



180-DAY ADVISORY COMMITTEE

180days@nysed.gov

180-Day Field Questionnaire

This questionnaire is an opportunity for individuals to provide feedback to the 180-Day Advisory Committee, a group established by the State Education Department to provide the Commissioner with recommendations on how to clarify and modernize the regulations and guidance governing the 180-day requirement to maximize instruction.

Directions: To submit electronically, please fill out each section as deemed appropriate, save a copy of the form, and email the copy to 180days@nysed.gov. Please submit **no later than October 19, 2017**.

Name:	
Title:	
Organization:	
Organization Type:	
County:	
I have an interest in the issues selected below as they relate to the statutory requirement to provide at least 180 days of session, and would like the Advisory Committee to consider these issues in developing their recommendations (check all that apply and provide a short answer, where applicable, in the space provided):	
<u>Minimum Daily Hours of Instruction</u>	
What rule change(s) do you recommend related to this area?	
What rule(s) related to this area would you prefer <i>not</i> be changed?	
Are there any new rules that should be considered in this area?	

180-Day Field Questionnaire, cont'd

Extraordinary Weather Conditions

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Religious Holidays

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Superintendent's Conference Days

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

180-Day Field Questionnaire, cont'd

Instruction After Rating Day

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Staff Development After Rating Day

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Regents and Local Examination Days:

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

180-Day Field Questionnaire, cont'd

Last Week of School:

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Recess:

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Other:

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

180-Day Field Questionnaire, cont'd

Other:

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Other:

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

Other:

What rule change(s) do you recommend related to this area?

What rule(s) related to this area would you prefer *not* be changed?

Are there any new rules that should be considered in this area?

When completed, please save a copy of the form, and email the copy to 180days@nysed.gov for SED to receive and review your responses. **Please submit responses no later than October 19, 2017.**

180-Day Field Questionnaire, cont'd

Appendix Laws and Regulations of New York – 180 Days of Session Requirement

The below excerpts from the Education Law, Commissioner's Regulations, and State Education Department Guidance provide the current legal context of the 180-day requirement and the consequences for school districts that fail to meet it.

Education Law §1704(2): Session Requirement

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 days of school.

Education Law §§3604(7), (7-a), (8), (8b), (9): Conditions for Receiving State Aid

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 chapter in the current year shall be reduced by one one-hundred eightieth of the district's total foundation aid 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, up to five days, in the apportionment of public money, if he 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 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. 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.

7-a. Notwithstanding the provisions of subdivision seven of this section, for the two thousand eleven--two thousand twelve school year, the commissioner shall disregard such reduction, up to ten days, in the apportionment of public money, if the schools of the district were not in session for one hundred eighty days because of extraordinarily adverse weather conditions, federal declarations of natural disasters, a state disaster emergency as defined in section twenty of the executive law, the closing of transportation routes pursuant to a declared local state of emergency, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, or the destruction of a school building either in whole or in part, and if, further, the district superintendent certifies 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

180-Day Field Questionnaire, cont'd

June, and for the elementary grades all scheduled vacation days which occur prior to the last scheduled regents examination day in June; and if, further, the district superintendent certifies to the commissioner that to do so would imperil students, faculty and staff while repairs continue. 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.

7-b. Notwithstanding the provisions of subdivision seven of this section, for the two thousand twelve--two thousand thirteen school year, the commissioner shall disregard such reduction, up to ten days, in the apportionment of public money, if the schools of the district were not in session for one hundred eighty days because of extraordinarily adverse weather conditions, federal declarations of natural disasters, a state disaster emergency as defined in section twenty of the executive law, the closing of transportation routes pursuant to a declared local state of emergency, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, or the destruction of a school building either in whole or in part, and if, further, the district superintendent certifies 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; and if, further, the district superintendent certifies to the commissioner that to do so would imperil students, faculty and staff while repairs continue. 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 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 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 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. The commissioner shall excuse a deficiency not exceeding four days during such school year caused by teachers' attendance upon conferences held by such superintendents, provided that 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 during the regularly scheduled daily session 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.

180-Day Field Questionnaire, cont'd

8-b. Notwithstanding the provisions of subdivision eight of this section, a trustee or board of trustees or a board of education of a school district having fewer than six hundred pupils in grades kindergarten through twelve may provide for classes to be held on any day of the week in connection with educational programs for the disadvantaged operated under the elementary and secondary education act; provided, however, no pupils or teachers shall be required to attend such classes if they observe any such day as a Sabbath or a holy day in accordance with the requirements of their religion.

9. Whenever it shall appear that any school district has had an average daily attendance of five or less during the three years immediately preceding the first of July, if such district continues to maintain a school the succeeding year, it shall be entitled to receive for such year an amount equivalent to the average daily attendance of pupils in such district divided by fifteen and multiplied by the amount it would be entitled to receive under the provisions of this chapter. Provided, however, whenever the commissioner of education is satisfied that the closing of the school in any district is impracticable or that the cost to such district of contracting for the education of its pupils would exceed the cost involved in maintaining a school in the district and such district maintains a school, he may apportion to such district the total amount of state aid to which it is entitled.

180-Day Field Questionnaire, cont'd

Commissioner's Regulations

Section 175.5. Length of school day and use of superintendents' conference days for State aid purposes

(a) Commencing with the 1999-2000 school year, no day on which the schools of any school district or board of cooperative educational services are in session may be included for the purpose of apportionment of State aid unless such schools were in session for not less than the following number of hours:

(1) The daily sessions for pupils in half-day kindergarten shall be a minimum of two and one-half hours including time spent by students in actual instructional or supervised study activities and including hourly units of time spent by all teachers and other instructional staff within a grade level or school building attending upon staff development activities relating to implementation of new high learning standards and assessments as authorized by section 3604(8) of the Education Law.

(2) The daily sessions for pupils in full-day kindergarten and grades one through six shall be a minimum of five hours including time spent by students in actual instructional or supervised study activities, exclusive of time allowed for lunch, and including hourly units of time spent by all teachers and other instructional staff within a grade level or school building attending upon staff development activities relating to implementation of new high learning standards and assessments as authorized by section 3604(8) of the Education Law.

(3) The daily sessions for pupils in grades seven through 12 shall be a minimum of five and one-half hours including time spent by students in actual instructional or supervised study activities, exclusive of time allowed for lunch, and including hourly units of time spent by all teachers and other instructional staff within a grade level or school building attending upon staff development activities relating to implementation of new high learning standards and assessments as authorized by section 3604(8) of the Education Law.

(b) The provisions of subdivision (a) of this section shall not apply to school days during which a session of less than the minimum number of hours is conducted because of extraordinary adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of a school building, the scheduling of Regents examinations, or such other cause as may be found satisfactory by the commissioner.

(c) The provisions of subdivision (a) of this section shall not apply to schools which operate on double or overlapping sessions, provided the written approval of the commissioner to operate such sessions has been obtained prior to the scheduling of such sessions for any school year, and provided further that each such session shall consist of not less than the following number of hours:

(1) The daily sessions for pupils in half-day kindergarten shall be a minimum of two hours.

(2) The daily sessions for pupils in full-day kindergarten and grades one through six shall be a minimum of four hours, exclusive of the time allowed for lunch.

(3) The daily sessions for pupils in grades 7 through 12 shall be a minimum of four and one-half hours, exclusive of the time allowed for lunch.

(d) The provisions of subdivision (a) of this section shall not apply where the prior written approval of the commissioner has been obtained to operate, in a given school year, daily sessions of varying lengths, provided that the total number of hours during which the school is in session each week is not less than the product of the number of school days in each week multiplied by the minimum number of hours required for a daily session pursuant to the provisions of subdivision (a) of this section.

180-Day Field Questionnaire, cont'd

(e) The provisions of subdivision (a) of this section shall not apply where the prior written approval of the commissioner has been obtained to conduct, in a given school year, an experimental or alternative program involving daily sessions consisting of fewer hours than would otherwise be required by the provisions of subdivision (a) of this section.

(f) Use of superintendents' conference days.

(1) Superintendents' conference days providing staff development activities that are related to implementation of the new high learning standards and assessments, general staff orientation, curriculum development, in-service education and/or parent-teacher conferences and that are for a minimum daily session as defined in subdivision (a) of this section shall be considered one superintendents' conference day authorized pursuant to section 3604(8) of the Education Law, provided that such conference days occur on days when the regular day schools of the school district may legally be in session, and provided further that such conference days may not be scheduled for routine school administrative matters such as the grading of assignments, the preparation of pupil assignments, record-keeping or the preparation of lesson plans.

(2) Superintendents' conference days providing staff development activities that are related to implementation of new high learning standards and assessments, and are based on a planned schedule for such conferences as adopted by the board of education at the beginning of the school year, may be used in hourly units totaling no more than five hours for each of the conference days authorized by section 3604(8) of the Education Law in conjunction with daily scheduled hours of pupil instruction and supervised study pursuant to subdivision (a) of this section in order to satisfy the minimum length of school day.

(3) Superintendents' conference days providing staff development activities either before or after a regularly scheduled daily session of pupil instruction and supervised study that are related to implementation of new high learning standards and assessments and are based on a planned schedule for such conferences as adopted by the Board of Education at the beginning of the school year, may be used in hourly units totaling no more than five hours for each of the conference days authorized by section 3604(8) of the Education Law. A total of five hours of such staff development activities shall be considered one superintendents' conference day authorized pursuant to section 3604(8) of the Education Law.

(4) Notwithstanding the provisions of paragraph (1) of this subdivision, during the period commencing on September 29, 2005 and ending on June 30, 2013, a school district may elect to use up to two of its superintendents' conference days in each school year for teacher rating of State assessments, including but not limited to assessments required under the federal No Child Left Behind Act of 2001 (Public Law section 107-110), which rating activities shall constitute staff development relating to implementation of the new high learning standards and assessments as authorized by section 3604(8) of the Education Law.

180-Day Field Questionnaire, cont'd

Current NYSED Guidance

ATTENDANCE AND THE SCHOOL CALENDAR:

Guidelines and Reporting for State Aid Purposes

The following provides guidance and clarification regarding session days, the school calendar and reporting of attendance data for State Aid purposes.

1. Days of Session

School districts must be in session for all students, including students with disabilities, for not less than 180 days. Included in the 180 days are days on which attendance is taken, days on which Regents examinations, State Assessments or local examinations are given and days on which superintendent's conference days are held. School year session days counting toward the 180 day requirement may not be scheduled on any day in July or August, except that superintendents conference days may be scheduled during the last two weeks of August. Session days should not be scheduled after the June Regents examination period.

School district officials may not claim partial or full attendance on days when classes are not in actual session. This situation is most likely to occur on Regents examination days or superintendent's conference days. Such days do count toward the 180 required days, but, since they are not days of actual session, they do not affect and are not factored into aggregate attendance.

Days containing no superintendent conference day hours on which elementary students receive less than 5 hours of instruction excluding lunch/recess and/or secondary students receive less than 5.5 hours of instruction excluding lunch, may not be included in the 180 days.

For example:

- Half days scheduled for elementary school students on days that count as Regents Exam Days *do not count* toward the 180 days.
- Half days scheduled on any 'end-of-year' days before Regents Exam Days *do not count* toward the 180 days.
- Half days scheduled before scheduled vacation days for any grade levels, such as the days before Thanksgiving, *do not count* toward the 180 days.
- Half days scheduled for kindergarten students enrolled in the district's full day kindergarten program *do not count* toward the 180 days.
- Half days scheduled for any grade level to conduct staff development or parent teacher conferences, when they are in addition to four Superintendent's Conference Days, *do not count* toward the 180 days unless the weekly minimum hours of instruction required in regulation can still be met in the week in which such half days are scheduled. (see #8a. below)

180-Day Field Questionnaire, cont'd

2. Legal Holidays

School district officials may not schedule days of session on a Saturday or a legal holiday, except Election Day, Washington's Birthday or Lincoln's Birthday. (Education Law 3604(8)). Legal holidays include: New Year's Day, Dr. Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day (second Sunday in June), Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, Christmas Day. Pursuant to NYS General Construction Law Section 24, if a legal holiday falls on a Sunday, the next day becomes a legal holiday. For example, if New Year's Day falls on a Sunday, Monday January 2nd would be a legal holiday on which a school district may not be in session.

3. Extraordinary Conditions

The length of school day requirement does not apply if schools open late or close early due to extraordinary circumstances beyond their control (Commissioner's Regulation 175.5). However, each year, some school districts lose whole days of session, because of circumstances beyond their control (i.e., winter weather, utility failure). The Commissioner is authorized to excuse up to five days for extraordinary circumstances, if those lost days of session could not have been made up 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. The following are circumstances that may be approved by the Commissioner as extraordinary conditions: extraordinarily adverse weather conditions, an impairment of heating facilities, an insufficient water supply, a fuel shortage, a lack of electricity, a natural gas leak, unacceptable levels of chemical substances, or the destruction of a school building. Scheduled vacation days that may be used include days of religious observation associated with Passover, Easter and other religious holidays. Saturdays, Sundays and legal holidays may not be used for this purpose. Requests for excusal can be made any time after the occurrence of the unscheduled day(s) off. See the State Aid web posting at https://stateaid.nysed.gov/attendance/additional_info_extraordinary_conditions.htm for additional information and requirements. If scheduled vacation days and days waived by the Commissioner are insufficient and the school district still remains one or more days short of the 180 days, the district may schedule additional session days after Regents examinations, through June 30, to satisfy the length of session requirement. In the event that only one building in a district will be short the required days of session because of some extraordinary condition, the day(s) for only that building must be made up by using all scheduled vacation days before an excusal can be given. The only exception is an occasion where a school opens late or closes early and the half-day kindergarten is excused from attendance as a result of that action. Under no circumstances may kindergarten pupils who miss a day of session be counted in attendance for that day. Further, the day may not be made up by having the half-day group meet twice on the same day. Because of the impracticability of opening schools, running buses, and bringing in teachers and pupils to make up half-day kindergarten classes at a time when other classes are not in session, excusals for half-day kindergarten (up to five for a.m. sessions and five for p.m. sessions) will be given under these special circumstances. Such requests for excusal of half-day kindergarten session days must be made on the State Aid

180-Day Field Questionnaire, cont'd

claim forms (on Form A, Schedule A5) submitted to the Education Department. (Education Law 3604(7)).

A declaration of a State of Emergency by the Governor due to adverse weather conditions does not authorize the school districts affected to operate an annual session of less than 180 days.

Since statute requires a minimum of 180 days of session, school districts cannot extend the regular school day and count the extended times as additional days of session to make up lost days.

4. Regents Days

Regents examination days, including rating days, count toward fulfilling the 180 required days of instruction, but schools need not take attendance on such days. If grades 7-12 are housed in the same building, school district officials may excuse the junior high school pupils and the senior high school pupils from the daily instructional requirement if their class schedules are disrupted by the Regents examination schedule and if staff are needed to properly administer examinations. Under no circumstances may attendance be assumed and claimed for State Aid purposes on these days. (Commissioner's Regulations 175.2)

5. New York State Assessments

Days on which New York State Assessments are given are days on which attendance must be taken and which count toward the 180 required days of session. Under no circumstances may pupils be excused from the daily instructional requirement.

Some students with disabilities, who are in general education classrooms, do not participate in regular State or local assessments as determined by the Committee on Special Education. When students with disabilities are not participating in particular regular State or local assessments, instruction must be provided to them during the days that other children are being assessed in these regular assessments. Instruction must be provided regardless of what special education services the student receives or the setting in which that student's special education program is provided. The instruction may be provided by such individuals as a general education teacher, special education teacher or teacher assistant.

6. Local Final Examinations

If middle school, junior high school or senior high school pupils take local final examinations during the Regents examination period in January or the Regents examination period in June, in a block-time format similar to the format for Regents examinations; i.e., exams are scheduled for both the morning and the afternoon, then minimum length of school day requirements pursuant to NYCRR 175.5 (a) may be waived on such days. Such days will count toward the 180 required days of instruction and attendance for the grades taking the tests need not be taken.

If, however, local final exams in June are held on days before the Regents examination days, or local final exams in January are held before or after the Regents examination days, all students must be required to attend, attendance must be recorded and the day must meet the

180-Day Field Questionnaire, cont'd

minimum length of school day requirements in order to be counted toward meeting the 180 day requirement for the year.

7. Last Day of School

Pupils must attend school on the last scheduled day of session for the school year unless a superintendent's conference day is held on that date. However, if the school schedules individual work for that day with students, such as conferences, special guidance or scheduling, school officials may schedule an early dismissal for pupils who do not require such attention.

8. Shortened Instruction Days and Minimum Session Requirements

Districts may schedule shortened instruction days for certain purposes:

- a. School district officials may schedule as many as four shortened instruction days each semester to hold parent-teacher or staff conferences for part of the day.

During the week in which the shortened instruction days occur, the minimum number of hours of instruction for the week still must be provided: 25 hours for elementary schools and 27.5 hours for secondary schools, excluding lunch. For weeks in which a legal holiday occurs and a district wishes to schedule a shortened session, the minimum number of hours of instruction for the week may be prorated to 20 hours for elementary schools and 22 hours for secondary schools, excluding lunch. This means that only districts that normally provide more than the minimum hours of instruction per week can conduct shortened instruction days that counts toward the required 180 days.

Use of shortened sessions as described above does not reduce the number of superintendent's conference days the district is allowed; i.e., districts may schedule as many as four superintendent's conference days per year and four shortened sessions per semester in a given school year.

- b. School district officials may combine a shortened instruction day and one or more hours of a superintendent's conference day to satisfy the minimum daily session requirements.

On such days the combined total of instructional time and superintendent's conference time must equal the minimum daily session required of 5.0 hours in the elementary grades or 5.5 hours in the secondary grades, and the superintendent's conference hours must be used for staff development activities related to implementation of high learning standards and assessments. For half-day kindergartens, school officials must schedule kindergarten sessions alternately when schools are conducting shortened sessions. This procedure permits school officials to schedule the afternoon kindergarten classes on one short day and the morning kindergarten classes on another, with the net instructional time remaining the same for the morning and afternoon classes. (Education Law 3602(4)).

180-Day Field Questionnaire, cont'd

9. Superintendent's Conference Days

Superintendent's conference days may include general staff orientation, curriculum development, in-service education or parent-teacher conferences. School officials may not use superintendent's conference days for routine administrative matters, such as grading examinations or pupil assignments, record keeping or lesson planning except for the provision of the amendment to the Commissioner's Regulation 175.5. The amendment to section 175.5 allows a school district to use up to two of the allowed four superintendent's conference days in each school year for teacher training and rating of State assessments, including but not limited to grades 3-8 assessments required under the federal No Child Left Behind act of 2001. This amendment is in effect through June 30, 2013.

Districts may use up to four superintendent's conference days per year, provided that at least two of the four days are used for staff development activities related to implementation of high learning standards and assessments, as adopted by the Board of Regents.

School districts may use one or more of the four superintendent's conference days in units of not less than one hour each for staff development activities related to implementation of high learning standards and assessments. **Days which are a combination of instruction time and superintendent's conference time devoted to such staff development activities count toward the 180 day requirement, as long as the combination of instruction and staff development time on that day meets the minimum daily session requirement of 5.0 hours (elementary grades) or 5.5 hours (secondary grades).**

Superintendent's conference days included in the required 180 days of session may occur before the first day of instruction, on the first day of instruction, at any time during the school year and on the last day of instruction, but not after the June Regents Examination period, except that Districts may schedule a single Superintendent's Conference Day on Monday, June 26, 2017 if doing so is necessary to avoid falling below the 180 days of sessions required to receive full allocation of Foundation Aid. **Note:** A conference day may not be claimed for any day during July, on a legal holiday, on a Saturday, or on a Sunday.

Effective July 1, 2012, a school district may elect to schedule such conference days in the last two weeks of August, subject to collective bargaining requirements pursuant to Article Fourteen of the Civil Service Law, and such days shall be counted toward the required 180 days of session, provided 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. Prior approval of superintendent's conference days by the Education Department is not required. (Education Law 3604(8))

In no case may the number of conference days allowed for any school building, in a district or in a New York City community school district or the High School Division, exceed four days toward fulfilling the 180 required days of instruction.

180-Day Field Questionnaire, cont'd

10. Required Use of Superintendent's Conference Days in Conjunction with Project SAVE

Chapter 181 of the Laws of 2000 enacted a comprehensive Safe Schools Against Violence in Education program (Project SAVE) that includes specific requirements that school district staff receive appropriate school violence prevention and intervention training through staff development programs provided on superintendent's conference days. The statute provides that the Commissioner of Education may require that up to one superintendent's conference day per year shall be dedicated for such purpose.

11. Length of School Day

The minimum length of school day for purposes of generating State Aid is 2.5 hours for half-day kindergarten, 5.0 hours for full-day kindergarten through grade 6 and 5.5 hours for grades 7-12. These hours are exclusive of the time allowed for lunch. If school district officials establish a school calendar in excess of 180 required days, the excess days need not comply with the mandated daily time requirements. (Commissioner's Regulations 175.5)

Students of compulsory attendance age must be scheduled for attendance upon instruction for the entire time the school is in session. The term session refers to the period during which instruction is provided. However, such daily sessions may include supervised study periods, supervised cooperative work study, release time for college study or school-to-work programs, and as well as traditional classroom instructional activities. (Education Law 3210(1))

12. Inclusion in Average Daily Attendance of Full-Time Regular Day School Students

Students included on the regular day school register generally should be enrolled or scheduled for a full day's session of schooling as such session is defined in Section 175.5 of Commissioner's Regulations. A student's enrollment or scheduling in such a daily session represents full-time instructional status and authorizes the school district to claim the aggregate attendance of such a student for State Aid purposes.

13. Inclusion in Average Daily Attendance of Students Receiving Homebound or Hospital Instruction

Students receiving homebound or hospital instruction provided by a public school district may be included in the aggregate attendance of the school district's regular school day for the purposes of calculating State Aid, provided that each such student shall receive instruction as follows:

- a. At the elementary school level, each pupil shall receive at least five hours of instruction per week. To the extent possible, at least one hour of instruction shall be provided each day.
- b. At the secondary school level, each pupil shall receive at least 10 hours of instruction per week. To the extent possible, at least two hours of instruction shall be provided each day. (Commissioner's Regulations 175.21)

180-Day Field Questionnaire, cont'd

14. Equivalent Attendance of Other Students Attending Upon Part-Time Instruction

The attendance of students between the ages of 16 and 21 enrolled either in a regular day school part-time or in an alternative school not meeting the minimum session requirements of Section 175.5, and who are pursuing programs leading to a high school diploma or a high school equivalency diploma, should be recorded in hourly instructional units. One thousand such hourly units equal one unit of equivalent average daily attendance for the purposes of calculating State Aid. (Education Law sections 3602 1 d (1) and 3602 1 (l))

15. Curtailed Sessions Under Certain Conditions

In certain instances it may be necessary for a school district to conduct curtailed, or shortened sessions in one or more grade levels or school buildings for a brief period in order to cope with an emergency situation such as the destruction of one school building requiring double or overlapping sessions in another building to accommodate the displaced classes. Such curtailed sessions must be requested in writing by the school district and approved by the Commissioner. For further information regarding operation of curtailed sessions outside New York City, please contact the Office of State Aid, New York State Education Department at (518) 474-2977. For information regarding operation of curtailed sessions in New York City, please contact the Office of New York City School and Community Services, New York State Education Department, Room 375 Education Building Annex, Albany, New York 12234; telephone: (518) 474-4715; fax: (518) 474-4275.