



June 1, 2018

Charles S. Dedrick
Executive Director
charles@nyscoss.org
518.449.1063

Robert N. Lowry, Jr.
Deputy Director for
Advocacy, Research and
Communications
boblowry@nyscoss.org
518.435.5996

Gregory S. Berck
Assistant Director for
Governmental Relations
& Assistant Counsel
greg@nyscoss.org
518.898.8237

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Re: Minimum Instruction Requirement for State Aid (“180-Day Regulations”)

To the Honorable Members of the Board of Regents:

I am writing to clarify the position of the New York State Council of School Superintendents on the school calendar regulations which the Board of Regents approved on an emergency basis in April and is due to vote on again later this month.

The Council supports the regulations.

Among other aspects, the regulations provide districts with additional flexibility to count hours of instruction on days which would not have been authorized under the prior regulations and guidance.

In past correspondence we have shared concerns over interpretations of laws, regulations and guidance relating to passing time and recess applicable under *both* the new regulations *and* the old. Our most recent prior letter is attached.

But a critical point is that *our concerns arise under either the old regulations or the new*. Another critical point is that whether or not our concerns are addressed, *districts would be in a better position under the new regulations than the old*.

To illustrate: If a district fell short of providing minimum required instructional time for two minutes each day, whether due to interpretations against counting passing time or limitations on how recess may be counted or for any other reason, that district could lose less than 1 percent¹ of its Foundation Aid under the new regulations. Under the old regulations, that district would be 180 days short and could be subject to losing 100 percent of its aid.

Reiterating, we continue to advocate for reconsideration of some aspects of the Department’s interpretations of guidance regarding school calendar requirements. But we support the regulations you approved in April and urge, at a minimum, that you vote to maintain those regulations when you meet in June.

Sincerely,


Robert Lowry

Deputy Director for Advocacy, Research, & Communications

C: Commissioner Elia
Senior Deputy Commissioner Ebert

¹ (2 minutes X 180 days)/60 minutes = 6 hours
6 hours/990 hours = 0.6%