Handbook for Summer School

Administrators and Principals (2021)

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2021 Calendar

June	Summer School Registration
July 1 (W)	First day for which summer school students generate State aid
September 2nd or the first business day after September 2nd if it falls on a Saturday, Sunday or Labor Day	Hours of attendance for summer 2021 in-district operated programs should be reported to the State Aid Office on 2021-2022 SAMS Form A (completed by the local district business office).
October 1, 2021	Any expense and related data for summer 2021 BOCES operated programs should be reported to the State Aid Office on 2021-2022 BOCES SAMS Form A (submitted by BOCES business office)

Rules Limiting the Calendar

- No State aid may be generated for summer session days before July 1st or after August 31st
- No aid is paid for Saturdays, Sundays, or legal holidays.

I. INTRODUCTION

Promising Practices for Summer Learning

Summer learning programs versus more traditional summer school programs offer opportunities to engage students and families in fun, creative, and educational programming that reinforces and enriches school year learning. As a result, participating students have a greater chance to sustain or improve well-being and academic learning, which can be especially impactful in minimizing inequities for students at risk of poor outcomes. This summer, following more than a year of interrupted and disrupted learning due to COVID-19, the benefits offered through summer learning opportunities are even more critical to student well-being and academic success. All our young people deserve the opportunity to thrive, and summer learning programs are a critical tool in making that possible.

The Department is encouraging districts and schools to think creatively about summer school opportunities they may provide for the students. Rather than focusing on the learning "lost" in the past year, summer programs can focus on the strengths and creativity students have gained as they learned to navigate abrupt changes in learning, communication, family life, and friendships. Approaching summer learning from an asset-based perspective can help young people embrace the wisdom gained during this difficult year and counteract narratives that might lead them to focus on a perception of deficit that could impede their chances of success.

To meet a range of student needs, summer learning programs should incorporate a variety of opportunities designed to support multiple needs, including the following: [1]

- Opportunities for students and adults to catch up, keep up, and develop new skills;
- Empowerment of staff and schools to test and try out and measure innovative ideas, solutions, strategies before scaling;
- Partnering with leaders and organizations in new ways to break down silos in education and improve integration; and
- Use of hands-on summer program strategies to effect immediate, measurable, and lasting impact.

The National Summer Learning Association offers five guiding principles for a New Vision for Summer School as follows:[2]

- Rebrand and enhance the scope of traditional summer school.
- Target students who would benefit the most.
- Strengthen systems-level supports through community-wide partnerships.
- Provide innovative professional development for staff.
- Embed summer learning into the district's school-year operations.

[1] State Summer Learning Network Kick-Off, Slide presentation given by the Council of Chief State School Officers and the National Summer Learning Association, March 26, 2021.
[2] Ibid.

Summer learning programs that are academically focused differ from traditional summer school programs in that the programs typically integrate recreational, cultural, and/or enrichment activities, blend remediation with enrichment activities and more advanced curricula and focus on positive relationships among peers and with adults.[3] Schools can incorporate elements of summer camp in programs such as using the arts to provide instructional programming differently such as the award-winning, arts-integrated learning program, Young Audiences for Arts for Learning Maryland Summer Arts & Learning Academy in the Baltimore Public Schools. Schools can also incorporate project-based learning, providing students opportunities to propose, create, and analyze solutions to authentic problems in their local communities.

Programs can consider partnering with local colleges and universities to pair experienced teachers with college interns to expand capacity to provide smaller groups and more enrichment activities. Many local libraries partner with school library systems to offer Summer Reading at New York Libraries, reading programs and activities to keep students engaged in reading over the summer. Additionally, The New York State Museum has many virtual and online resources available to educators, students, and families, including standards-based virtual lessons as well as a virtual summer program.

While schools are encouraged to provide in-person summer experiences for students to the extent possible, schools may wish to continue to utilize technology in summer learning programs to provide personalized instruction and learning opportunities for students, continue to foster open and meaningful communication with parents and guardians, and facilitate innovative and exciting learning and enrichment activities. NYSED's Digital Learning Resources site provides resources, ideas, and tools for utilizing technology to develop student-centered summer learning programs.

Collaborations with other community partners such as afterschool program providers, tapping into their expertise to provide additional support services, can increase the program's capacity to meet student needs and know students and families, including their strengths, needs, and aspirations. Local parks, recreation, and historic preservation centers provide wonderful opportunities for summer programs to get students outdoors and incorporate areas of local historical and scientific importance.

Summer programs present a unique opportunity to build and reinforce student and adult social emotional competencies before the return to school in the fall. Social emotional learning is essential to creating schools that effectively prepare students to succeed in school and in life. "Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions. SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to

[3]What Works for Summer Learning Programs For Low-Income Children And Youth: Preliminary Lessons from Experimental Evaluations Of Social Interventions Child Trends Fact Sheet
Mary Terzian, Ph.D., M.S.W. and Kristin A. Moore, Ph.D. Publication #2009-41January 2009
https://www.childtrends.org/publications/what-works-for-summer-learning-programs-for-low-income-children-and-youth-preliminary-lessons-from-experimental-evaluations-of-social-interventions

co-create thriving schools and contribute to safe, healthy, and just communities." (Collaborative for Academic, Social, and Emotional Learning, 2020).

In May, 2018, the New York State Education Department (SED) released *New York State Social Emotional Learning Benchmarks* for voluntary implementation and *Social Emotional Learning: Essential for Learning, Essential for Life*, a framework explaining SEL concepts, and the need for and benefit of SEL in NY. This was followed in March, 2019 with *Social Emotional Learning: A Guide to Systemic Whole School Implementation*, providing strategies and resources for districts and schools, and Social Emotional Learning Activities and Teaching Practices, district-developed crosswalks aligning social emotional learning core competencies, subject area standards, sample SEL activities, and general teaching practices.

Intentional development of SEL competencies combined with frequent opportunities to practice them builds a foundation of protective factors that support the development of positive mental health and increase resilience for students and adults, improving capacity to cope and thrive amidst uncertainty. SEL must be purposefully nurtured and supplemented through supportive school and classroom environments that offer opportunities for explicit instruction in related skills and opportunities for practice.

Students of all abilities and backgrounds benefit from opportunities to develop their social emotional skills. In February 2015, the Center for Benefit-Cost Studies of Education at Columbia University's Teachers College released the findings of *The Economic Value of Social and Emotional Learning.* Researchers found an average return of $11 for every $1 invested in school-based social emotional programming with proven outcomes for students. Summer learning programs can encourage and build on existing SEL skills to help students come back to school in the fall ready to achieve.

Programs should consider the following suggestions for supporting student' social and emotional well-being and academic learning this summer.

- Create safe, supportive, engaging learning environments that nurture students' social and emotional learning.
- Consider a prolonged orientation or transition period to support the social and emotional well-being and resiliency of students before beginning to phase in academic content. Encourage connection, healing, and relationship-building.
- Use community-building circles to ensure all voices can be heard.
- Survey students regularly. Ask about their needs with open-ended questions. Do not wait for them to come to you. Be prepared to respond with assistance or referrals.
- Support access to mental health and trauma supports for students.
- Nurture adult-student relationships to ensure that every student has a trusted adult in the program, and that the adult checks in on the student regularly, regardless of the mode of instruction.
- Promote positive youth development, promoting youth voice and youth leadership opportunities

- Offer opportunities for movement and physical activity. Social emotional and physical well-being are interconnected.
- Leverage transformative SEL to support the work of anti-racism and anti-bias.
- Implement explicit SEL lessons and embed opportunities to develop and practice SEL competencies within academic lessons.
- Embed SEL and trauma-responsive practices in restorative discipline policies.
- Consider how community school strategies might be leveraged for greater impact.

Several opportunities for professional learning are available through the Teaching in Remote Learning Environments (TRLE) Initiative at eTeachNY.

Additional Resources for Implementation

A number of helpful resources are available to assist districts and schools in identifying promising practices to increase the efficacy of summer learning programs, including the following:

- McCombs, Jennifer Sloan, Catherine H. Augustine, John F. Pane, and Jonathan Schweig, Every Summer Counts: A Longitudinal Analysis of Outcomes from the National Summer Learning Project. Santa Monica, CA: RAND Corporation, 2020.
- McCombs, Jennifer Sloan, Catherine H. Augustine, Fatih Unlu, Kathleen M. Ziol-Guest, Scott Naftel, Celia J. Gomez, Terry Marsh, Goke Akinniranye, and Ivy Todd, Investing in Successful Summer Programs: A Review of Evidence Under the Every Student Succeeds Act. Santa Monica, CA: RAND Corporation, 2019.
- National Academies of Sciences, Engineering, and Medicine. 2019. Shaping Summertime Experiences: Opportunities to Promote Healthy Development and Well-Being for Children and Youth. Washington, DC: The National Academies Press. https://doi.org/10.17226/25546.
- NCASE Summer Learning Brief: Why Summers Matter. US Department of Health and Human Services, Administration for Children and Families, Office of Child Care, 2016.
- NSLA Knowledge Center. National Summer Learning Association. 2021. https://www.summerlearning.org/knowledge-center/.
- Summer Learning Collection. PBS LearningMedia. 2021.
- Social and Emotional Development: For Our Youngest Learners and Beyond. National Association for the Education of Young Children, Spring 2021.
- Developmentally Appropriate Practice (DAP) Statement Position. National Association for the Education of Young Children, April 2020. Also available in print form.
- Schwartz, Heather L., Jennifer Sloan McCombs, Catherine H. Augustine, and Jennifer T. Leschitz, Getting to Work on Summer Learning: Recommended Practices for Success, 2nd Ed. — Executive Summary. Santa Monica, CA: RAND Corporation, 2021.

- What Keeps Kids Engaged in Summer Learning? National Summer Learning Association, 2019. https://www.summerlearning.org/wp-content/uploads/pdf/Naftzger-Research-Brief_web.pdf.
- National Summer Learning Association Award Winning Summer Programs

II. SUMMER SCHOOL PROGRAM REQUIREMENTS

NOTE: This Handbook is provided to assist schools for 2021 voluntary summer school sessions only.

School districts, Boards of Cooperative Educational Services (BOCES), charter schools (as authorized), 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. Summer school is also an excellent vehicle for delivering Academic Intervention Services (AIS) mandated by §§ 100.1(g) and 100.2(ee) of the Commissioner's regulations or for providing additional English as a New Language or Bilingual Education instruction to support English Language Learners' (ELL) development of English language proficiency.

This handbook highlights several summer school program requirements pursuant to 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.

General Summer School Requirements for All Summer School Programs

Summer school programs must adhere to the following conditions:

- Schools offering a summer school program are permitted to offer such program in any one of the following 3 modalities: fully in-person, fully online, or a hybrid/blended modality of both in-person and online instruction.
    - In Summer of 2021, districts may only provide summer school coursework through online or blended modalities if ALL participating students will have access to appropriate digital learning devices and sufficient internet connectivity.
    - Access to hard copy materials must continue to be made available to students with disabilities, as appropriate, based on their specific needs.

- To the extent required by law, 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, or the equivalent. Student enrollment counts are pro-rated for state aid purposes when students receive fewer than 90 hours of

instruction during the months of July and August, exclusive of days used for registration or administration of final examinations (8 NYCRR §§110.1[b], 110.2[b]).

- Such hours must consist of a variety of instructional experiences including but not limited to regular and substantive student interaction with a certified teacher in the subject of the summer school class.

- Elementary schools must provide daily instructional experiences of at least one hour but not more than five hours (8 NYCRR §110.1[d]).

- Secondary schools must provide daily instructional experiences of at least one hour but not more than five and one half-hours (8 NYCRR §110.2[d]).

- Schools may provide non-instructional activities in excess of 5 hours for elementary schools and 5.5 hours for secondary schools, but such activities will not be aidable.

- 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]).

- Employ a New York State certified principal to be available during the hours such summer school is in session.

    - A summer school operating in a face-to-face or hybrid/blended modality is required to employ a principal certified in this State under § 100.2(a) of the Commissioner's regulations who must be present at each school where a summer school program is operated, work a regular schedule, and be available during the hours such summer school is in session unless, upon the submission of evidence that there are circumstances which do not justify the assignment of a principal to a particular school, or that another mode of administration would be more effective, such that the commissioner has approved the alternative mode of administration.

    - A summer school operating in a fully online modality model is required to employ a principal certified in this State under §100.2(a) of the Commissioner's regulations who must work a regular schedule and be available during the hours such summer school is in session unless, upon the submission of evidence that there are circumstances which do not justify the assignment of a principal to a particular school, or that another mode of administration would be more effective, such that the commissioner has approved the alternative mode of administration.

Summer School offered via Online or Blended Learning

Schools are encouraged and urged, to the extent practicable and allowable per NYS Department of Health and local departments of health requirements, to offer in-person summer school. Schools should prioritize providing in-person summer school for students in grades K-8, and particularly for students in grades K-3, students with disabilities, English Language Learners, students experiencing homelessness, students in foster care, students who are migratory or seasonal farmworkers (or children of such workers) and other vulnerable students for whom online learning has been difficult, and should prioritize social-emotional wellness in addition to academic skills..

Schools that operate elementary and secondary summer school programs completely via online learning (such as fully remote models) or partially via online learning (such as hybrid or blended models) must meet all the general summer school requirements outlined above.

In addition, when instruction is being provided through online learning, schools that operate elementary and secondary summer school programs

- must provide regular and substantive interaction between students and a certified teacher in the subject area in order to support learning.

- on days when instruction is being provided online teachers are encouraged to engage synchronously to the greatest extent possible with students. Summer programs provide an opportunity for students to reengage with teachers and peers. Teachers should provide students with ample opportunities to rebuild relationships while engaging both with the content and their classmates. In an online environment, the majority of the program should be in synchronous instruction involving interactive student focused activities such as learning games, real world project or problem based learning, tutoring, online centers and peer to peer support. The combined synchronous instruction and asynchronous instructional experiences must equal between 1 and 5 hours per day (elementary) and between 1 and 5.5 hours per day (secondary) for *programs to be aidable*. To the extent required by law, synchronous instruction must be provided by a certified teacher and must include regular breaks if in excess of one hour.

- must provide instructional learning experiences and activities that would be equivalent to a minimum of 20 hours of student engagement over the course of the summer program. These hours are including but not limited to the synchronous instruction described above. Such engagement shall be at minimum 1 hour per day and a maximum of 5 hours per day (elementary) and 5.5 hours per day (secondary).

- BOCES that operate elementary and secondary summer school programs in 2021 via online or blended learning must use curricula and course content that are determined cooperatively by the BOCES and participating component districts (8 NYCRR §110.5[a][3]), and should offer such programs under CO-SER 5881, (Summer Online and Blended Learning) or, if they prefer they can offer these programs under CO-SER 5875 (Summer School). CO-SER 5875 will be expanded so that it can now include both in-person instruction or online or blended learning, since some districts and BOCES may wish to participate in both.

- For Summer 2021, Online and Blended Learning under either CO-SER 5875 or CO-SER 5881 will be extended to include all grades K-12. However, if BOCES wish to provide summer school programs via online or blended learning for grades K-2, they must request additional approval from the Department. Please contact EMSCMGTS@nysed.gov for additional information regarding serving students in grades K-2.

Resident Student – Public, Nonpublic, and Home Schooled

When a public school or 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 summer school program. A public school, school district or BOCES cannot charge resident students fees for any instruction or program leading to a high school diploma (Education Law §3202; 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 course.

When a student's parent(s), the person(s) in parental relation to the student or the student, requests enrollment of the student in the school district, the student shall be enrolled and shall begin attendance on the next school day, or as soon as practicable. Districts must ensure that all eligible students residing in the district are admitted to school without undue delay. Residency may be established through physical presence as an inhabitant of the school district and intent to reside in the district. Each individual school district has specific required enrollment forms, which must be made publicly available. Districts should review §100.2(y) of the Commissioner's regulations to ensure compliance with proper enrollment procedures. If the school district has denied a residency claim, it must provide written notice of any denial with the basis for such determination. Such notice must include a statement that the determination is appealable to the Commissioner within 30 days pursuant to Education Law § 310. A parent may request interim relief, in the form of a stay of proceedings, which, if granted, may provide relief during the pendency of an appeal to the Commissioner (8 NYCRR §276.1). Further information regarding the appeal process is available on NYSED's Office of Counsel Website.

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).

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). Regarding the ability of students to obtain credit for courses taken outside of the school in which they are enrolled, refer to the section entitled "Summer Course Taken Without Regard to Previous Course Work."

Reporting in SIRS

Since the school year begins on July 1 and ends on June 30, summer school records are reported with the records for the school year beginning in September following summer school. If the student will be continuing enrollment in the fall in the same district that provided the summer school program, the student's enrollment record for the school year should begin on July 1. If the summer program is provided by the district in which the student was enrolled the previous year, but the student will enroll in a different district or charter school in the fall, the first district should provide an enrollment record with beginning date July 1 with the appropriate Reason for Ending Enrollment Code and the date that summer school ended.

The school providing summer school services can differ from the school a student attends during the regular school year. Do not end a student's enrollment record in the school the student attends during the regular school year if the student is attending only summer school in a different school. All students participating in summer school programs must be reported with a Program Service Code for summer school participation. This code is applicable to all programs —including elementary, middle, and secondary — without regard to how the program is funded. Use the following to determine the BEDS code to use when reporting these students:

- When the service provider is the district accountable for the student's performance and the building the service is provided in is known, use the BEDS code of the building where the student receives the service.
- When the service provider is the district accountable for the student's performance and the building the service is provided in is not known, use the BEDS code of the district where the student receives the service.
- When the service provider is an out-of-district placement (other than a public school district) and is not the district accountable for the student's performance, and the building the service is provided in is known, use the BEDS code of the building where the student receives the service;
- When the service provider is an out-of-district placement (other than a public school district) and is not the district accountable for the student's performance, and the building the service is provided in is not known, use the BEDS code of the out-of-district placement where the student receives the service;
- When the service provider is a BOCES, use the BEDS code of the BOCES (without regard to the specific location at which the service is provided); and
- When the service provider is a public-school district other than the district accountable for the student's performance, use the BEDS code of the other district.

- When the service provider is a public-school district and a charter school has accountability for the student's performance, use the BEDS code of the district building where the student receives the service.

All courses taken by students during the regular school year must be reported through Student Class Entry exit and Student Class Grade Detail Record. For courses taken during summer school, a Student Class Grade Detail Record must be reported only for those students who take a course to make up incomplete or failed course credit through Part 100.5(d)(8) of the Commissioner's regulations and those who earn graduation credit or a final grade that needs to go on their transcript. For students who are making up incomplete or failed course credit at any time, a Student Class Grade Detail Record must be reported and the Credit Recovery Code field on the record must be identified as "yes."

English Language Learners

Students identified as English Language Learners (ELLs) as required by Commissioner's regulations Part 154-1.2 must be provided an equal opportunity to participate in all summer school programs. Schools and school districts operating summer school programs must provide ELLs with the instructional and support services to which they are entitled. These services include providing scaffolds to support the instructional goals of ELLs at different levels of English language proficiency and employing qualified personnel (as defined by Commissioner's regulations §154-2.2(u)) to deliver instruction to ELLs.

Students enrolled in a Bilingual Education Program and who require credit recovery should be offered summer school in a bilingual setting as would occur during the regular school year. To the greatest extent possible, schools should prioritize bilingual content area classes required for graduation with a Regents Diploma when planning its summer school offerings. Summer programs for ELLs can also be designed in response to intervention which would address the opportunity gaps experienced during the school year. Districts and schools are strongly encouraged to design enrichment programs for ELLs with an emphasis in the Arts.

Priority for participation in Stand-Alone English as a New Language (ENL) during summer school should, to the greatest extent possible, be given to Students with Inconsistent or Interrupted Formal Education (SIFE), Long Term ELLs (students have been identified as ELLs for six or more years), and ELLs who are transitioning between school levels (elementary to middle school, or middle to high school).

New York State Identification Test for English Language Learners (NYSITELL)

The New York State Identification Test for English Language Learners (NYSITELL) serves as the approved means of initially identifying English Language Learners (ELLs) in New York State. It is used to assess the English language proficiency of new entrants whose home language is other than English, as indicated on their Home Language Questionnaire. If the results of the NYSITELL indicate that the student is at the Entering, Emerging, Transitioning, or Expanding level of English proficiency, the student must be placed in a Bilingual Education or English as a New Language (ENL) program.

With the exception of Level I, the NYSITELL should be administered during the month of June only to students entering school for the remainder of the current school year and/or students enrolling in a summer school program. Schools are not permitted to administer Levels II-VIII of NYSITELL from July 1 – July 14. The testing of new students who are enrolling in New York State schools in Grade 1 and above for the fall may begin no earlier than July 15. Schools are not permitted to administer Levels II–VIII of NYSITELLfromJuly1–July14. For more information about NYSITELL, see the NYSITELL webpage.

Student Information and Reporting Services (SIRS) Reporting for Summer School Students

Students participating in a Summer School Program must be reported with a Program Service Record. A student cannot have program service records without an active enrollment record. The 0011 code (enrollment in building or grade) is used by public schools, religious and independent (nonpublic) schools, charter schools, child-care institutions with affiliated schools, State agencies with educational programs, the New York State School for the Blind, and the New York State School for the Deaf when a student enrolls in a building or grade (not including high school equivalency or other alternative programs). This enrollment code is used to report enrollment of any student for whom the school/district has accountability responsibility under the State accountability system when the student did not transfer in under an ESEA Title I transfer option. This code is also used to report home-schooled students taking state assessments and students enrolled by parental choice in a religious and independent (nonpublic) school that is participating in SIRS.

The semester code for the summer school session for which a grade is being reported is “S”. Each academic year, every Program Service Code applicable to a student must be recorded and must also include a program service entry date. The first day of the program is to be reported as the entry date and the last day of the program must be reported for the exit date. No reason for ending code should be used to end the program service record as the exit date indicates the end of the program.

Summer school participation codes must be reported to identify a student that participated in a specific summer school program for 20 hours or more to identify the student as participating in a Summer School program.

Summer School is a school-level service. All program services designated as “school level” require an eligibility determination each time the student changes buildings either within the school district or to an out-of-district placement. Therefore, a new Programs Fact record is required each time a student receiving this type of program service changes building, assuming the program service continues. As such, this program service requires a BEDS code. School-level services usually require a building level BEDS code. However, for this program service, use the following to determine the BEDS code to use when reporting these students:

When the service provider is the district accountable for the student's performance and the building the service is provided in is:

- Known, use the BEDS code of the building where the student receives the service, or
- ***Not*** known, use the BEDS code of the district where the student receives the service.

When the service provider is an out-of-district placement (other than a public-school district) and is not the district accountable for the student's performance and the building the service is provided in is:

- Known, use the BEDS code of the building where the student receives the service, or
- **Not** known, use the BEDS code of the out-of-district placement where the student receives the service.

When the service provider is a BOCES, use the BEDS code of the BOCES (without regard to the specific location at which the service is provided); When the service provider is a public school district other than the district accountable for the students' performance, use the BEDS code of the other district.

The Program Service codes are based on the reason the student is taking this program:

Reason A — This is the first time the student has taken this program, or the student is taking this program for advanced enrichment.

Reason B — The student is taking this program as academic intervention, to improve his/her grades, or because the student is at risk of failing State tests.

Program	Reason A	Reason B
English Language Arts	2751	2861
Mathematics	2752	2862
Science	2753	2863
Social Studies	2754	2864
Technology	2755	2865
The Arts	2756	2866
Languages Other Than English	2757	2867
Health	2758	2868
Physical education	2759	2869
Driver Education	2760	2870
Other	2761	2871

School-age 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 modifications and/or accommodations deemed necessary to ensure an equal opportunity to participate in summer school. 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 when a student with a disability needs program modifications and/or accommodations to participate in the program and is required to provide the necessary supports.

ESY programs and services (i.e., twelve-month programs and services) are special education programs and services provided on a year-round basis, for students determined to be eligible in accordance with §200.6(k)(1) of the Commissioner's regulations. Students with disabilities eligible for ESY programs and services are those students that require a structured learning environment of up to 12-months duration in order to prevent substantial regression. Substantial regression means a student's inability to maintain developmental levels due to a loss of skill or knowledge over the summer months of such severity as to require an inordinate period of review at the beginning of the school year (e.g., eight weeks or more) in order to reestablish and maintain individualized education program (IEP) goals and objectives mastered at the end of the previous school year. A recommendation for ESY programs and services must be made by the CSE on an individual student basis.

ESY programs and services operate under different program requirements, funding mechanisms and approval processes than summer school. Additional information about ESY programs and services and the application for approval to operate ESY programs and services are available on the Office of Special Education's Frequently Used Special Education Applications webpage. Questions regarding ESY programs and services may be directed to the Office of Special Education at (518) 473-4818 or speced@nysed.gov.

Students who turn 21 during a school year should be reported in SIRS. If students attend summer school immediately following the school year in which they turn 21, they should be reported in SIRS. Records for these students should not be reported in the SIRS after they complete this school year or summer school term.

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

Health and Safety

COVID-19

The COVID-19 pandemic has placed increased responsibility on schools for maintaining the health and safety of students and staff who attend school for in person learning. As more is learned about

the COVID-19 virus, the guidance for schools continues to be updated. Schools are encouraged to stay up to date on school information and guidance from the New York State Department of Health (NYSDOH). Schools should monitor the NYSDOH COVID-19 Webpage for Schools for updates on changing guidance. Schools can also check the NYS Center for School Health COVID-19 page, or subscribe to the NYS Center for School Health's list serve on their home page to receive these updates.

Health Services

Boards of education of public schools are responsible for the health and safety of students, and must provide and maintain a continuous program of school health services under the direction of the director of school health services (aka medical director) pursuant to Education Law Article 19, which includes but is not limited to, guiding parents, students and teachers in procedures for preventing and correcting defects and diseases; furnishing instruction to school personnel in procedures to follow in case of accident or illness; and providing inspections and supervision of the health and safety aspects of the school facilities and the provision of health information.

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 a Registered Professional Nurse (RN), and cannot be delegated to Licensed Practical Nurses (LPN) 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 in Use of Licensed Practical Nurses and the term "School Nurse" in School Settings and Provision of Nursing Services in School Settings - Including One-to-One Nursing Services to Students with Special Needs. If a student becomes ill or injured and a school nurse is not available, schools are should 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), and §136.5 of the Commissioner's regulations requires 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 healthcare provider for such students, along with following district policies on concussion management. Additional information on the law and related issues is available in Guidelines for Concussion Management in School Settings 2018 .

Medication Administration

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 2017. 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, supervised students,*** and ***independent students.*** More detailed information on each functional category and the particular parameters for the administration of medication to such students can be found beginning on page 8 of Guidelines for Medication Management in Schools 2017.

Pursuant to Education Law §§916, 916-a, and 916-b, certain students must be allowed to carry and self-administer certain medications if they have both a provider order and an attestation from the health care provider confirming the student has demonstrated he or she can self-administer their medications effectively, along with 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 with exceptions in law for epinephrine auto-injectors, glucagon and opioid antagonists.

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 §921a 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 in a school building 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.

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's website NYS Center for School Health under O in the A-Z Index.

Part V of Chapter 57 of the Laws of 2015 included amendments to Education Law §§6527 and 6909 to authorize 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 on the NYS Center for School Health website in the A-Z Index under medical director. Finally, schools are not required to obtain a healthcare 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).

Automatic External Defibrillators

School districts, charter schools and BOCES must provide and maintain on-site in each instructional school facility sufficient automatic external defibrillators (AED) 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 on the Automatic External Defibrillators webpage.

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.

School Library Services

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.

- §91.1 requires a library in each elementary and secondary school that meets the needs of the pupils and provides an adequate complement to the instructional program in the various areas of the curriculum.
    - Secondary schools should use summer school enrollment numbers to determine compliance with §91.1.
    - Summer schools operating in a fully online modality may provide library access through a fully online school library for Summer 2021, as long as the online library complies with §91.1.
        - Fully online summer schools are encouraged to implement a mechanism (as practicable and allowable based on health and safety requirements) to provide physical titles for students' use.
    - Summer schools operating in a hybrid or blended modality may also provide library services in a hybrid/blended modality as long as the online library complies with §91.1 and is an adequate complement to the instructional program.
- Secondary schools operating a summer school program must employ a certified school library media specialist in accordance with §91.2.

- Secondary schools should use summer enrollment numbers to determine compliance with §91.2.
- For the purposes of summer school in the summer of 2021, "period" should be considered one hour.
- For secondary schools operating in a fully-online modality, the certified school library media specialist may also provide services through a fully-online modality.

Driver and Traffic Safety Education

Information regarding Driver and Traffic Safety Education (DTSE) can be found on the Office of Career and Technical Information's website.

DTSE 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 DTSE class. For additional information please contact the Office of Driver and Traffic Safety Education at (518) 486-1547.
DTSE Classroom Instruction

The 24 hours of classroom instruction may be met fully in person, fully online, or through a hybrid of both in-person and online instruction. All classroom instruction must be delivered by an appropriately credentialed DTSE (MV-283 lecture) teacher, including coursework for students seeking the Pre-licensing Course Completion Certificate (MV-278).

DTSE In-Vehicle Instruction

The 24 hours of laboratory (in-vehicle) instruction may be met under the supervision of a parent/guardian holding a valid NY State Driver's License as COVID-19-related circumstances (e.g., social distancing requirements) do not allow students to enter a vehicle with a professional driving instructor (either an instructor with a valid MV-283 Driver Education Instructor Certificate or an instructor with a valid MV-524 Driving School Instructor Certificate contracted to teach in a DTSE program).

The student's school must provide the parent/guardian with specific and detailed information regarding the 24 hours of in-vehicle instruction, observation, and applied practice that the parent/guardian will deliver. Upon completion of this instruction, the parent/guardian must document and attest to the student's school that the student has received the 24 hours of combined in-vehicle instruction, observation and applied practice. It is a school's responsibility to determine how the parent/guardian will document and attest to the completion of the 24 hours, as the school is ultimately responsible for the issuance of the MV-285 Certificate of Completion.

III. HIGH SCHOOL COURSE REQUIREMENTS AND CREDIT

Schools are encouraged, to the extent practicable and allowable per NYS Department of Health and local departments of health, to offer in-person summer school. Schools should prioritize providing in-person summer school for students with disabilities, English Language Learners, students experiencing homelessness, students in foster care, students who are, migrant or seasonal farmworkers (or children of such workers) and other vulnerable students for whom online learning has been difficult, and should prioritize social-emotional wellness in addition to academic skills.

Districts offering secondary summer school programs may offer courses for make-up credit or for initial course credit. For summer 2021, Districts are permitted to offer such programs in any one of the following 3 modalities: fully in-person, fully online, or a hybrid modality of both in-person and online instruction.

In Summer of 2021, districts may only provide summer school coursework through online or blended modalities if ALL participating students will have access to appropriate digital learning devices and sufficient internet connectivity.

Summer School Coursework Delivered Via Online and Blended Learning

Pursuant to §100.5[d][8][9] and [10] of the Commissioner's regulations, districts, charter schools (as authorized), registered nonpublic schools, and BOCES may offer summer school coursework opportunities using online or blending learning experiences. Districts and BOCES must ensure that:

- courses are aligned with the applicable NYS learning standards for the subject area;
- courses provide for documentation of student mastery of the learning outcomes;
- instruction is provided by or under the direction and/or supervision of a certified teacher to the extent required by law;
- courses include regular and substantive interaction between the student and the teacher providing direction and/or supervision; and
- instruction satisfies the summer school credit requirements.

See Part 100.5 of the Commissioner's regulations and the Curriculum and Instruction webpage for additional information pertaining to Credit for Online and Blended Courses.
On days when instruction is being provided online, districts must provide **synchronous** online instruction for a minimum of one hour per day or at least 50% of the daily program, whichever is greater, and the combined synchronous instruction and asynchronous instructional experiences must not exceed 5.5 hours per day. To the extent required by law, synchronous instruction must be provided by a certified teacher and must include regular breaks if in excess of one hour.

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 and carries only partial credit. Such courses must be offered in a fully face to face, hybrid/blended or fully online modality It is appropriate to factor in the grades from both the summer and the regular school year in determining the final course grade. A student who failed a course during the regular school year due to a deficiency level may make up that course in the summer. However, if a student failed a course due to inadequate or no work completion, he/she may be required to take the entire course again and may not be eligible for a summer course.

Section 100.5(d)(8) 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 the 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 school counseling 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. However, as a result of the cancellation of the August 2021 Regents Examination administration due to COVID-19, students who make up failed and incomplete course credit in Summer 2021 in a course leading to a Regents Examination are exempt from the passing of such examination in order to meet the diploma requirements.

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

Summer Course Taken Without Regard to Previous Course Work (For Initial Course Credit)

A course offered for initial course credit to a student who either has never taken such course before, or is required to repeat an entire course and has no partial credit, must provide at least 45 hours of instruction, or the equivalent, to culminate in one-half unit of credit, and 90 hours of instruction, or the equivalent, to culminate in one full unit of credit. Equivalent shall mean a minimum of 45 hours (one-half unit of credit) or 90 hours (one unit of credit) of instructional time for instruction delivered in a traditional face to face model or through alternative instructional experiences, including but not limited to through digital technology or blended learning, that represents standards-based learning under the guidance and direction of an appropriately certified teacher. Instructional experiences shall include, but not be limited to, meaningful and frequent interaction with an appropriately certified teacher, academic and other supports designed to meet the needs of the individual student and instructional content that reflects consistent academic expectations as in-person instruction. Any alternative instructional experience must include meaningful feedback on student assignments and methods of tracking student engagement.

Instructional requirements can be met for coursework delivered in online models by tracking the number of hours of student engagement in substantive interaction between the student and the teacher, as well as an estimated number of hours a student spends participating in asynchronous learning activities and/or in completing the coursework. If such programs are offered, schools must adhere to the General Summer School Requirements as well as the requirements for via Online or Blended Learning.

If students wish to earn initial course credit by enrolling in a summer course at a school or district other than one arranged by their school or home district, students are advised to seek prior permission in order to ensure credit will be accepted by their home school. The decision of whether to grant credit for coursework completed outside of the school in which a student is enrolled lies with the school in which the student is enrolled. To receive credit for coursework completed, students should seek approval from the home school prior to participating in the summer school program.

Attendance for Initial Course Credit

As noted below, districts and BOCES must use a pro-ration of regular school year attendance requirements contained in the board of education-approved attendance policy for summer school. Districts and BOCES may adopt an attendance policy requiring minimum attendance for students to receive academic credit. These 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.

Attendance requirements can be met for coursework delivered in online models by tracking the number of hours of student engagement in substantive interaction between the student and the teacher, as well as an estimated number of hours a student spends participating in asynchronous learning activities and/or in completing the coursework.

IV. STATE AID AND OPERATING INFORMATION

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.

Foundation Aid has four main components:

- A State-specified expense per pupil, called the adjusted foundation amount, to which the State and school districts 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 Foundation Aid is calculated as follows:

$$\text{Total Foundation Aid} = (\text{Adjusted Foundation Amount per Pupil} - \text{Local Contribution per Pupil}) \times \text{Total Aidable Foundation Aid Pupil Units (TAFPU)}$$

TAFPU is a based on average daily membership, not average daily attendance. TAFPU is based on the aggregate sum of all students enrolled in such courses in hourly units, and not actual attendance. No student may be counted for more than 90 hours of attendance during the summer session (pursuant to Commissioner's regulations §110.3). Although districts receive full credit for state aid purposes at

90 hours, districts are not limited to 90 hours. Summer school pupils, weighted at 0.12, are included in the calculation of the TAFPU.

State Aid Reporting

Hours of attendance for summer 2021 in district operated programs should be reported to the State Aid Office on 2020-2021 SAMS Form A by September 1, 2021 (completed by the local district business office).

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.

The Commissioner has determined that non-mandatory summer courses are an ordinary contingent expense and may be part of a contingency budget adopted by the Board of Education (Matter of the Board of Education and Resident Taxpayers of the New Paltz Central School District, 30 Ed Dept Rep 300, Decision No. 12,472). Although an item may be an ordinary contingent expense, the amount of the administrative component of a contingency budget and the amount of the tax levy to support a contingency budget may not exceed the cap and limitation set forth under Education Law §2023 and 2023-a.

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.

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 1-June 30, 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 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. For coursework leading to a Regent's diploma, nonpublic schools must also take attendance. The regulations specifically require schools to adopt minimum attendance requirements, which distinguish between excused and unexcused student absences for the purpose of awarding course credit.

Hourly Attendance for State Aid Purposes

Hourly attendance for programs delivered using online or digital methodologies.

The per pupil hourly attendance should be calculated using the time in substantive interaction with the teacher in addition to an estimated time that the student spent engaging in online learning activities prescribed by the teacher.

Funding Sources

Education Law §3602(1)(g) and Part 110 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."

Contracting for Instruction

Generally, school districts lack the authority to contract with an independent contractor to provide core instructional services (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), and substitute teaching services (Appeal of Woodarek, 46 Ed Dept Rep 1, Decision No. 15,422; pet. to review dismissed sub nom Kelly Services, Inc. v. USNY, et al., Sup Ct Albany County, 5/21/07, Index No. 7512-06). However, school districts may contract for summer school instruction with another school district (see Education Law §2040) or with a BOCES (Education Law §1950). Public school districts must not impose any charge or fee for programs and courses offered to resident students to meet high school diploma requirements (8 NYCRR §100.2[q][3]).

For more information, please see the Department's June 2, 2010 memorandum and the Q & A Contracts.

BOCES provide shared services to public school districts under contracts known as COoperative SERvices agreements or CO-SERs. A BOCES summer school CO-SER (for either in-person or online or blended learning) must be operated as a centralized service, operated by the BOCES and supervised by an administrator employed by the BOCES. Questions regarding CO-SERs and state aid for shared services may be sent to the Office of Educational Management Services (EMSCMGTS@nysed.gov).

V. STATE ASSESSMENTS

Regents Examinations/Cancellation of the August 2021 Regents Examinations

On March 15, 2021, the Department announced the cancellation of all but four of the June 2021 Regents Examinations, and all of the August 2021 Regents Examinations. Any student who enrolls in summer school to make up failed course credit in a course leading to a Regents Examination and is subsequently granted such credit shall be exempt from the diploma requirement related to the culminating Regents Examination. More information concerning the modifications to the assessment requirements that students must meet in order to earn high school diplomas, credentials, and endorsements may be found in the related memo and FAQ . These documents include a list of frequently asked questions that continues to be updated regularly on NYSED's COVID-19 Information site.

Any questions about the exemptions from examination requirements or the effect of such exemptions on student qualification for a diploma should be directed to emscgradreq@nysed.gov.

Student Support Services
Website: http://www.p12.nysed.gov/sss/summerschool/
Phone: 518-486-6090
Email: StudentSupportServices@nysed.gov

Driver Education
Website: http://www.p12.nysed.gov/cte/de/
Phone: 518-486-1547
email: EMSCDRVED@nysed.gov

Office of State Assessment
Website: http://www.p12.nysed.gov/assessment/
Phone: Tel: 518-474-5902
E-mail: emscassessinfo@nysed.gov

Office of Educational Design and Technology
Website: http://www.nysed.gov/edtech
Phone: (518) 474-5461
Email: edtech@nysed.gov

Office of Curriculum and Instruction
Website: http://www.nysed.gov/curriculum-instruction
Phone: 518-474-5922
Email: emscurric@nysed.gov

School Health Services
Office of Student Support Services
Website: http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/
Phone: 518-486-6090
Email: StudentSupportServices@nysed.gov

State Aid
Website: https://stateaid.nysed.gov/
Phone: (518) 474-2977
Email: OMSSAMS@nysed.gov

Office of Special Education
Website: http://www.p12.nysed.gov/specialed/
Phone: (518) 473-2878
Email: speced@nysed.gov
Special Education Quality Assurance Regional Offices:
http://www.p12.nysed.gov/specialed/quality/regassoc.htm
SEQA email: seqa@nysed.gov

Office of Bilingual Education and World Languages

Website: http://www.nysed.gov/bilingual-ed
Phone: Albany: 518-474-8775
Phone: Brooklyn 718-722-2445
Email: OBEWL@nysed.gov

Office of Information and Reporting Services

Website: http://www.p12.nysed.gov/irs/
Phone: (518) 474-7965
Data Support

Office of ESSA-Funded Programs

Website: http://www.nysed.gov/essa
Phone: 518-473-0295
Email: conappta@nysed.gov