

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

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

(b) [Definition] Definitions.

(1) "Instructional hours" shall mean an hour or a fraction of an hour, during which students are receiving instruction from a certified teacher pursuant to Part 80 of this Title in an academic subject and/or periods of time during which students are engaged in supervised study activities, including completing homework and/or the review of homework. Instructional hours shall not include periods of time where instruction and/or supervised study time is not provided to students, such as lunch or recess.

(2) "Session day" shall mean a day when school is held and instruction is provided to students. This may be any day, excluding Saturdays and legal holidays pursuant to Education Law §3604(8), from the first day in which attendance may be required pursuant to Education Law §3205(1)(c) until the end of the school year, plus superintendents' conference days.

2. Subdivision (i) of section 175.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) Regents examinations and other [state] assessments.

(1) ...

(2) ...

(3) ...

(4) Other examinations and assessments. Time spent on session days where other assessments are administered may count toward the annual minimum instructional hour

requirement provided such assessments are administered by a certified teacher, attendance is taken, and students not sitting for such assessments receive instruction during such time.
Grade levels that are excused from instruction on such days may not have this time count toward the requirement.