

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, 3602, 3604, 3609-a of the Education Law.

(n) COVID-19 Executive Order(s) and Waivers.

(1) ...

(2) For the 2019-20, 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] 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.

(3) For the 2022-23 school year, notwithstanding any other provision of this section, any school district may be eligible for a waiver from the short session deduction set forth in subdivision (j) of this section if the district is unable to meet the annual instructional hour requirement set forth in subdivision (c) of this section as a result of the COVID-19 crisis, provided that:

(i) the school district must be in session for at least 180 days in each school year, which shall include superintendents' conference days authorized under this section; and

(ii) the superintendent shall certify to the Department, on a form prescribed by the Commissioner, the specific cause of the district's inability to meet such requirement and an explanation as to why the district was unable to make up the required hours.