



New York State
EDUCATION DEPARTMENT

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Revising the 180-Day Requirement

P-12 Education Committee

April 9, 2018

Thank You to the Advisory Committee and Feedback Participants

Advisory Committee:

- **BOCES District Superintendents**
- **Conference of Big 5 City School Districts**
- **Empire State Supervisors and Administrators Association**
- **New York State United Teachers**
- **Northeast Charter School Network**
- **NYS Association of School Business Officials**
- **NYS Coalition for Independent and Religious Schools**
- **NYS Council of School Superintendents**
- **NYS Federation of School Administrators**
- **NYS Parent Teacher Association**
- **NYS School Boards Association**
- **School Administrators Association of NYS**

Feedback/Regulation Comment Participants: Over 250 individuals, districts, and organizations

Overview

Background Information

Review of Current Statute, Regulation, and Guidance

Proposed Regulation/Public Comments

Revised Regulation

Other Department Actions

Background Information

**Waste, Fraud, and Abuse Hotline Complaints
(continuing in 2018)**

Quantity and Severity of Winter Storms in 2016-17

April 2017 State Aid Office Clarification

Announcement of Advisory Committee Process

Fall Regional Meetings

Proposed Regulation at December Regents Meeting

Stakeholder Feedback

Two Advisory Committee Meetings

Five Regional Meetings:

- New York City (Over 12 district and organizations)
- Western New York (Over 15 districts and organizations)
- Long Island (Over 15 districts and organizations)
- Capital District (Over 15 districts and organizations)
- North Country (Over 15 districts and organizations)

Questionnaires:

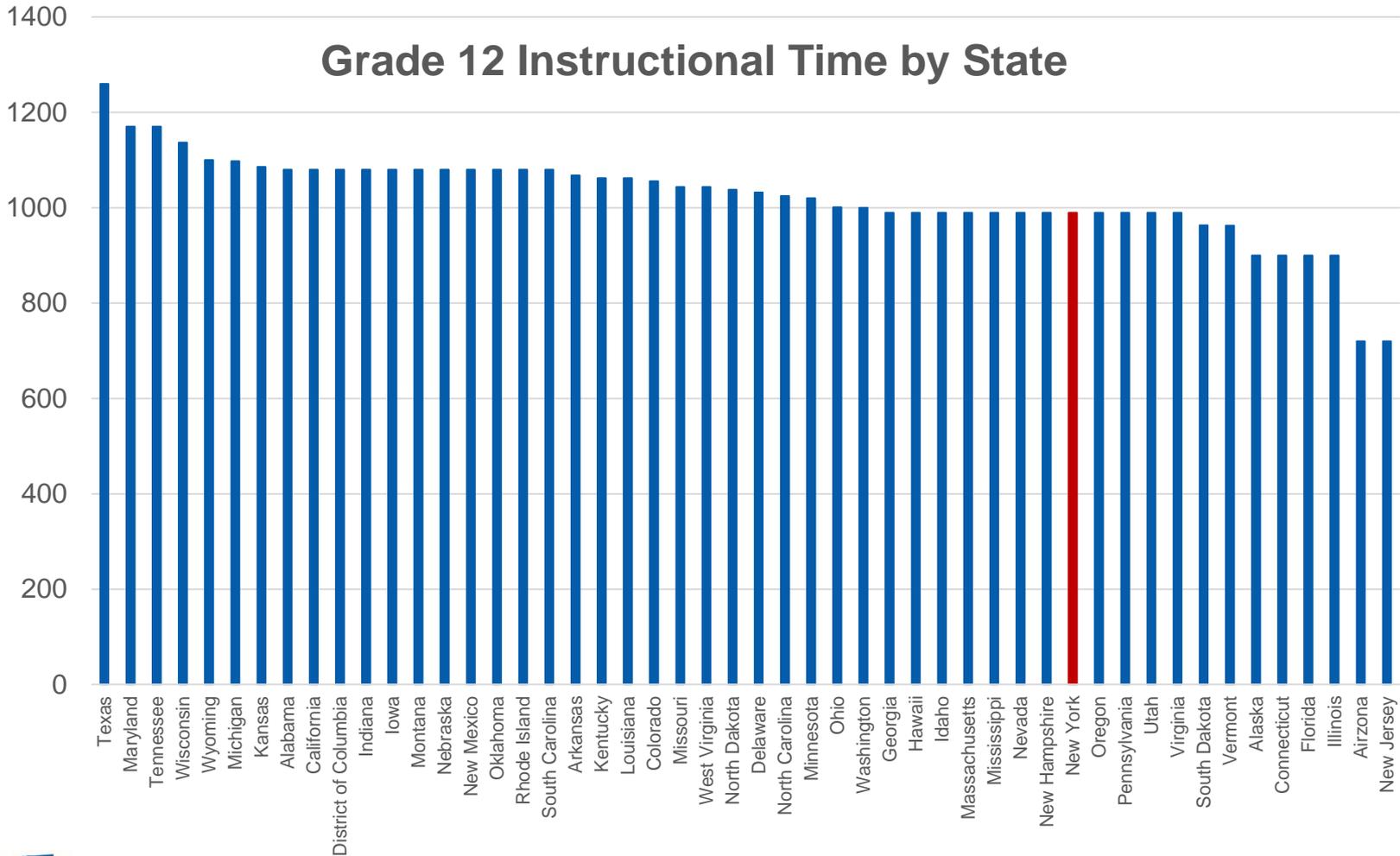
- Over 150 responses

Regulation Comments:

- Over 30 distinct comments from 25 individuals and groups

Additional feedback from school districts provided via BOCES District Superintendents

Background Information



Source: December Regents Item, Attachment C: <https://www.regents.nysed.gov/common/regents/files/1217p12d2.pdf>

Review of Current State Regulation and Guidance

Education Law §1704(2) & §3604: School districts must provide 180 days of instruction.

Commissioner's Regulations §175.5: An instructional day must have at least the following number of hours of *“time spent by students in actual instructional or supervised study”*:

- Half-day kindergarten: 2.5 hours
- Full-day kindergarten-Grade 6: 5.0 hours
- Grades 7-12: 5.5 hours

Review of Current State Regulation and Guidance

SED Guidance: “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.”

Review of Current State Regulation and Guidance

SED has never included lunch, recess, or passing time in the hours counted toward “actual instructional or supervised study.”

Sessions may not be held on legal holidays or Saturdays.

Sessions may only be held between September 1 and rating day in June.

Review of Current State Regulation and Guidance

Extraordinary Conditions:

- Up to five days may be forgiven by the Commissioner, but only if the district has fully exhausted its remaining vacation days.
- By law, emergency declarations by the governor or municipal executives do not alone forgive districts for not holding session on those days.

Aid Loss:

- For each day below the 180-day requirement, a district loses 1/180th of its Foundation Aid allocation the following year.

Proposed Regulation/Public Comment

Replace the **Daily Minimum Hours** requirement with an **Annual Aggregate Minimum Hours** requirement of the same length.

- $2.5 \text{ Hours} \times 180 = 450$ hours for half-day kindergarten
- $5 \text{ hours} \times 180 = 900$ hours for grades K-6
- $5.5 \text{ hours} \times 180 = 990$ hours for grades 7-12

Aggregate annual hours must still be **provided over 180 school days** pursuant to Education Law §3604.

Proposed Regulation/Public Comment

Flexibility for non-instructional hours:

By eliminating the daily hour requirement, districts will gain greater flexibility in scheduling non-instructional time, such as lunch, recess, and parent-teacher conferences.

Opportunity for extra instructional time to count:

Districts that are currently above the daily minimum will now have those extra instructional hours count.

Proposed Regulation/Public Comment

Superintendent's Conferences:

Consistent with current law, up to four days worth of conference hours may be used as full or partial days toward the minimum aggregate annual requirement.

“Shortened Session” staff development / parent-teacher conferences:

Hour flexibility removes restrictions on when these hours, which do **not** count toward the minimum, may be used (such as before a holiday).

Proposed Regulation/Public Comment

Snow Days/Other Emergencies: The Department has proposed legislation to provide relief from the requirement on days where schools must be closed for reasons that are outside the district's control, such as a state of emergency declared by the Governor.

The proposed regulation suggests, but does not require, districts plan for the average number of closures from snow days it has called over the previous five years.

Proposed Regulation/Public Comment

The 60-day public comment period commenced in early January.

Nearly 30 distinct comments were received; most were generally supportive with some concerns about specific components.

Revised Regulation

Based on public comments, the following changes have been made to the proposed regulation:

- Removed the limitations on how many Superintendent's Conference Days can be used in the last two weeks of August
- Removed BOCES from the text, as BOCES do not receive Foundation Aid
- Clarified that parent-teacher conferences are a valid use of Superintendent's Conference Days
- Made an additional clarification in Commissioner's Regulations §175.2

Regulation will take effect on July 1, 2018 and commence with the 2018-19 school year.

Other Department Actions

Guidance/FAQ/Model Calendars: SED will publish guidance and model calendars (developed with the assistance of the Capital Region BOCES) in the near future.

Webinars: Department staff will host webinars for interested parties to learn more about the requirement.

Legislation: The Department has draft legislation to offer, at local discretion, instructional days before September and to provide an exemption from the 180-day requirement when there is a declaration of an emergency at the state or local level.



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Thank You