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May 24, 2018

Brian Cechnicki
Director of Education Finance
New York State Education Department
Education Building Rm. 139 Office of State Aid
Albany, NY 12234

Re: Proposed Rule Making-180 Day Requirement for State Aid Purposes

Dear Mr. Cechnicki,

We respectfully submit the following comments on behalf of The New York State Council School Superintendents (THE COUNCIL), regarding proposed regulations to change the 180-day instruction requirement to an annual hourly requirement of 900 hours of instruction for grades k-6 and 990 hours for grades 7-12. THE COUNCIL and Superintendents across the state thank you for your work to date in tackling this important issue. We were pleased that the regulations that were approved in April clarify that all four Superintendent conference days may be utilized in August as we had requested during the first round of comments. We recognize the time, effort, and collaboration that have gone into developing these regulations.

We support the overall thrust of these regulations, but we must revisit the issue of passing time and recess. As noted in its response to our comments and others, the Department does not believe instructional time encompasses passing time and is concerned that such an interpretation will reduce overall class time.

We do not fully agree with the Department's viewpoint in this respect. Educators in every corner of a school building are responsible for the safety and education of those students from the moment the students arrive, until the moment they leave the school grounds. The regimented approach taken regarding passing time raises concerns that the Department is micromanaging a calendar and scheduling process that is locally and responsibly managed.

We once again ask the Department to reconsider its blanket prohibition on passing time and consider reasonable allowances on passing time. Absent such a change, we are concerned that a number of districts will have to either forgo state aid or renegotiate collective bargaining agreements which may be costlier than the loss in state aid.

Regarding recess, we believe the Department's current interpretation is too narrow. In its response to comments, the Department clarified that "recess" counts as instructional time if it complies with the requirements of Part 135 of the Commissioner Regulations.

The Part 135 regulations are restrictive regarding the type of certified professional necessary to comply with the regulations. We respectfully ask the Department to allow recess to count as instructional time if any certified professional is providing the requisite supervision and instruction during this time, not just the certified professionals listed in the regulations.

Such an action will help ensure a well-rounded education day, for elementary students. Such a policy would be beneficial for the health and welfare of children.

Again, we wish to thank you and the Department for this difficult undertaking. We appreciate your due consideration to our requested changes and clarification to ensure a seamless transition from a calendar day calculation to an hourly calculation.

Sincerely,



Lorna R. Lewis
Plainview-Old Bethpage
President-Elect



Randall W. Squier
Coxsackie-Athens
Executive Committee Member



Mary Fox-Alter
Pleasantville
Executive Committee Member