



Our Students. Their Moment.

Revising the 180-Day Requirement

P-12 Education Committee

December 11, 2017



Overview

- **Review of Current Statute, Regulation, and Guidance**
- **Background Information**
- **Advisory Committee and Feedback**
- **Proposed Regulation**
- **Other Department Actions**

Review of Current Statute, 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 “actual instructional or supervised study” hours:
 - Half-day kindergarten: 2.5 hours
 - Full-day kindergarten-Grade 6: 5.0 hours
 - Grades 7-12: 5.5 hours

Review of Current Statute, Regulation and Guidance

- **The New York State Education Department (NYSED) has never included lunch or recess 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 Statute, Regulation and Guidance

- **Superintendent's Conferences:**
 - **Districts may hold up to four session days per year that count toward the 180-day requirement.**
 - **Up to two conference days may be held during the last two weeks of August.**
 - **May be broken up into smaller segments, such as a half day; the total of the segments still counts as one session day.**

Review of Current Statute, Regulation and Guidance

- **“Shortened Sessions” for additional staff development and parent-teacher conferences:**
 - In a week where the total instructional hours are met in fewer than five days (e.g., 4 days of 6 hours and one half day of 3.5 hours), the remainder of the half day may be used for either purpose and the day still counts.
 - Maximum of four times per semester.
 - May not be used if they would push weekly hours below the minimum requirement.

Review of Current Statute, 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.**

Review of Current Statute, Regulation and Guidance

- **Aid Loss:**
 - For each day below the 180-day requirement, a district loses $1/180^{\text{th}}$ of its Foundation Aid allocation the following year.

Background Information

- **Waste, Fraud, and Abuse Hotline Complaints**
- **Quantity and Severity of Winter Storms in 2016-17**
- **April 2017 State Aid Office Clarification**
- **Announcement of Advisory Committee Process**

Advisory Committee Membership

- **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**

Committee Feedback

- **Five Regional Meetings:**
 - **New York City (9/28)**
 - **Western New York (10/3)**
 - **Long Island (10/5)**
 - **Capital District (10/10)**
 - **North Country (10/19)**
- **Questionnaires:**
 - **Over 150 responses**

Committee Feedback

The following key issues were highlighted by school districts and stakeholders through the Advisory Committee process:

- **Flexibility**
- **Clarity**
- **Snow Days/Emergencies**
- **Collective Bargaining Agreements (CBAs)**
- **Recess**

Proposed Regulation

- **Replace the Daily Minimum Hours requirement with an Annual Aggregate Minimum Hours requirement of the same length.**
 - **2.5 Hours X 180 = 450 hours for half-day kindergarten**
 - **5 hours X 180 = 900 hours for grades K-6**
 - **5.5 hours X 180 = 990 hours for grades 7-12**
- **Aggregate annual hours must still be provided over 180 school days.**

Proposed Regulation

- **Flexibility for non-instructional hours:** By eliminating the Daily Minimum Hours 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 Hours requirement will now have those extra hours count.

Proposed Regulation

- **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

- **Snow Days/Other Emergencies:** NYSED will propose 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.

As an interim solution, the proposed regulation suggests, but does not require, districts plan for the average number of closures from snow days the districts called over the previous five years.

Proposed Regulation

- **Regents Exams and Rating Day:** As the Regents examination schedule is reduced in the coming years as examination phase-ins/phase-outs are complete, NYSED is exploring whether it can compress the calendar and free up current exam days for instructional time.

This will also allow for exploration into shifting Rating Day to a later point in June.

Proposed Regulation

- **Collective Bargaining Agreements:** If any district has provisions in its CBAs that conflict with the new regulation, the district will have to, upon expiration of those CBAs, revisit its contracts consistent with the Taylor Law.

Noncompliance

- As is currently the case, noncompliance with the new provisions could result in an aid penalty.

Other Department Actions

- **Guidance:** Upon adoption, NYSED will issue new guidance to reflect the amended regulations.
- **Model Calendars:** Staff will work with stakeholders to develop model calendars that districts can use for their planning purposes.
- **Legislation:** The Department will draft legislation to offer, at local discretion, instructional days in August 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

