

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 1704, 3602 and 3604 of the Education Law.

1. Subdivision (n) of section 175.5 of the Regulations of the Commissioner of Education are amended to read as follows:

(n) COVID-19 Executive Order(s) and Waivers [for the 2019-20 and 2020-21 school years].

(1) Any day that a school is closed in the 2019-20 school year and the 180-day requirement set forth in subdivision (c) of this section is waived pursuant to an Executive Order(s) of the Governor pursuant to the State of emergency for the COVID-19 crisis or pursuant to Education Law § 3604[(8)](7), as amended by Chapter 107 of the Laws of 2020, will satisfy the requirements for a waiver of the usually required reduction in monies payable to school districts under Education Law § 3604 in accordance with the terms of such Executive Order(s).

(2) For the 2019-20 [and], 2020-21, and 2021-22 school years, notwithstanding any other provision of this section to the contrary, any school district may be eligible for a waiver from the annual instructional hour requirement set forth in subdivision (c) of this section if the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § 3604(7), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis, provided that such district meets the requirements outlined in subparagraphs (i) and (iii) of paragraph (1) of subdivision (m) of this section.