

The University of the State of New York  
THE STATE EDUCATION DEPARTMENT  
Albany, New York 12234

# Handbook for Summer School

Updated June 2017  
Administrators and Principals



Updated June 2017

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## TABLE OF CONTENTS

|                                                                                               |           |
|-----------------------------------------------------------------------------------------------|-----------|
| <b>2017 CALENDAR</b>                                                                          | <b>4</b>  |
| <b>I. INTRODUCTION</b>                                                                        | <b>5</b>  |
| <b>II. SUMMER SCHOOL PROGRAM REQUIREMENTS</b>                                                 | <b>5</b>  |
| Resident Students                                                                             | 6         |
| Nonresident Students                                                                          | 7         |
| Students with Disabilities                                                                    | 7         |
| Attendance                                                                                    | 7         |
| Funding Sources                                                                               | 8         |
| Driver Education                                                                              | 8         |
| Contracting for Instruction                                                                   | 8         |
| Post-Secondary Credit-Bearing Courses                                                         | 8         |
| Physical Education                                                                            | 9         |
| Cardiac Automated External Defibrillators (AED)                                               | 9         |
| Fire and Emergency Drills                                                                     | 9         |
| Provision of Health Service                                                                   | 9         |
| Administration of Medications                                                                 | 10        |
| Library Services                                                                              | 12        |
| <b>III. COURSE REQUIREMENTS AND CREDIT</b>                                                    | <b>13</b> |
| Summer course taken without regard to previous course work                                    | 13        |
| Summer course taken to improve an existing grade or make up<br>an incomplete or failed course | 13        |
| Minimum Attendance for Course Credit                                                          | 14        |
| Recognition of Earned Credit                                                                  | 14        |
| <b>IV. STATE AID</b>                                                                          | <b>15</b> |
| Foundation Aid                                                                                | 15        |
| Summer School Transportation Aid                                                              | 16        |
| <b>V. STATE ASSESSMENTS</b>                                                                   | <b>17</b> |
| Administration Schedule                                                                       | 17        |
| Instructions for Administration                                                               | 17        |
| Online Requesting of August Examinations                                                      | 18        |
| <b>VI. COMMISSIONER'S REGULATIONS PART 110</b>                                                | <b>19</b> |
| <b>VII August Examination Schedule</b>                                                        | <b>22</b> |
| <b>STATE EDUCATION DEPARTMENT CONTACTS</b>                                                    | <b>23</b> |

| <b>2017 CALENDAR</b>                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 3 (F)                                                                                                                                          | BOCES CO-SER due, if applicable                                                                                                                                                                                                                                                                                                                 |
|                                                                                                                                                         | There is no scheduled Summer School Administrator's Conference                                                                                                                                                                                                                                                                                  |
| June: Four weeks prior to the first day of class                                                                                                        | Submit Driver & Traffic Safety Education (DTSE) program approval form (DE-1) at least four weeks prior to the first day of class. Last minute applications missing critical components may not be approved in time to deliver DTSE classes. <a href="http://www.p12.nysed.gov/cte/de/forms.html">http://www.p12.nysed.gov/cte/de/forms.html</a> |
| June 12 -16(M -F)                                                                                                                                       | Summer School Registration                                                                                                                                                                                                                                                                                                                      |
| July 3 (M)                                                                                                                                              | First day for which summer school students generate State aid                                                                                                                                                                                                                                                                                   |
| July 4 (T)                                                                                                                                              | Legal Holiday on July 4                                                                                                                                                                                                                                                                                                                         |
| August 16,17 (W-Th)                                                                                                                                     | State Regents Examinations                                                                                                                                                                                                                                                                                                                      |
| September 2 <sup>nd</sup> , or the 1 <sup>st</sup> business day after Sept. 2 <sup>nd</sup> , if Sept. 2 <sup>nd</sup> is Saturday, Sunday or Labor Day | Hours of attendance for summer 2016 in district operated programs should be reported to the State Aid Office on 2017-2018 SAMS Form A (completed by the local district business office).                                                                                                                                                        |
| October 1, 2017                                                                                                                                         | Expense and related data for summer 2016 BOCES operated programs should be reported to the State Aid Office on 2017-2018 BOCES SAMS (submitted by BOCES business office)                                                                                                                                                                        |

**Rules Limiting the Calendar**

1. No State aid may be generated for summer session days before July 1 or after August 31. No aid is paid for Saturdays, Sundays or legal holidays.
2. Summer School may not meet on July 4 or, if July 4 is a Sunday, on July 5.
3. Summer school typically is in session for at least 30 days of instruction.
4. The State Education Department does not schedule Regents Examinations on days of known religious observance.

## I. INTRODUCTION

School districts, Boards of Cooperative Educational Services (BOCES) or nonpublic schools may provide summer school, but are not required to do so. Summer school is an additional opportunity to meet the needs of students by providing courses for enrichment, acceleration, and improvement of skills or making up course work from the regular school year.

Schools may offer any course during the summer that could have been offered during the regular school year including courses to prepare for examinations such as the Regents Examinations or Regents Competency Tests (RCT). Summer school is also an excellent vehicle for delivering Academic Intervention Services (AIS) mandated by Sections 100.1(g) and 100.2(ee) of the Commissioner's regulations.

This handbook highlights several summer school program requirements and contains Part 110 of the Commissioner's regulations pertaining to summer school. For complete and specific requirements, school districts should refer to the Education Law, the Commissioner's regulations, Commissioner's decisions and other applicable laws, regulations and policies.

## II. SUMMER SCHOOL PROGRAM REQUIREMENTS

School districts that operate elementary and secondary summer school programs must:

- use the building(s) and equipment of such school or other suitable facility as approved by the Commissioner (8 NYCRR §§110.1[a], 110.2[a]).
- employ a principal certified in this State, to be present at each school where a summer school program is operated (8 NYCRR 100.2[a]).
- employ teachers who are appropriately certified to teach in the schools of this State, use paraprofessionals, as needed, and, for secondary summer school, assign such teachers to teach only the courses in which they are certified (8 NYCRR §§110.1[c], 110.2[c]).
- provide a program of at least 20 hours of instruction during the months of July and August, exclusive of days used for registration, administration of final examinations or Regents examinations (8 NYCRR §§110.1[b], 110.2[b]).
- for elementary schools, provide daily instructional sessions of at least one hour but not more than five hours (8 NYCRR §110.1[d]).
- for secondary schools, provide daily instructional sessions of at least one hour but not more than five and one half-hours (8 NYCRR §110.2[d]).
- Provide library services in accordance with Part 91 of the Commissioner's regulations.
- when administering Regents Examinations and RCTs, do so in full compliance with applicable Commissioner's regulations and department policies.

Boards of Cooperative Educational Services (BOCES) that operate summer school programs may provide, at the request of two or more component school districts, an elementary and/or

secondary school program during the months of July and August (Education Law §1950[4] [bb]). Component school districts shall award credit to students who successfully complete credit-bearing academic courses offered by BOCES as if the district itself had provided the courses (8 NYCRR §110.5[b]). If a BOCES offers a summer school program, it must:

- use the building(s) and equipment of a BOCES center, a leased facility or other suitable facility approved by the Commissioner (8 NYCRR §110.5[a][1]).
- employ a principal certified in this State, to be present at each center or facility where a summer school program is operated (8 NYCRR §100.2[a]).
- employ teachers who are appropriately certified to teach in the schools of this State, use paraprofessionals, as needed, and, for secondary summer school, assign such teachers to teach only the courses in which they are certified (8 NYCRR §110.5[a][2]).
- use curricula and course content that are determined cooperatively by the BOCES and participating component districts (8 NYCRR §110.5[a][3]).
- conduct programs of at least 20 hours of instruction (8 NYCRR §110.5[a][2]).
- provide daily instructional sessions of at least one hour, but not more than five hours, for elementary programs, and daily instructional sessions of at least one hour, but not more than five and one-half hours, for secondary programs (8 NYCRR §110.5[a][2]).
- when administering Regents Examinations and RCTs, do so in full compliance with applicable Commissioner's regulations and department policies.

### **Resident Students – Public, Nonpublic and Home Schooled**

When a school district operates a summer school or participates in a BOCES regional summer school, all resident students, including public, nonpublic, and home-schooled students, are entitled to attend the district's summer school program. A school district or BOCES cannot charge resident students fees for any instruction or program leading to a high school diploma (8 NYCRR §100.2[q][3]; Matter of Gordon, 14 Ed Dept Rep 358, Decision No. 9,013). However, students must meet any academic requirements for a particular course. Please note that, effective December 16, 2014, and as amended on April 14, 2015, section 100.2(y) of the Commissioner's regulations relating to determinations regarding student residency and age was amended. Districts should review the revised regulatory terms to ensure compliance with proper enrollment procedures.

School districts which do not operate summer school programs cannot be required to assume responsibility for the tuition of resident students who attend summer school in other districts (Appeal of Stamler, 38 Ed Dept Rep 292, Decision No. 14,036; Matter of Roman and Battle, 14 id. 247, Decision No. 8,954). For the purpose of summer school instruction, a resident nonpublic school student is not considered to be an enrollee of the nonpublic school (see Formal Opinion of Counsel, No. 149, 4 Ed Dept Rep 230).

School districts may seek recovery of costs for lost books or other liability that an individual student may incur. However, school districts may not withhold admission to the next semester, report cards, transcripts, recommendation letters, textbook loans, or other entitlement for lack of payment.

## **Nonresident Students**

A school district operating a summer school or participating in a BOCES regional summer school may decide to accept nonresident students on terms prescribed by the board of education (see Education Law §§1709(3), (13), 3202(2); Matter of Roman and Battle, 14 Ed Dept Rep 247, Decision No. 8,954). A district must treat all nonresident applicants equally and may charge tuition calculated in accordance with §174.2 of the Commissioner's regulations (see Education Law §§1709(3), (13), 3202(2); Matter of Roman and Battle, 14 Ed Dept Rep 247, Decision No. 8,954).

## **Students with Disabilities**

Students with disabilities identified by a Committee on Special Education (CSE) or students with disabilities who qualify under §504 of the Rehabilitation Act of 1973 are entitled to program modification and/or accommodations deemed necessary to ensure an equal opportunity to participate in summer school as other students without disabilities. If a student with a disability is attending a summer school program (not an extended school year (ESY) special education program), the school district operating the summer school program must determine if a student with a disability needs program modifications and/or accommodations to participate in the program, and is required to provide the necessary supports.

Students with disabilities may receive (ESY) special education programs and services if the (CSE) determines that pursuant to the student's individual education program (IEP) the programs and services are required to prevent substantial regression. ESY July/August programs operate under different program requirements, funding mechanisms and approval processes than summer school. Additional information regarding ESY is available at <http://www.p12.nysed.gov/specialed/applications/ESY/esy-2017/application-procedures-for-july-august-extended-school-year.htm> or by contacting the Office of Special Education at (518) 473-2878. Applications are due June 1, 2017.

Education Law section 4408 provides that the CSE-responsible district may file a Request for Reimbursement Approval for school-age special education students with extended school year programs who are placed in SED-approved district or BOCES programs, or in SED-approved private day or residential programs. Districts are reimbursed 80% of the approved total costs for education and if applicable, maintenance and transportation.

## **Attendance**

Part 104 of the Commissioner's regulations pertaining to attendance applies to all students enrolled in scheduled instruction during the school year from July 1st through June 30th, including summer school. Districts and BOCES must use the same board-approved attendance policy for summer school that is used during the regular school year. Summer school attendance requirements are based on a pro-ration of the regular year attendance requirements. Every public and nonpublic elementary, middle and secondary school must maintain a record of each pupil's presence, absence, tardiness and early departure in a manner that complies with §104.1 of the Commissioner's regulations. The regulations specifically authorize school districts to adopt minimum attendance requirements, which distinguish between excused and unexcused student absences for the purpose of awarding course credit.

## **Funding Sources**

Education Law §3602(1)(g) and Part 110<sub>7</sub> of the Commissioner's regulations state that

summer school is public instruction during the months of July and August. Many sources of funds may support a summer school program including local taxes, state aid, private donations and private, local, State and federal grants. However, the source of funds does not exempt a district from compliance with all laws and regulations applicable to summer school. In Appeal of DeMasi, et al. (18 Ed Dept Rep 320, Decision No. 9,859), this requirement is stated as follows:

“A board of education may accept gifts of money to be used for specific programs, but it may not delegate to a third party its responsibility for determining whether or not to offer such programs or any control over the manner in which they are to be offered.”

Therefore, a district may not accept a grant to support its summer school program that contains provisions inconsistent with legal requirements placed on the district. For example, a grant may not contain a provision precluding any resident student's enrollment in a summer school course because such a provision would violate Education Law §1709, which requires that boards of education place students "as their scholarship shall warrant."

### **Driver & Traffic Safety Education**

Information regarding Driver & Traffic Safety Education is located at <http://www.p12.nysed.gov/cte/de/home.html>. Please note that new guidelines were published in August of 2015. Significant changes were made in the areas of Administration (section II), and Records Retention (section XIII).

Driver and Traffic Safety Education Programs may **not** commence instruction prior to receiving notification of program approval from the State Education Department. Please allow at least four weeks to process your program's application as applications filed without sufficient time for review may not be approved in time to commence your school's Driver & Traffic Safety Education class. For additional information please contact, the Office of Driver and Traffic Safety Education at (518) 486-1547.

### **Contracting for Instruction**

A school district may contract for summer school instruction with another school district (see Education Law §2040) or with a BOCES (Education Law §1950). Programs and courses offered to meet high school diploma requirements must be provided at no cost to resident students (8 NYCRR §100.2[q][3]). Generally, school districts lack the authority to contract with an independent contractor to provide core instructional services through employees of that independent contractor (Appeal of McKenna, et al., 42 Ed Dept Rep 54, Decision No. 14,774), such as social work services (Appeal of Barker and Pitcher, 45 Ed Dept Rep 430, Decision No. 15,375), psychological services (Appeal of Friedman, 19 Ed Dept Rep 522, Decision No. 10,236), or to hire substitute teachers (Appeal of Woodarek, 46 Ed Dept Rep 1, Decision No. 15,422; pet. to review disms'd Kelly Services, Inc. v. USNY, et al., Sup Ct Albany County, 5/22/07, Index No. 7512-06).

For more information, please see the Department's June 2, 2010 memorandum and Q & A document at: <http://www.p12.nysed.gov/resources/contractsforinstruction/home.html>.

BOCES provide shared services to public school districts under contracts known as

COoperative SERvices agreements or COSERs. If a district wants to provide some services and not others, it needs a separate COSER for each package of services. A BOCES summer school COSER must be operated as a centralized service, operated by the BOCES and supervised by an administrator employed by the BOCES.

### **Post-Secondary Credit-Bearing Courses**

School districts may arrange with institutions of higher education to provide advanced courses, that is, post-secondary courses beyond the normal high school curriculum (8 NYCRR §100.2[q]). If such coursework is to be awarded credit toward a high school diploma, it must be provided at no cost to the student. If the coursework will also enable the student to earn college credit, the institution of higher education may charge the student for such college credit.

### **Physical Education**

Students in grades 9 through 12 must attend and participate in a physical education program during both semesters of the regular school year that meets the requirements of Part 135.4 of the Commissioner's regulations and must accumulate two units of credit to graduate (8 NYCRR §100.5[a][3]). Students may not attend a summer school physical education course as a substitute for the physical education requirement in an upcoming regular school year, but they may attend a summer school physical education course to make up for a previous semester for which they did not earn credit or as an elective.

### **Cardiac Automated External Defibrillators (AED)**

School districts and BOCES must provide and maintain on-site in each instructional school facility sufficient automated external defibrillator (AED) equipment to ensure ready and appropriate access for use during emergencies. Administrators must also ensure the presence of at least one trained staff person, trained in accordance with Public Health Law 3000-b. Specific information concerning AED requirements is contained in Education Law §917 and §136.4 of the Commissioner's regulations, and is available at [Automated External Defibrillators](#) .

### **Fire and Emergency Drills**

Pursuant to Education Law §807, two fire drills must be held during summer school in buildings where summer school is conducted. One of the two must be held during the first week of summer school.

### **Provision of Health Services**

Public schools must provide a program of health services. Among the several requirements contained in Part 136 of the Commissioner's regulations, districts must provide and maintain a continuous program of school health services; furnish instruction to school personnel in procedures to follow in case of accident or illness; and provide inspections and supervision of the health and safety aspects of the school plant.

Within the context of a school's health services program, the assessment and interpretation of clinical data, triaging, and decision making about the disposition of students relating to illness or injury is the function of a school nurse (RN) and cannot be delegated to LPNs or unlicensed personnel (see Education Law §§6901, 6902; 8 NYCRR §29.1[b][10]). Further information on the difference between an RN and an LPN is available at

[Use of Licensed Practical Nurses and the term "School Nurse" in School Settings](#)

If a student becomes ill or injured and a school nurse is not available, schools are encouraged to contact the parent/guardian to pick up the student or follow district policy for obtaining emergency medical services if necessary.

The Concussion Management and Awareness Act (Education Law §305[46], as added by Chapter 496 of the Laws of 2011) in accordance with the statute, §136.5 of the Commissioner's regulations requires that any student who has sustained, or is suspected of sustaining a head injury be immediately removed from athletic activities. Students may not return to athletic activities until they have been symptom free for a minimum of 24 hours and have been evaluated by, and receive written and signed authorization to return to activities from a licensed physician (8 NYCRR §136.5[d][2]).

Regardless of where a student sustains a concussion, any student who is diagnosed with a concussion requires both physical and cognitive rest, and schools should make accommodations as recommended by the treating provider for such students, along with following district policies on concussion management. Additional information on the law and related issues is available in the document [Guidelines for Concussion Management in School Settings](#).

### **Administration of Medications to Students**

The administration of medications to students in all New York schools is governed by Article 139 and Article 19 of Education Law. More information and guidance on medication management in schools can be found on NYSED's *Guidelines for Medication Management in Schools*: [NYSED Guidelines for Medication Management in Schools](#)

Other memos related to medications in schools that administrators should be familiar with include:

[Administration of Medications by Unlicensed Persons](#)

[Clarification on Insulin Pumps](#)

[Administration of Medications to Students at School Sponsored Events by Parent/Guardian Designee](#)

There are three functional categories of students when it comes to medication administration in schools. They are **nurse dependent students** (formerly known as non-self-directed), **supervised students** (formerly known as self-directed) and **independent students** (formerly known as self-administer and/or self-carry). More detailed information on each category of student and the particular parameters for the administration of medication to such students can be found beginning on page 8 of the Guidelines for Medication Management in Schools (see link above).

As a general overview, the following information may be helpful. However, please review the Guidelines for Medication Management in Schools for a thorough discussion of the parameters of medication management in schools. Generally, supervised students are those who may be assisted to take their own medications by unlicensed staff in the school setting who have been trained by either an RN or the medical director. In the case of independent students, only the RN, medical director, or other appropriately licensed health care professional (excluding LPNs whose scope of practice does not include assessment) can make the determination that a student is an independent student. However, pursuant to Education Law §§916, 916-a, 916-b certain students must be allowed to carry and self-administer certain medications if they have

both a provider order and an order that attests the provider has confirmed the student has demonstrated he or she can self-administer their medications effectively, and written parent/guardian consent to carry and self-administer their medications on school property and at any school function (i.e. inhaled rescue medications for respiratory symptoms, epinephrine auto-injector to treat allergies, insulin, glucagon, and other diabetes supplies to manage their diabetes. (see Education Law §§916, 916-a, 916-b; 8 NYCRR §136.7).

Administration of oral, topical or inhalant medications to nurse dependent students along with injectable medications to anyone may not be administered by unlicensed school staff and must remain the responsibility of the school nurse or a licensed practical nurse that is under the direction of an RN or physician. An RN may train a willing unlicensed school staff member to administer emergency epinephrine via auto-injector or glucagon to an individual student with an order from their medical provider for such emergency medication in the event that an appropriately licensed person is not available (Education Law §921; 8 NYCRR §136.7).

Additionally, Education Law §921 permits schools to choose to provide and maintain epinephrine auto-injectors on site, and to permit trained school personnel to administer an epinephrine auto-injector without a provider order to any student or staff member with symptoms of anaphylaxis regardless of whether or not there is a previous history of severe allergic reaction (Education Law §921; 8 NYCRR §136.6). Schools choosing to participate must meet the requirements of Public Health Law §3000-c. More detailed information and specific resources for schools that choose to participate are available from our technical assistance center- The New York State Center for School Health's website at: [Epinephrine Autoinjectors in Schools](#).

Effective August 10, 2015 Education Law §922 now permits schools to provide and maintain on-site in each instructional school facility opioid antagonists (e.g. naloxone). Schools choosing to participate in the program as an opioid antagonist recipient may permit volunteer employees to be trained by a program approved under Public Health Law §3309 to administer an opioid antagonist in the event of an emergency. More detailed information and specific resources for schools that choose to participate are available from our technical assistance center- The New York State Center for School Health's website at: [Opioid Overdose Prevention Toolkit and Resources](#)

Additionally, Part V of Chapter 57 of the Laws of 2015, included amendments to Education Law §§6527 and 6909 to authorize registered professional nurses (RNs) to administer opioid-related overdose treatment pursuant to a non-patient specific order and protocol prescribed by a licensed physician or a certified nurse practitioner. Information for medical directors regarding what must be on a non-patient specific order for naloxone is available at: [School Medical Director Resources](#)

Finally, schools are no longer required to obtain a medical provider order for a supervised or independent student to carry and use sunscreen in school if: (1) the sunscreen is FDA approved for over-the-counter use; (2) the sunscreen is used for avoiding sun overexposure and not for medical treatment of an injury or illness; and (3) the student's parent or guardian provides written permission for the student to carry and use sunscreen. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or guardian and authorized by the school. Students who are unable to direct someone to apply sunscreen for them will require that sunscreen is administered only by

an appropriate licensed health professional pursuant to an order from a medical provider (Education Law §907).

### **Library Services**

All summer schools offering any course other than driver and traffic safety education are required to provide library services in accordance with Part 91 of the Commissioner's regulations. Part 91 requires a library in each school that meets the needs of the students and provides an adequate complement to the instructional program. Each school district must employ a certified School Library Media Specialist (8 NYCRR §91.2) during the operation of summer school who will provide library services to complement the instructional program. See <http://www.p12.nysed.gov/technology/library/libfaq.html> and for more information on the role of school librarians in summer school programs, please see our one page handout at: <http://www.p12.nysed.gov/technology/library/libsummer.html> .

### III. COURSE REQUIREMENTS AND CREDIT

#### **Summer course taken without regard to previous course work**

If a student has never taken a particular course before or did so poorly that he/she received no partial grade, the summer school course must provide 90 hours of instruction for the student to earn a full credit, or 45 hours to earn a half credit.

#### **Summer course taken to improve an existing grade or make up an incomplete or failed course**

A summer course to improve an existing grade or make up an incomplete or failed course may be offered for less than 90 hours/credit and carries only partial credit. It is appropriate to factor in the grades from both the summer and the regular school year in determining the final course grade. A summer make up course may be taken by a student who took a course during the regular school year but failed the course with a deficiency level that can be adequately addressed in the summer course. A student who enrolled in a regular school year course but did very poor or no work, may be required to take the entire course over again; that is, such a student may be denied enrollment in a summer course.

Section 100.5(d) of the Commissioner's regulations establishes standards for make-up credit programs for school districts, registered nonpublic schools, and charter schools that choose to offer such programs. It is intended to ensure appropriate levels of rigor and quality for making-up incomplete or failed course credit.

Pursuant to §100.5(d)(8) of the Commissioner's regulations, a school district, registered nonpublic school, or charter school may provide a student, who had the opportunity to complete a unit of study in a given subject but who failed to demonstrate mastery of the learning outcomes for such subject, the opportunity to make up a unit of credit for such subject toward either a Regents or local diploma. A make-up program must be aligned with the New York State learning standards for that subject, satisfactorily address the student's course completion deficiencies and individual needs, and ensure that the student receives equivalent intensive instruction in the subject matter area provided under the direction and/or supervision of a teacher. For programs offered by school districts and BOCES, the direction and supervision must be provided by a teacher certified in the subject matter area.

In the case of a school district or registered nonpublic school, a student's participation in the make-up credit program must be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator.

To receive credit, the student must successfully complete the make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable.

Before a student can participate in a summer school make-up program in another school district, the home school's school-based panel must approve the student's enrollment. Upon program completion, the district providing the summer school course must report the student's grade to the school that issued the original unsatisfactory grade.

### **Minimum Attendance for Course Credit**

As previously noted, districts and BOCES must use for summer school a pro-ration of regular school year attendance requirements contained in the board of education-approved attendance policy. Districts and BOCES may adopt an attendance policy requiring minimum attendance for students to receive academic credit. Such policies may provide that a properly excused pupil absence does not count as an absence for determining course credit eligibility if the student has performed any assigned make-up work (8 NYCRR §104.1[i][2][v]). See Part 104 of the Commissioner's regulations for all applicable requirements.

### **Recognition of Earned Credit**

All New York State registered high schools must grant transfer credit for all credit awarded by any New York State registered public or nonpublic high school (8 NYCRR §100.5[d][5][i][a]). Transfer credit shall also be awarded for credit earned by a student in an educational program administered by a State agency pursuant to Education Law §112 and Part 116 of the Commissioner's regulations, upon an attestation of the chief administrator of such program that the student has met certain requirements. (8 NYCRR §100.5[d][5][i][b][2]). After consultation with relevant faculty, a principal may also grant transfer credit for work done at institutions other than New York State registered high schools upon determining that such work is consistent with New York State learning standards and is comparable in scope and quality to that which would have been done in the school awarding the credit (8 NYCRR §100.5[d][5][i][b]).

## IV. STATE AID

There is no separate categorical aid for general education summer school programs. Foundation Aid provides districts with summer school funding by including the average daily membership in district-operated summer school programs in the pupil count used to calculate Foundation Aid. Expenses for district participation in BOCES summer school programs generate BOCES Aid and are claimed by the BOCES on behalf of the district.

### Foundation Aid

*Foundation Aid is the largest category of aid for major districts. Foundation Aid is unrestricted aid available to help each district meet its expenditures for general operation and maintenance of the school district. Such operating expenditures include salaries of administrators, teachers and non-professionals, fringe benefits, utilities and maintenance of school facilities. Foundation Aid provides the majority of State funding for general education summer school because the pupil counts used to calculate Foundation Aid include the average daily membership of summer school pupils. Foundation Aid is described briefly below. A more detailed explanation of Foundation Aid can be found in the State Aid Handbook on the State Aid homepage at [https://stateaid.nysed.gov/publications/handbooks/handbook\\_2016.pdf](https://stateaid.nysed.gov/publications/handbooks/handbook_2016.pdf)*

Foundation Aid has four main components:

- A State-specified expense per pupil, called the adjusted foundation amount, to which the State and school districts will contribute;
- A State-specified expected minimum local contribution per pupil (based on a computed tax rate or local share formula) representing each district's contribution to the adjusted foundation amount per pupil;
- The number of total aidable foundation pupil units (TAFPU) in the district; and
- A calculation of Foundation Aid payable, which adjusts Total Foundation Aid based on phase-in factors and minimum and maximum aid increases.

While the actual formula is more detailed, in general the Foundation formula works as follows:

$$\begin{aligned} &\text{Total Foundation Aid} = \\ &(\text{Adjusted Foundation Amount per pupil minus a local contribution per pupil}) \\ &\quad \times \\ &\text{Total Aidable Foundation Aid Pupil Units (TAFPU)} \end{aligned}$$

**The possible aggregate attendance (not actual attendance) of summer school pupils, weighted at .12, is included in the pupil count (TAFPU) used to calculate Foundation Aid.**

## Summer School Transportation Aid

School districts that elect to provide pupil transportation services to district-operated summer school programs may claim Transportation Aid for such services in the following school year. Transportation services and the related computation of Transportation Aid will be made pursuant to the requirements and formulas of transportation services and aid provided during the regular school year. Annual Transportation Aid for district operated summer school is limited by statute to \$5 million statewide. If the total statewide apportionment attributable to allowable summer school transportation exceeds \$5 million, all districts' aid is proportionately reduced (see Education Law §3622-a).

Summer School Transportation Aid and the inclusion of summer session weighted attendance in the Foundation Aid pupil count are not authorized for summer session programs operated by BOCES. *Districts should not include summer school hours associated with BOCES summer school programs or expenses for transportation to BOCES summer school programs in their SAMS State Aid claim.* BOCES may operate approved summer school programs on a shared services basis, however, and claim BOCES Aid for such programs.

### **Notes:**

1. The costs associated with summer school are also reported to the State Education Department on the ST-3 Form. These costs are used in calculating the Approved Operating Expense (AOE), one of the factors in calculating some State aid to the school district. The term "special schools" used on the ST-3 Form includes district operated continuing education and summer schools.
2. Non-mandatory summer courses are an ordinary contingent expense and may be included in an austerity budget without voter approval (Appeal of Hitchcock, 35 Ed Dept Rep 410, Decision No. 13,587). However, New York State Education Law limits growth in an austerity budget.
3. The following are not State aidable summer school programs and districts should not include hours of attendance for these programs in their SAMS State Aid claim in September:
  - nonpublic programs
  - private tutorial programs
  - learning center programs
  - driver education programs which assess a fee
  - recreation programs
  - any other activities which would not be aidable during the regular school year
4. Hours of attendance for summer 2016 in district operated programs should be reported to the State Aid Office on 2017-2018 SAMS Form A by September 2<sup>nd</sup>, or the first business day after September 2<sup>nd</sup>, if September 2<sup>nd</sup> is a Saturday, Sunday or Labor Day. (completed by the local district business office).

## V. STATE ASSESSMENTS

### Administration Schedule

The examination administration schedule for August is available on page 22 of this document and is also available at: <http://www.p12.nysed.gov/assessment/schedules/2017/regents-817.pdf>

### Instructions for Administration

Regents Examinations may be administered to students enrolled in an approved New York State summer school program who either:

- a. meet the eligibility requirements as described in 8 NYCRR §110.4[a] or
  - b. were approved for credit by examination in accordance with Section 100.5(d)(1) of the Commissioner's regulations.
1. Only students with disabilities who are eligible for the RCT safety net (students with disabilities who first entered grade 9 prior to September 2011) and have completed the required units of study in a subject at an approved school may be admitted to take the RCT for that subject. For additional information on local diploma safety net options for students with disabilities, see:  
<http://www.p12.nysed.gov/specialed/gradrequirements/home.html>.
  2. School districts may establish their own policies regarding the admission to State examinations of nonresident students who are not enrolled in the district's summer school, including charging a reasonable fee to cover administrative and scoring costs.
  3. Students not enrolled in your summer school program must provide written permission from their home school principal to be admitted to an August examination. It is recommended that the test site administrator retain the written permission from the home school administrator for a minimum of one year from the date of testing.
  4. **Public school districts may not charge resident students a fee for admission to or scoring of the August examinations.**
  5. Districts should make an early announcement, especially for the benefit of students not planning to enroll in the summer school, regarding the application and registration process for admission to the August examinations. Parents should be informed of the registration deadline via district-wide mailings, newspaper announcements, and other means customarily employed for school-to-parent communications.
  6. Plans should be made **well before August 16** to verify the identity of each student entering the examination room. This precaution is especially important in the case of students who are not enrolled in the summer school program but who are taking the August examinations at your school. Accurate and permanent attendance records must be kept for each examination. A summer school principal should be able to use the attendance records later to verify the presence or absence of a student for any August examination, if called upon to do so.
  7. Both the summer school and the school attended during the regular school year must maintain an accurate record of students' examination scores.

8. For information on testing accommodations for English Language Learners (ELL) and former ELL students, see the *School Administrator's Manual for Secondary-Level Examinations*. This manual and additional information concerning August State examinations is available on the Department web site at <http://www.p12.nysed.gov/assessment/manuals/>.
9. All students taking the August 2017 Regents Examination in Physical Setting/Earth Science, including those retaking the written examination, must take the Earth Science Performance Test (Part D) during the two-week period immediately preceding the August written examination. This performance test must be administered to each student in one continuous block of time in one day. Scores earned by students on the Earth Science Performance Test taken in conjunction with prior administrations of this written examination may not be carried over and applied to the student's final examination score for a subsequent Regents Examination. Only the performance test score earned by the student in this two-week period immediately preceding the written examination may be used to determine the student's final examination score for the August 2017 Regents Examination in Physical Setting/Earth Science. This requirement applies to both students enrolled in the course of study, such as in summer school, and students who register only to retake the examination. All schools administering this examination must notify students of the date and time to appear for the performance test.
10. Schools are required to use uniform machine-scorable answer sheets developed by a Regional Information Center (RIC) or large-city scanning center. Throughout the State, in consultation with the Department, schools must make the necessary arrangements to obtain machine-scorable answer sheets and scanning services for all Regents Exams from a RIC or large-city scanning center.
11. All schools administering August 2017 State examinations must make arrangements for the scoring of the exams to be completed by the minimum required number of teachers in the subject area of the test, none of whom may be the student's 2017 summer school teacher or 2016-17 school year teacher.

### **Online Ordering of August 2017 Examinations**

The State Education Department's Office of State Assessment (OSA) will send an e-mail which provides all information on requesting examinations to all principals identified as summer school administrators no later than July 7, 2017. Whether or not your school will be administering August examinations, to avoid any delays, high school principals for the "regular school year" may enter the Department's portal now at <http://portal.nysed.gov> to check the "School Information" page at the online examination request website and to verify or enter:

1. Whether your school intends to request August examinations. (If not, please enter "no".)
2. If yes, who is the summer school administrator?
3. The summer school administrator's contact information (phone, fax, and e-mail address) for July and August.

The e-mail sent from OSA regarding requesting August exams will include information about how to obtain the user ID and password that summer school principals will need in order to enter their examination requests online. Requests for August examinations must be submitted online; requests received by e-mail or fax will **not** be entered by Department staff and the school of origin will be contacted with instructions on the use of the online examination request system.

Please send any questions via e-mail to: [examrequest@nysed.gov](mailto:examrequest@nysed.gov) .

## VI. PART 110 of the COMMISSIONER'S REGULATIONS

### **§110.1 Requirements for approval of a summer elementary school.**

To be approved, a summer elementary school shall:

- (a) except in the case of a program approved pursuant to section 110.5 of this Part, comprise the summer session of a public elementary school and use the building(s) and equipment of such school or other suitable facility as approved by the Commissioner of Education;
- (b) provide a program during the months of July and August of at least 20 hours of instruction;
- (c) employ teachers who are certified to teach in the elementary schools of this State, and use paraprofessionals as needed; and
- (d) provide daily instructional sessions of at least one hour but not more than five hours.

### **§110.2 Requirements for approval of a summer secondary school.**

To be approved, a summer secondary school shall:

- (a) except in the case of a program approved pursuant to section 110.5 of this Part, comprise the summer session of a registered secondary school and use the building(s) and equipment of such school or other suitable facility as approved by the Commissioner of Education;
- (b) provide a secondary school program during the months of July and August of at least 20 hours of instruction, exclusive of days used for registration, final examinations or Regents examinations;
- (c) employ teachers who are certified to teach in the secondary schools of this State and assign such teachers to teach only the courses in which they are certified, and use paraprofessionals as needed; and
- (d) provide daily instructional sessions of at least one hour but not more than 5 1/2 hours.

### **§110.3 Attendance in elementary summer schools and secondary summer schools.**

For purposes of the computation of State aid for summer school programs other than programs eligible for aid pursuant to Education Law, section 1950(5):

- (a) State aid for approved day or evening public elementary and secondary summer schools shall be computed on the basis of 90 hours of maximum attendance for each pupil

included in additional aidable pupil units pursuant to paragraph (c) of subdivision (2) of section 3602 of the Education Law. State aid for approved day or evening public elementary and secondary summer schools shall be computed on the basis of 90 hours of maximum possible attendance for each pupil included in total aidable foundation pupil units pursuant to paragraph (g) of subdivision (2) of section 3602 of the Education Law.

- (b) Each pupil attending a program of instruction for at least 90 hours in an approved day or evening elementary or secondary summer school shall be counted for one unit of summer school average daily attendance. Each pupil enrolled in a program of instruction for at least 90 hours in an approved day or evening elementary or secondary summer school shall be counted for one unit of summer school average daily membership.
- (c) Each pupil attending a program of instruction for less than 90 hours in an approved day or evening elementary or secondary summer school shall be counted for a fraction of one full unit of summer school average daily attendance equal to the quotient of the actual hours of instruction attended divided by 90, expressed as a decimal to two places without rounding. Each pupil enrolled in a program of instruction for less than 90 hours in an approved day or evening elementary or secondary summer school shall be counted for a fraction of one full unit of summer school average daily membership equal to the quotient of the actual hours of enrollment divided by 90, expressed as a decimal to two places without rounding.

#### **§110.4 Regents examinations administered in summer secondary schools.**

- (a) A pupil who is enrolled in an approved New York State summer high school who attends a minimum of 42 hours of actual instruction in a subject area is eligible for admission to August Regents examinations in such subject area. The principal of a high school offering August Regents examinations may admit to a Regents examination other students enrolled in the summer high school or enrolled in the same high school during the regular school year, provided such students have demonstrated adequate proficiency in the subject involved. The principal of a high school offering August Regents examinations may also admit students who are not enrolled in such school, provided the principal of the student's home high school requests in writing that the student be permitted to take an examination for which the student has demonstrated adequate proficiency.
- (b) A summer school session that provides 45 hours of instruction shall be considered the equivalent of one semester of work for each subject. Standings earned in Regents examinations in August may be applied toward a Regents diploma.

#### **§110.5 Requirements for approval of boards of cooperative educational services (BOCES) summer school programs.**

- (a) To be approved, a BOCES-operated summer school program shall:
  - (1) receive prior approval of the commissioner in accordance with Part 112 of this Title, and use the building and equipment of a BOCES center or a leased facility or other suitable facility approved by the commissioner;
  - (2) provide, at the request of two or more component school districts, an elementary and/or a secondary school program during the months of July and August that:

- (i) in the case of an elementary program, complies with the requirements of section 110.1(b), (c) and (d) of this Part; or
  - (ii) in the case of a secondary program, complies with the requirements of
  - (iii) operate using curricula and course content which are determined cooperatively by the BOCES and participating component districts;
- (3) provide for administration of Regents examinations in accordance with section 110.4 of this Part.
- (b) Component school districts that request services from a BOCES secondary summer school program shall award credit to students who successfully complete credit-bearing academic courses offered by the BOCES in July and August as if the courses had been provided by the component school district.

# AUGUST 2017 EXAMINATION SCHEDULE

*Students must verify with their schools the exact times that they are to report for their State examinations.*

| <b>Wednesday<br/>August 16</b>                                                                       | <b>Thursday<br/>August 17</b>                                                                                    |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>8:30 a.m.</b>                                                                                     | <b>8:30 a.m.</b>                                                                                                 |
| Algebra I<br>RE in English Language Arts<br>Physical Setting/Chemistry<br>RCT in Writing             | RE in US History & Government<br>Physical Setting/Earth Science<br>RCT in Global Studies*<br>RCT in Mathematics* |
| <b>12:30 p.m.</b>                                                                                    | <b>12:30 p.m.</b>                                                                                                |
| RE in Global History & Geography<br>Algebra II<br>RCT in Science*<br>RCT in US History & Government* | Geometry<br>Living Environment<br>RCT in Reading*                                                                |

### Uniform Admission Deadlines

Morning Examinations — 9:15 a.m.

Afternoon Examinations — 1:15 p.m.

*\* Available in Restricted Form only. Each copy of a restricted test is numbered and sealed in its own envelope and must be returned, whether used or unused, to the Department at the end of the examination period.*

## STATE EDUCATION DEPARTMENT CONTACTS

### ***Student Support Services***

<http://www.p12.nysed.gov/sss/summerschool/summerschool@nysed.gov>  
518-486-6090  
FAX: 518-474-8299

### ***Driver Education***

<http://www.p12.nysed.gov/cte/de/>  
Phone: 518-486-1547  
FAX: 518-402-5114  
Driver & Traffic Safety Education Requirements

### ***Office of State Assessment***

<http://www.p12.nysed.gov/assessment/examrequest@nysed.gov>  
Phone: 518-474-8220  
FAX: 518-474-2021  
State Examinations  
Schedule of State Examinations: <http://www.p12.nysed.gov/assessment/schedules/schedule-hs.html>

### ***Office of Educational Design and Technology***

<http://www.p12.nysed.gov/technology/edtech@nysed.gov>  
(518) 474-5461  
Fax: (518) 473-2860  
Online and blended learning

### ***Office of Curriculum and Instruction***

<http://www.p12.nysed.gov/ciai/>  
Phone: 518-474-5922

### ***Physical Education***

<http://www.p12.nysed.gov/ciai/pe/>  
Darryl L. Daily, Associate in Physical Education  
[Darryl.Daily@nysed.gov](mailto:Darryl.Daily@nysed.gov)

### ***School Health Services***

Office of Student Support Services  
<http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/studentsupportservices@nysed.gov>  
518-486-6090

### ***State Aid (518) 474-2977***

### ***Office of Special Education***

Office of Special Education  
(518) 473-6108 or [SPECED@NYSED.GOV](mailto:SPECED@NYSED.GOV)  
Special Education Quality Assurance Regional Offices:  
<http://www.p12.nysed.gov/specialed/quality/regassoc.htm> or [seqa@nysed.gov](mailto:seqa@nysed.gov)

### ***School Library Media Services***

<http://www.p12.nysed.gov/technology/library/home.html>  
Dr. Joanne Shawhan, Associate in School Library Services  
[joanne.shawhan@nysed.gov](mailto:joanne.shawhan@nysed.gov)  
John P. Brock, Associate in School Library Services  
[John.brock@nysed.gov](mailto:John.brock@nysed.gov)

### ***Information and Reporting Services Team (518) 474-7965***

[DATAQUEST@nysed.gov](mailto:DATAQUEST@nysed.gov)  
School Report Cards