

# STATE OF NEW YORK

7042

2025-2026 Regular Sessions

## IN ASSEMBLY

March 20, 2025

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:

1 Section 1. Section 551 of the education law, as added by chapter 414  
2 of the laws of 1972, is amended to read as follows:  
3 § 551. Apportionment. 1. In order to meet proper health, welfare and  
4 safety standards in qualifying schools for the benefit of the pupils  
5 enrolled therein, there shall be apportioned health, welfare and safety  
6 grants by the commissioner to each qualifying school for the school  
7 years beginning on and after July first, nineteen hundred seventy-one,  
8 an amount equal to the product of thirty dollars multiplied by the aver-  
9 age daily attendance of pupils receiving instruction in such school, to  
10 be applied for costs of maintenance and repair. Such apportionment shall  
11 be increased by ten dollars multiplied by the average daily attendance  
12 of pupils receiving instruction in a school building constructed prior  
13 to nineteen hundred forty-seven. In no event shall the per pupil annual  
14 allowance computed under this section exceed fifty per centum of the  
15 average per pupil cost of equivalent maintenance and repair in the  
16 public schools of the state on a state-wide basis, as determined by the  
17 commissioner, and in no event shall the apportionment to a qualifying  
18 school exceed the amount of expenditures for maintenance and repair of  
19 such school as reported pursuant to section five hundred fifty-two of  
20 this article.  
21 2. The apportionment pursuant to this section shall be reduced by one  
22 [~~one hundred eightieth~~] two hundredth for each day less than [~~one~~  
23 ~~hundred eighty~~] two hundred days that such school was actually in total  
24 session in the base year, except that the commissioner may disregard

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

LBD09585-01-5

1 such reduction up to five days if [~~he~~] such commissioner finds that the  
2 school was not in session for [~~one hundred eighty~~] two hundred days  
3 because of extraordinary adverse weather conditions, impairment of heat-  
4 ing facilities, insufficiency of water supply, shortage of fuel or the  
5 destruction of a school building, and if the commissioner further finds  
6 that such school cannot make up such days of instruction during the  
7 school year. No such reduction shall be made, however, for any day on  
8 which such school was in session for the purpose of administering the  
9 regents examinations or the regents scholarship examinations, or any  
10 day, not to exceed three days, when such school was not in session  
11 because of a conference of teachers called by the principal of the  
12 school.

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

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

19 § 3. Paragraph a of subdivision 4 of section 3204 of the education  
20 law, as amended by section 7 of part A of chapter 56 of the laws of  
21 2022, is amended to read as follows:

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

26 § 4. Paragraph m of subdivision 12 and subdivision 16 of section  
27 3602-e of the education law, paragraph m of subdivision 12 as amended by  
28 section 19 of part B of chapter 57 of the laws of 2007 and subdivision  
29 16 as amended by section 18 of part A of chapter 57 of the laws of 2013,  
30 are amended to read as follows:

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

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

1 hundred four that results in cancellation of the prekindergarten program  
2 or of transportation to such program.

3 § 5. Subdivisions 7 and 8 of section 3604 of the education law, subdivi-  
4 sion 7 as amended by chapter 107 of the laws of 2020 and subdivision 8  
5 as amended by chapter 359 of the laws of 2023, are amended to read as  
6 follows:

7 7. No district shall be entitled to any portion of such school moneys  
8 on such apportionment unless the report of the trustees or board of  
9 education for the preceding school year shall show that the public  
10 schools were actually in session in the district and taught by a quali-  
11 fied teacher or by successive qualified teachers or by qualified teach-  
12 ers for not less than [~~one hundred eighty~~] two hundred days. The moneys  
13 payable to a school district pursuant to section thirty-six hundred  
14 nine-a of this part in the current year shall be reduced by one [~~one-~~  
15 ~~hundred eightieth~~] two hundredth of the district's total foundation aid  
16 for the base year for each day less than [~~one hundred eighty~~] two  
17 hundred days that the schools of the district were actually in session,  
18 except that the commissioner may disregard such reduction in the appor-  
19 tionment of public money: (i) for any day or days on which session had  
20 been previously scheduled but the superintendent was required to close  
21 the school or schools due to a properly executed declaration of a state  
22 or local state of emergency pursuant to article two-B of the executive  
23 law; or (ii) for up to five days if [~~he or she~~] such commissioner finds  
24 that the schools of the district were not in session for [~~one hundred~~  
25 ~~eighty~~] two hundred days because of extraordinarily adverse weather  
26 conditions, impairment of heating facilities, insufficiency of water  
27 supply, shortage of fuel, lack of electricity, natural gas leakage,  
28 unacceptable levels of chemical substances, a credible threat to student  
29 safety as reasonably determined by a lead school official or the  
30 destruction of a school building either in whole or in part, and if,  
31 further, the commissioner finds that such district cannot make up such  
32 days of instruction by using for the secondary grades all scheduled  
33 vacation days which occur prior to the first scheduled regents examina-  
34 tion day in June, and for the elementary grades all scheduled vacation  
35 days which occur prior to the last scheduled regents examination day in  
36 June; or (iii) for any day or days in the two thousand nineteen -- two  
37 thousand twenty school year on which session had been previously sched-  
38 uled but the chancellor of the city school district of the city of New  
39 York or the superintendent of a district closed the school or schools  
40 due to a determination by the chancellor or superintendent that it was  
41 in the best interest of public health or safety of the school district  
42 to close the school or schools in response to the novel coronavirus,  
43 COVID-19. For the purposes of this subdivision, "scheduled vacation  
44 days" shall mean days on which the schools of the district are not in  
45 session and for which no prohibition exists in subdivision eight of this  
46 section for them to be in session.

47 8. No school shall be in session on a Saturday, the first day of the  
48 second lunar month after the winter solstice in the preceding calendar  
49 year known as Asian Lunar New Year, or a legal holiday, except general  
50 election day, Washington's birthday and Lincoln's birthday, and except  
51 that driver education classes may be conducted on a Saturday. A defi-  
52 ciency not exceeding four days during any school year caused by teach-  
53 ers' attendance upon conferences held by superintendents of schools of  
54 city school districts or other school districts employing superinten-  
55 dents of schools shall be excused by the commissioner, notwithstanding  
56 any provision of law, rule or regulation to the contrary, a school

1 district may elect to schedule such conference days in the [~~last~~] first  
2 two weeks of August, subject to collective bargaining requirements  
3 pursuant to article fourteen of the civil service law, and such days  
4 shall be counted towards the required [~~one hundred eighty~~] two hundred  
5 days of session, provided however, that such scheduling shall not alter  
6 the obligation of the school district to provide transportation to  
7 students in non-public elementary and secondary schools or charter  
8 schools. At least two such conference days during such school year shall  
9 be dedicated to staff attendance upon conferences providing staff devel-  
10 opment relating to implementation of the new high learning standards and  
11 assessments, as adopted by the board of regents. Notwithstanding any  
12 other provision of law, rule or regulation to the contrary, school  
13 districts may elect to use one or more of such allowable conference days  
14 in units of not less than one hour each to provide staff development  
15 activities relating to implementation of the new high learning standards  
16 and assessments. A district making such election may provide such staff  
17 development on any day during which sessions are allowed and apply such  
18 units to satisfy a deficiency in the length of one or more daily  
19 sessions of instruction for pupils as specified in regulations of the  
20 commissioner. The commissioner shall assure that such conference days  
21 include appropriate school violence prevention and intervention train-  
22 ing, and may require that up to one such conference day be dedicated for  
23 such purpose.

24 § 6. Subdivision 2-a of section 3635 of the education law, as sepa-  
25 rately amended by chapters 359 and 629 of the laws of 2023, is amended  
26 to read as follows:

27 2-a. The superintendent of each city school district, in a city having  
28 a population in excess of one million, shall prepare a public school  
29 calendar and shall notify officials of nonpublic schools to which trans-  
30 portation has been requested not later than the first day of June in  
31 each year, of the days on which the public schools will be in session in  
32 the following school year. Such school district which provides transpor-  
33 tation to nonpublic schools shall provide such transportation for the  
34 same number of days as the public schools are open but shall not provide  
35 transportation services for more than [~~one hundred eighty~~] two hundred  
36 days. Officials of each nonpublic school to which transportation is  
37 provided by a city school district of a city having a population in  
38 excess of one million may notify such district, not later than the first  
39 day of July of each school year, of a maximum of five days, exclusive of  
40 Saturdays, Sundays or legal holidays upon which public schools are  
41 required to be closed, on which the public schools are scheduled to be  
42 closed, except that in any year in which the first or last day of Pass-  
43 over and Easter Sunday are separated by more than seven days, such offi-  
44 cials may notify the district of a maximum of ten days, but such school  
45 district will be required to provide for transportation to such nonpub-  
46 lic school provided that such five or ten additional days, whichever is  
47 applicable, are limited to the following: the Tuesday, Wednesday, Thurs-  
48 day and Friday after Labor Day, Rosh Hashanah, Yom Kippur, the week in  
49 which public schools are closed for spring recess, December twenty-  
50 fourth and the week between Christmas day and New Year's day, the Tues-  
51 day, Wednesday, Thursday and Friday after the observance of Washington's  
52 birthday, the first day of the second lunar month after the winter sols-  
53 tice in the preceding calendar year, known as Asian Lunar New Year, the  
54 fifteenth day of the eighth month of the Indian calendar in each year,  
55 known as Diwali, and, in the boroughs of Brooklyn and Queens only, Anni-

1 versary Day as designated in section twenty-five hundred eighty-six of  
2 this chapter.

3 § 7. Subdivision f of section 446 of the retirement and social securi-  
4 ty law, as amended by chapter 210 of the laws of 1996, is amended to  
5 read as follows:

6 f. Notwithstanding any other provision of law, any member of the New  
7 York state and local employees' retirement system who is subject to the  
8 provisions of this article and who is employed by a school district, a  
9 board of cooperative educational services, a vocational education and  
10 extension board, an institution for the instruction of the deaf and of  
11 the blind as enumerated in section four thousand two hundred one of the  
12 education law, or a school district as enumerated in section one of  
13 chapter five hundred sixty-six of the laws of nineteen hundred sixty-  
14 seven as amended to date, shall have their service credit for service  
15 rendered on or after January first, nineteen hundred ninety determined  
16 by dividing the number of days worked in a school year by one hundred  
17 eighty for days worked prior to the effective date of the chapter of the  
18 laws of two thousand twenty-five which amended this subdivision and  
19 determined by dividing the number of days worked in a school year by  
20 two hundred for days worked after the effective date of the chapter of  
21 the laws of two thousand twenty-five which amended this subdivision.

22 For the purpose of this section a school year will begin on July first  
23 and end the following June thirtieth. No more than one year of service  
24 may be credited during any such fiscal year. Credit for service rendered  
25 before January first, nineteen hundred ninety shall be determined in the  
26 same manner if a person eligible for such benefit shall file the appro-  
27 priate application with the state comptroller on or before August  
28 second, nineteen hundred ninety-six and, within five years of filing  
29 such application, make payment for all costs necessary to finance the  
30 receipt of such service credit.

31 § 8. Subdivision f of section 513 of the retirement and social securi-  
32 ty law, as amended by chapter 210 of the laws of 1996, is amended to  
33 read as follows:

34 f. Notwithstanding any other provision of law, any member of the New  
35 York state and local employees' retirement system who is subject to the  
36 provisions of this article and who is employed by a school district, a  
37 board of cooperative educational services, a vocational education and  
38 extension board, an institution for the instruction of the deaf and of  
39 the blind as enumerated in section four thousand two hundred one of the  
40 education law, or a school district as enumerated in section one of  
41 chapter five hundred sixty-six of the laws of nineteen hundred sixty-  
42 seven as amended to date, shall have their service credit for service  
43 rendered on or after January first, nineteen hundred ninety determined  
44 by dividing the number of days worked in a school year by one hundred  
45 eighty for days worked prior to the effective date of the chapter of the  
46 laws of two thousand twenty-five which amended this subdivision and  
47 determined by dividing the number of days worked in a school year by  
48 two hundred for days worked after the effective date of the chapter of  
49 the laws of two thousand twenty-five which amended this subdivision.

50 For the purpose of this section a school year will begin on July first  
51 and end the following June thirtieth. No more than one year of service  
52 may be credited during any such fiscal year. Credit for service rendered  
53 before January first, nineteen hundred ninety shall be determined in the  
54 same manner if a person eligible for such benefit shall file the appro-  
55 priate application with the state comptroller on or before August  
56 second, nineteen hundred ninety-six and, within five years of filing

1 such application, make payment for all costs necessary to finance the  
2 receipt of such service credit.

3 § 9. Subdivision f of section 609 of the retirement and social securi-  
4 ty law, as amended by chapter 210 of the laws of 1996, is amended to  
5 read as follows:

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

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