



New York State
EDUCATION DEPARTMENT

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Review the Minimum Instructional Requirements for State Aid Purposes

P-12 Education Committee

June 11, 2018

Overview

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Background Information

- Feb/March 2017 Fraud, Waste, and Abuse Hotline Complaints
- Quantity and Severity of Winter Storms in 2016-17
- April 2017 State Aid Office Clarification
- Announcement of Advisory Committee Process
- Five Fall 2017 Regional Meetings
- Proposed Regulation at December 2017 Regents Meeting
- Following 60-day Comment Period, Regulation was Revised
- Emergency Action at April 2018 Regents Meeting

Review of Existing Statute

Education Law §1704(2) & §3604: 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 180 days.**

Proposed Regulation

Provides increased flexibility by replacing 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 Provides:

Flexibility in scheduling instructional time:

By eliminating the daily hour requirement, districts will gain greater flexibility in scheduling. Should extraordinary circumstances require instructional hours to be made up, school districts may decide to extend daily instructional time rather than adding additional session days.

Ability to schedule partial days:

Districts may hold any number of partial days of any length as long as they meet the annual aggregate minimum instructional hours over the course of 180 days of session.

Proposed Regulation

Less punitive State Aid calculations:

If a district is deficient in the number of instructional hours provided, the hours are converted into days for State Aid considerations.

Previously, a daily session schedule that failed to meet the daily minimum hours left districts subject to a 100% deduction of Foundation Aid, as 0/180 days would have met the minimum requirement.

Response to Comments from the Field

Superintendent's Conferences:

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

Based on comments from the field, the following change has been made to the proposed regulation:

- Modified the calculation of the annual minimum hours of instructional time that can be counted towards Superintendent's Conference Days.

Updated Timeline

- In April, the Board of Regents adopted the 180-day regulation as an emergency measure.
- Pursuant to the State Administrative Procedure Act, the changes proposed to the Board today will require an additional 30-day public comment period.
- In July, the Department will be coming back to the Board for approval of an extension of the emergency regulation presented at the June meeting .
- In September, the Department will bring the entire regulation back to the Board for permanent adoption.

Implementation Support

Model Calendars: SED has disseminated a calendar worksheet to support districts in determining their standing with regard to the annual aggregate hourly minimum (900/990).

Workshops: Department staff have been traveling to different regions of the state to conduct workshops with districts as they start to use the calendar worksheet.

Webinars: To ensure all districts have the support they need, staff will continue to offer workshops and host webinars for interested parties to learn more about the requirement.



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Thank You