STATE OF NEW YORK

9101

IN ASSEMBLY

February 7, 2024

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Education

AN ACT to amend the education law and the retirement and social security law, in relation to increasing the required number of instructional days in a school year to two hundred

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

Section 1. Section 551 of the education law, as added by chapter 414 of the laws of 1972, is amended to read as follows:

§ 551. Apportionment. 1. In order to meet proper health, welfare and safety standards in qualifying schools for the benefit of the pupils enrolled therein, there shall be apportioned health, welfare and safety grants by the commissioner to each qualifying school for the school years beginning on and after July first, nineteen hundred seventy-one, an amount equal to the product of thirty dollars multiplied by the average daily attendance of pupils receiving instruction in such school, to be applied for costs of maintenance and repair. Such apportionment shall be increased by ten dollars multiplied by the average daily attendance of pupils receiving instruction in a school building constructed prior to nineteen hundred forty-seven. In no event shall the per pupil annual allowance computed under this section exceed fifty per centum of the average per pupil cost of equivalent maintenance and repair in the public schools of the state on a state-wide basis, as determined by the commissioner, and in no event shall the apportionment to a qualifying school exceed the amount of expenditures for maintenance and repair of such school as reported pursuant to section five hundred fifty-two of this article.

2. The apportionment pursuant to this section shall be reduced by one [~~one hundred eightieth~~] two hundredth for each day less than [~~one hundred eighty~~] two hundred days that such school was actually in total session in the base year, except that the commissioner may disregard such reduction up to five days if he finds that the school was not in session for [~~one hundred eighty~~] two hundred days because of extraordinary adverse weather conditions, impairment of heating facilities,

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

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insufficiency of water supply, shortage of fuel or the destruction of a school building, and if the commissioner further finds that such school cannot make up such days of instruction during the school year. No such reduction shall be made, however, for any day on which such school was in session for the purpose of administering the regents examinations or the regents scholarship examinations, or any day, not to exceed three days, when such school was not in session because of a conference of teachers called by the principal of the school.

§ 2. Subdivision 2 of section 1704 of the education law, as amended by chapter 543 of the laws of 1971, is amended to read as follows:

2. Except as otherwise provided by law, no board of education or community board in the city school district of the city of New York shall provide for a school year consisting of fewer than [~~one hundred eighty~~] two hundred days of school.

§ 3. Paragraph a of subdivision 4 of section 3204 of the education law, as amended by section 7 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

a. A full time day school or class, except as otherwise prescribed, shall be in session for not less than [~~one hundred eighty~~] two hundred days each year, exclusive of legal holidays that occur during the term of said school and exclusive of Saturdays.

§ 4. Paragraph m of subdivision 12 and subdivision 16 of section 3602-e of the education law, paragraph m of subdivision 12 as amended by section 19 of part B of chapter 57 of the laws of 2007 and subdivision 16 as amended by section 18 of part A of chapter 57 of the laws of 2013, are amended to read as follows:

m. a process for the waiver of the time requirements established pursuant to this subdivision in order to authorize the operation of a summer universal prekindergarten program limited to the months of July and August, upon a finding by the commissioner that the school district is unable to operate the program during the regular school session because of a lack of available space pursuant to regulations of the commissioner. Notwithstanding any other provision of this section to the contrary, such process shall provide for a reduction of the aid per prekindergarten pupil payable for pupils served pursuant to such waiver by one [~~one-hundred-eightieth~~] two hundredth of the aid per prekindergarten pupil determined pursuant to paragraph a of subdivision ten [~~or subparagraph (i) of paragraph b of subdivision ten-a~~] of this section for each day less than [~~one hundred eighty~~] two hundred days that the summer program is in session.

16. The grant payable to a school district pursuant to this section in the current year shall be reduced by [~~one one-hundred-eightieth~~] two hundredth for each day less than [~~one hundred eighty~~] two hundred days that the universal prekindergarten classes of the district were actually in session, except that the commissioner may disregard such reduction for any deficiency that may be disregarded in computing total foundation aid pursuant to subdivision seven or eight of section thirty-six hundred four of this [~~chapter~~] part and in addition may disregard a reduction for any deficiency that is caused by a delay in the opening of public school classes due to extraordinarily adverse weather conditions or other cause cited in such subdivision seven of section thirty-six hundred four that results in cancellation of the prekindergarten program or of transportation to such program.

§ 5. Subdivisions 7 and 8 of section 3604 of the education law, subdivision 7 as amended by chapter 107 of the laws of 2020 and subdivision 8

as amended by chapter 359 of the laws of 2023, are 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~~] two hundred 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~~] two hundredth of the district's total foundation aid for the base year for each day less than [~~one hundred eighty~~] two hundred 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~~] two hundred 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 school building either in whole or in part, 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; or (iii) for any day or days in the two thousand nineteen -- two thousand twenty school year on which session had been previously scheduled but the chancellor of the city school district of the city of New York or the superintendent of a district closed the school or schools due to a determination by the chancellor or superintendent that it was in the best interest of public health or safety of the school district to close the school or schools in response to the novel coronavirus, COVID-19. 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.

8. No school shall be in session on a Saturday, the first day of the second lunar month after the winter solstice in the preceding calendar year known as Asian Lunar New Year, or a legal holiday, except general election day, Washington's birthday and Lincoln's birthday, and except that driver education classes may be conducted on a Saturday. A deficiency not exceeding four days during any school year caused by teachers' attendance upon conferences held by superintendents of schools of city school districts or other school districts employing superintendents of schools shall be excused by the commissioner, notwithstanding any provision of law, rule or regulation to the contrary, a school district may elect to schedule such conference days in the [~~last~~] first two weeks of August, subject to collective bargaining requirements pursuant to article fourteen of the civil service law, and such days shall be counted towards the required [~~one hundred eighty~~] two hundred days of session, provided however, that such scheduling shall not alter

the obligation of the school district to provide transportation to students in non-public elementary and secondary schools or charter schools. At least two such conference days during such school year shall be dedicated to staff attendance upon conferences providing staff development relating to implementation of the new high learning standards and assessments, as adopted by the board of regents. Notwithstanding any other provision of law, rule or regulation to the contrary, school districts may elect to use one or more of such allowable conference days in units of not less than one hour each to provide staff development activities relating to implementation of the new high learning standards and assessments. A district making such election may provide such staff development on any day during which sessions are allowed and apply such units to satisfy a deficiency in the length of one or more daily sessions of instruction for pupils as specified in regulations of the commissioner. The commissioner shall assure that such conference days include appropriate school violence prevention and intervention training, and may require that up to one such conference day be dedicated for such purpose.

§ 6. Subdivision 2-a of section 3635 of the education law, as amended by chapter 359 of the laws of 2023, is amended to read as follows:

2-a. The superintendent of each city school district, in a city having a population in excess of one million, shall prepare a public school calendar and shall notify officials of nonpublic schools to which transportation has been requested not later than the first day of June in each year, of the days on which the public schools will be in session in the following school year. Such school district which provides transportation to nonpublic schools shall provide such transportation for the same number of days as the public schools are open but shall not provide transportation services for more than [~~one hundred eighty~~] **two hundred** days. Officials of each nonpublic school to which transportation is provided by a city school district of a city having a population in excess of one million may notify such district, not later than the first day of July of each school year, of a maximum of five days, exclusive of Saturdays, Sundays or legal holidays upon which public schools are required to be closed, on which the public schools are scheduled to be closed, except that in any year in which the first or last day of Passover and Easter Sunday are separated by more than seven days, such officials may notify the district of a maximum of ten days, but such school district will be required to provide for transportation to such nonpublic school provided that such five or ten additional days, whichever is applicable, are limited to the following: the Tuesday, Wednesday, Thursday and Friday after Labor Day, Rosh Hashanah, Yom Kippur, the week in which public schools are closed for spring recess, December twenty-fourth and the week between Christmas day and New Year's day, the Tuesday, Wednesday, Thursday and Friday after the observance of Washington's birthday, the first day of the second lunar month after the winter solstice in the preceding calendar year, known as Asian Lunar New Year, and, in the boroughs of Brooklyn and Queens only, Anniversary Day as designated in section twenty-five hundred eighty-six of this chapter.

§ 7. Subdivision f of section 446 of the retirement and social security law, as amended by chapter 210 of the laws of 1996, is amended to read as follows:

f. Notwithstanding any other provision of law, any member of the New York state and local employees' retirement system who is subject to the provisions of this article and who is employed by a school district, a board of cooperative educational services, a vocational education and

extension board, an institution for the instruction of the deaf and of the blind as enumerated in section four thousand two hundred one of the education law, or a school district as enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven as amended to date, shall have their service credit for service rendered on or after January first, nineteen hundred ninety determined by dividing the number of days worked in a school year by one hundred eighty **for days worked prior to the effective date of the chapter of the laws of two thousand twenty-three which amended this subdivision and determined by dividing the number of days worked in a school year by two hundred for days worked after the effective date of the chapter of the laws of two thousand twenty-three which amended this subdivision**. For the purpose of this section a school year will begin on July first and end the following June thirtieth. No more than one year of service may be credited during any such fiscal year. Credit for service rendered before January first, nineteen hundred ninety shall be determined in the same manner if a person eligible for such benefit shall file the appropriate application with the state comptroller on or before August second, nineteen hundred ninety-six and, within five years of filing such application, make payment for all costs necessary to finance the receipt of such service credit.

§ 8. Subdivision f of section 513 of the retirement and social security law, as amended by chapter 210 of the laws of 1996, is amended to read as follows:

f. Notwithstanding any other provision of law, any member of the New York state and local employees' retirement system who is subject to the provisions of this article and who is employed by a school district, a board of cooperative educational services, a vocational education and extension board, an institution for the instruction of the deaf and of the blind as enumerated in section four thousand two hundred one of the education law, or a school district as enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven as amended to date, shall have their service credit for service rendered on or after January first, nineteen hundred ninety determined by dividing the number of days worked in a school year by one hundred eighty **for days worked prior to the effective date of the chapter of the laws of two thousand twenty-three which amended this subdivision and determined by dividing the number of days worked in a school year by two hundred for days worked after the effective date of the chapter of the laws of two thousand twenty three which amended this subdivision**. For the purpose of this section a school year will begin on July first and end the following June thirtieth. No more than one year of service may be credited during any such fiscal year. Credit for service rendered before January first, nineteen hundred ninety shall be determined in the same manner if a person eligible for such benefit shall file the appropriate application with the state comptroller on or before August second, nineteen hundred ninety-six and, within five years of filing such application, make payment for all costs necessary to finance the receipt of such service credit.

§ 9. Subdivision f of section 609 of the retirement and social security law, as amended by chapter 210 of the laws of 1996, is amended to read as follows:

f. Notwithstanding any other provision of law, any member of the New York state and local employees' retirement system who is subject to the provisions of this article and who is employed by a school district, a board of cooperative educational services, a vocational education and

extension board, an institution for the instruction of the deaf and of the blind as enumerated in section four thousand two hundred one of the education law, or a school district as enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven as amended to date, shall have their service credit for service rendered on or after January first, nineteen hundred ninety determined by dividing the number of days worked in a school year by one hundred eighty **for days worked prior to the effective date of the chapter of the laws of two thousand twenty-three which amended this subdivision and determined by dividing the number of days worked in a school year by two hundred for days worked after the effective date of the chapter of the laws of two thousand twenty three which amended this subdivision**. For the purpose of this section a school year will begin on July first and end the following June thirtieth. No more than one year of service may be credited during any such fiscal year. Credit for service rendered before January first, nineteen hundred ninety shall be determined in the same manner if a person eligible for such benefit shall file the appropriate application with the state comptroller on or before August second, nineteen hundred ninety-six and, within five years of filing such application, make payment for all costs necessary to finance the receipt of such service credit.

§ 10. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.