

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

Handbook for Summer School Administrators and Principals

Updated April 2010



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2010 CALENDAR	
February 1 (M)	BOCES CO-SER due, if applicable
May 18-19 (Tu- Wed)	Summer School Administrator's Conference Holiday Inn, Saratoga Springs
June 1 (M)	Application for Approval of Summer Driver Education 2010 received by SED
June 21-25 (M-Fr)	Summer School Registration
July 1 (Th)	First day for which State aid may be paid
July 5 (M)	Legal Holiday on July 4 - no classes on July 5
August 17-19 (Tu-Th)	State Examinations
September 2 , 2011(F)	Attendance for summer 2010 should be reported on 2011-12 SAMS Form A by September 2 nd , 2011.

Rules Limiting the Calendar

1. No summer school State aid may be paid before July 1 or after August 30. 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.
5. School districts must report pupil hours of summer school attendance to the State Aid Office on the 2011-12 SAMS Form A (completed by the local district business office) by September 2nd.

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 (8 NYCRR §§ 91.1[a-f]).
- when administering Regents examinations and Regents Competency Tests, 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 Regents Competency Tests, 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.

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 (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 are entitled to attend summer school on the same basis as their nondisabled peers. Students who qualify under §504 of the Rehabilitation Act of 1973 are entitled to those accommodations deemed necessary to ensure access to all public school programs and activities. If a student with a disability requires accommodations to participate in a summer school program, the district is required to provide necessary supports and services, including testing accommodations.

Students with disabilities receive extended school year programs and services (ESY) if the student's CSE determines that the programs and services are required to prevent substantial regression during July and August. ESY operates under different program requirements, funding mechanism and approval process than summer school. Additional information concerning ESY is contained in "Guidelines and Applications for Approval of NEW Extended School Year Programs and Services for Eligible School Age (5-21) Students with Disabilities, July/August 2010," available at <http://www.vesid.nysed.gov/spedfin/extendedschoolyearinfo.htm> or by contacting VESID Special Education Quality Assurance at (518) 473-6108. Applications are due June 30, 2010.

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 Commissioner's Regulations Part 110 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 Education

In the past, approval for Summer School Driver & Traffic Safety Education (DTSE) programs required a separate application from the Fall and Spring DTSE programs. In March 2010 new Guidelines for DTSE went into effect along with a new program approval application process. The 2010 DTSE Guidelines along with program approval form DE-1 can be downloaded from www.emsc.nysed.gov/cte/de.

Note: programs may **not** commence instruction prior to receiving notification of program approval from the State Education Department.

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]). School districts and BOCES do not have the authority to contract with independent contractors to provide core instructional services through employees of that independent contractor (see Board of Cooperative Educational Services for the Second Supervisory District of Erie, Chautauqua and Cattaraugus Counties, et al. v. University of the State of New York, et al., 40 AD3d 1349; Appeal of Barker, et al., 45 Ed Dept Rep 430, Decision No. 15,375; Appeal of McKenna, et al., 42 id. 54, Decision No. 14,774).

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. Specific information concerning AED requirements is contained in Education Law §917 and §136.4 of the Commissioner's regulations, and is available at www.emsc.nysed.gov/sss/.

Fire 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 Section 136.3 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]). 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.

More information on the scope of practice of RNs and LPNs can be found at <http://www.op.nysed.gov/prof/nurse/nursepracticeissues.htm>.

Administration of Medications to Students

The administration of medications to students in schools is limited by the Nurse

Practice Act (Article 139 of the Education Law) and NYSED guidance. More information on this issue, including an April 2002 memorandum entitled :
“Guidelines for Administration of Medication in Schools” (“Guidelines”) can be found at <http://www.emsc.nysed.gov/sss/schoolhealth/schoolhealthservices/>.

Generally, unlicensed staff in the school setting who are trained by either an RN or the medical director may assist **self-directed students** with the taking of their own oral, topical and inhalant medication (See page 5 of the Guidelines). However, only the RN, medical director or other appropriately licensed health care personnel (excluding LPNs whose scope of practice does not include assessment) can make the determination that a student is self-directed (See page 3 of the Guidelines).

Administration of oral, topical or inhalant medications to **non** self-directed students, along with injectable medications to **anyone** may not be performed by school staff and must remain the responsibility of the school nurse or a licensed practical nurse who is under the direction of a RN or physician (See page 4 of the Guidelines). An RN may train a willing unlicensed school staff member to administer a student specific order for the individual student’s epinephrine in an auto-injectable form (“epi-pen”) in the event of an emergency where an appropriately licensed person is not available (See <http://www.op.nysed.gov/prof/nurse/nurse-epipen.htm>; <http://www.schoolhealthservicesny.com/a-zindex.cfm?subpage=12>).

RNs may also train unlicensed individuals to administer glucagon, prescribed by a licensed prescriber, in emergency situations where an appropriately licensed person is not available. Information on glucagon training and administration is available at: <http://www.schoolhealthservicesny.com/a-zindex.cfm?subpage=14> .

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. A certified School Library Media Specialist must be employed in secondary schools (grade 7-12). The standards contained in section 91.2(a) through (e) of the Commissioner’s regulations define how much time each day the certified school library media specialist should devote to school library work:

In a secondary school with an enrollment of :

- not more than 100 students, at least one school period each day;
- more than 100 but less than 300 students, at least two school periods each day;
- more than 300 but less than 500 students, at least one-half of each school day;
- more than 500 but less than 700 students, at least five school periods each day;
- more than 700 but less than 1,000 students, the entire school day.

One additional full-time assistant certified school library media specialist shall be employed in each secondary school for each additional 1,000 pupils enrolled in the school.

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.

At its April 2010 meeting, the Board of Regents adopted an amendment to the Commissioner's regulations that affects the provision of make-up courses in summer school. The amendment adds a new paragraph 8 to section 100.5(d) that 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 insure appropriate levels of rigor and quality for make-up (credit recovery) programs implemented by local schools.

Pursuant to §100.5(d)(8), 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 the purpose of 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]). 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 summer school programs. Foundation Aid, enacted in 2007-08, 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. Reflecting the fiscal climate, 2009-10 Foundation Aid was held to the 2008-09 amount; therefore, data from summer 2006 is the most recent data affecting Foundation Aid.

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 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/handbook09.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; e.g., 2009-10 Transportation Aid should be claimed on the 2009-10 State Aid Management System (SAMS) for summer schools operated in the summer of 2008. Transportation services and the related computation of Transportation Aid will be 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 statewide total calculated aid exceeds \$5 million, all districts' aid is proportionately reduced.

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 in their SAMS State Aid claim.* BOCES may continue to 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 overall 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. Nonmandatory 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 do not constitute State aidable summer school programs:
 - 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. School districts must report pupil hours of summer school actual and possible aggregate attendance to the State Aid Office on the SAMS Form A (completed by the local district business office) by **September 2nd** of the year *following* the year for which attendance is being reported. For example, attendance for summer 2010 should be reported on 2011-12 SAMS Form A by September 2nd, 2011.

V. STATE ASSESSMENTS

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
 Office of State Assessment
 Albany, NY 12234

EXAMINATION SCHEDULE: AUGUST 2010

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

August 17 Tuesday	August 18 Wednesday	August 19 Thursday
8:30 a.m.	8:30 a.m.	8:30 a.m.
	Comprehensive English: Session One Integrated Algebra Geometry Algebra 2/Trigonometry RCT in Writing	Comprehensive English: Session Two RCT in Global Studies * RCT in Mathematics * RCT in Science *
12:30 p.m.	12:30 p.m.	Uniform Admission Deadlines Morning Examinations – 9:15 a.m. Afternoon Examinations – 1:15 p.m.
RE in Global History & Geography RE in U.S. History & Government	Living Environment Physical Setting/Earth Science Physical Setting/Chemistry RCT in Reading * RCT in U.S. History & Government *	

* 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.

DET 504 Au (01-10-16,000) 99-07977

The examination administration schedule for August is also available at:
<http://www.emsc.nysed.gov/osa/schedules/home.html>

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

- a. see attached info or
 - b. have attended a minimum of 42 hours of instruction in a subject area (8 NYCRR §110.4[a]), or
 - c. 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 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.
 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.

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 17** 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 limited English proficient (LEP) students and former LEP students, see the memorandum sent to all summer school administrators who request August editions of State examinations.
9. All students taking the August 2010 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. Scores earned by students on the Earth Science Performance Test taken in conjunction with prior administrations of this written examination may no longer be carried over and applied to the student's final examination score for a subsequent Regents Examination.

All students taking the August 2010 Regents Examination in Physical Setting/Earth Science must therefore take the performance test during the two week period of Monday, August 2 through Monday, August 16, 2010 even if they took it in conjunction with a prior administration of the written 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 2010 Regents Examination.

Consequently, all schools planning to administer the Regents Examination in Physical Setting/Earth Science in August 2010 must make arrangements to administer the new performance test to all students who will be taking the written examination. The performance test must be administered during the last two weeks of the Earth Science course and no later than the day before the written examination. 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.

On-Line Request System for August 2010 Regents Examinations

The State Education Department Office of State Assessment will have the August "request package" in the hands of all principals identified as summer school administrators no later than July 9, 2010. 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 August request package will include information about the userID 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 will be returned to their school of origin with instructions on the use of the online examination request system.

Please send any questions via e-mail to: examrequest@mail.nysed.gov.

VI. COMMISSIONER'S REGULATIONS PART 110

§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 section 110.2(b), (c) and (d) of this Part;
 - (3) operate using curricula and course content which are determined cooperatively by the BOCES and participating component districts;
 - (4) 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.

§110.6 Summer school program aidable pursuant to Education Law section 3602(39).

Section 110.6 has been omitted in this Handbook because it addresses a section of statute that has been repealed and is no longer applicable.

STATE EDUCATION DEPARTMENT CONTACTS

Student Support Services

<http://www.emsc.nysed.gov/sss/> (click on Expanded Learning Opportunities)
emscsummerschool@mail.nysed.gov
FAX: 518-474-8299
Summer School Requirements

Driver Education

<http://www.emsc.nysed.gov/ciai/drive.html>
emscdrved@mail.nysed.gov
FAX: 518-402-5114
Driver Education Requirements

Office of State Assessment

<http://www.emsc.nysed.gov/osa/>
examrequest@mail.nysed.gov
Fax: (518) 474-2021
State Examinations
Schedule of State Examinations Physical Education
www.emsc.nysed.gov/ciai/pe/ Trish Kocialski, Associate in Physical Education
pkocials@mail.nysed.gov

School Health Services

www.schoolhealthservicesny.com
Sally Schoessler, RN, SNT, MEd; Executive Director
NY Statewide School Health Services Center
Monroe 2-Orleans BOCES, 43 Turner Drive, Spencerport, NY 14559
sschoess@monroe2boces.org
Phone: (585) 349-7630; Fax: (585) 352-9131

School Library Media Services

<http://www.emsc.nysed.gov/ciai/library/>
Dr. Joanne Shawhan, Associate in School Library Services
jshawhan@mail.nysed.gov
John P. Brock, Associate in School Library Services
Jbrock@mail.nysed.gov

Information, Reporting and Technology Services Team (518) 474-7965

RPTCARD@mail.nysed.gov
School Report Cards

State Aid (518) 474-2977

Office of Vocational and Educational Services for Individuals with Disabilities (VESID)

Visit the web site at www.vesid.nysed.gov/all/contact.htm or contact the Special Education Quality Assurance Regional Offices at:

Western	585-344-2002	Hudson Valley	914-245-0010
Central	315-476-5081	Long Island	631-884-8530
Eastern	518-486-6366	New York City	718-722-4544