required to close the school or schools due to a properly executed declaration of a state or local state of emergency pursuant to article two-B of the executive law or (ii) for up to five days if he or she finds that the schools of the district were not in session for one hundred eighty days 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

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

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school building either in whole or in part **or (iii) for where the superintendent was required to close the school or schools in response to the novel coronavirus, COVID-19, even when no state of emergency has been declared**, and if, further, the commissioner finds that such district cannot make up such days 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.

§ 2. This act shall take effect immediately.