New York State EDUCATION DEPARTMENT
Knowledge › Skill › Opportunity

Handbook for Summer School Administrators and Principals (2023)

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2023 CALENDAR

June	Summer School Registration
July 3 (M)	First day for which summer school students generate State aid
July 4 (T)	Legal Holiday on July 4 – No Classes
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 2023 in-district operated programs should be reported to the State Aid Office on 2023-2024 SAMS Form A (completed by the local district business office).
October 1, 2023	Any expense and related data for summer 2023 BOCES operated programs should be reported to the State Aid Office on 2023-2024 as part of the BOCES SAMS submission process (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 generated for summer sessions on Saturdays, Sundays, or legal holidays.

INTRODUCTION

Promising Practices for Summer Learning

As we begin the 2023-2024 school year, the fifth year affected by the Coronavirus, we continue to face additional variants of the virus as well as new challenges, such as how to best combat interrupted learning and mitigate how students were immediately affected and impacted long-term by the pandemic. Summer Learning Programs can help us address these challenges. Summer Learning Programs that incorporate family and community engagement, physical activity, social events, and academic enrichment within emotionally supportive and inclusive environments ensure higher rates of staff and student resilience, social emotional health, and academic competency as we continue to respond to the pervasive impact the pandemic has had on students and school staff alike.

Summer Learning Programs, unlike traditional Summer School 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. Schools should focus on activities that enhance students' coping skills, motivation, self-regulation, and self-efficacy, as these attributes can contribute positively to student success (Bañeres et. al, Birdman et. al). The goal of Summer Learning Programs is to help students make connections and find success, persistence, and strategies to succeed in all areas of life.

Summer Learning Programs have historically been targeted toward specific areas of academic need, as they have been modeled after the traditional Summer School Programming, but we know that students of all ages learn through play in interdisciplinary environments that support their cognitive, social, physical, psychological, and emotional growth. The goal of a high-quality Summer Learning Program should not be solely academic, and not solely enrichment, but rather a blend of the two. Well-planned Summer Learning Programs should also implement a variety of evidence- and strength-based practices and activities to support all aspects of student growth and development.

High-quality Summer Learning Programs designed with evidence- and strength-based restorative and supportive practices, services, and activities at their core also assist in narrowing opportunity gaps for historically underserved populations including students of color, those living in rural communities, English Language Learners, students with disabilities, families who live in under-resourced communities, students experiencing housing insecurity, students of migratory workers or who are migratory workers, and LGBTQIA+ students. Such high-quality programs allow students to proceed at a reasonable pace and under less pressure, which supports their ability to focus and encourages their engagement in activities that can reignite their love of learning. When students discover (or re-discover) their love for learning, their self-confidence increases, with the intended result in building student confidence and having the student be better prepared at the start of the next school year. A well-designed Summer Learning Program provides experiences, activities, and opportunities that encourage students and staff to fall back in love with learning.

Due to an unprecedented infusion of increased federal funds, districts have a once in a generation opportunity to design evidence- and strength-based Summer Learning Programs that will foster the acquisition of skills that extend student perspective and inquiry. Schools can incorporate project- and inquiry-based learning, providing students opportunities to propose, create, and analyze solutions to authentic issues in their local communities. The goal of these programs is to meet all students where

they are and guide them in an authentic life-long learning process. A high-quality Summer Learning Program requires a strength and asset-based perspective to adapt lessons and embrace the resiliency gained by students, staff, and the community.

Use of Community Resources and Partnerships

High quality Summer Learning Programs designed to meet students where they are and use the students' pre-existing communities can greatly assist students in making positive connections to school. Using pre-existing student relationships, community partners, and communities can increase the program's capacity to meet diverse student needs and learn about students and their families, including their strengths, needs, and aspirations. Learning collaboratively as a part of a larger community will help young people reach their full potential, whether that larger community means the classroom and school community, the local community, or even a small, personal community of friends.

When planning Summer Learning Programs, schools will want to incorporate local and state-wide resources to provide a depth and capacity to activities and services that may otherwise be unattainable by districts. Incorporating partnerships into the planning, development, and implementation of a summer program can increase awareness, stakeholder support, produce essential feedback, and encourage community engagement with school staff and students. Local collaborations that are available statewide may include the use of local libraries, parks and recreation sites, historic preservation centers, colleges, and universities.

Social Emotional Learning

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 (SEL) is important for all people to practice, regardless of age, and within a school system it can help effectively prepare students to succeed in school and in life. SEL enhances the development of lifelong skills, and is the learning process for people to "acquire and apply the knowledge, skills, and attitudes" to:

- develop healthy identities,
- manage emotions,
- achieve personal and collective goals,
- feel and show empathy for others,
- establish and maintain supportive relationships, and
- make responsible and caring decisions.

Summer Learning Programs that incorporate SEL can support social emotional well-being and create an opportunity for students to build resilience and maintain meaningful relationships with individuals from different social and cultural groups and throughout the community. "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 co-create thriving schools and contribute to safe, healthy, and just communities." (Collaborative for Academic, Social, and Emotional Learning, 2023).

In November 2022, the New York State Education Department released a revised version of the Social Emotional Learning Benchmarks that encouraged greater focus on equity and adult social emotional

competencies to better support young people's and adults' well-being, academic achievement, and capacity to thrive. The 2023 Summer Learning Programs can provide a special opportunity for districts and schools to serve their whole community, students, and adults, in the development of their social emotional competencies. Districts are encouraged to utilize the revised Social Emotional Learning Benchmarks within their summer programs and to provide professional development in delivery of the benchmarks and growth of competency for professionals. Districts are encouraged to utilize the following framework, guide, and activities:

- Social Emotional Learning: Essential for Learning, Essential for Life (August 2018), which explains SEL concepts and the need for and benefit of SEL in New York
- Social Emotional Learning: A Guide to Systemic Whole School Implementation (March 2019), which provides strategies and resources for districts and schools
- Social Emotional Learning Activities and Teaching Practices (updated 2021), which provides district-developed crosswalks aligning SEL core competencies, subject area standards, sample SEL activities, and general teaching practices.

Deliberate development of SEL competencies paired with frequent opportunities to practice them builds a foundation of factors that support positive social relationships and behavior outcomes, positive mental health, and a stronger sense of belonging and identity. SEL must be intentionally nurtured and supplemented through supportive school and classroom environments that offer opportunities for explicit instruction in related skills and opportunities for practice.

Designing Summer Learning and Assessment

Schools are encouraged to take advantage of the opportunities that summer presents to redesign Summer Learning Programs to incorporate approaches to teaching and learning that give students opportunities to develop and apply knowledge and skills with hands-on activities in settings that resemble authentic, real-life situations. These types of learning experiences not only promote students' deeper learning and higher-order thinking skills; they can also build student engagement and confidence by putting them at the center of teaching and learning.

When designing learning programs for students, schools are encouraged to incorporate the following:

- Active, engaging, hands-on learning that encourages student participation, ownership, and choice;
- Inquiry- and/or discovery-based learning;
- Project- and/or problem-based learning;
- Collaborative learning that incorporates the use of team-building, listening, and problem-solving / resolution skills;
- Independent work or research;
- Student self-reflection;
- Opportunities to master skills or competencies through practice, repetition, explicit sequencing of skills, and multiple opportunities to receive feedback and revise or re-do;
- Expansion of students' horizons and encouragement of exploration of new skills, interdisciplinary topics, college and career options, and community/ civic participation.

When designing or choosing assessments of student learning, schools are also encouraged to embrace

performance-based approaches, which can range from simple, "on-demand" tasks that can be completed in a brief amount of time, to longer and/or more complex tasks—for example:

- Analyzing and proposing solutions to real-world problems
- Analyzing literary or historical documents in an essay
- Building a prototype, device, or structure
- Conducting and analyzing a laboratory investigation
- Creating a work of art
- Learning and demonstrating a technique (e.g., welding or pipetting)
- Designing and delivering a multi-media presentation
- Developing a computer program
- Game-play in physical education
- Preparing for and participating in a debate
- Rehearsing and performing in a theatrical, dance, or music production or video
- Researching a topic and writing a report

Schools may reference resources developed through the Department's Performance Learning and Assessment Network (PLAN) pilot program, which aims to help New York explore the conditions and supports schools need to transition to a research-based comprehensive assessment strategy designed to communicate feedback to students, parents, faculty, and the community, and to improve the quality of education.

In the PLAN Pilot, NYSED will seek to deepen the connection between assessment and quality teaching, learning, curriculum, and instruction. This initiative will look to match promising models for high-quality teaching, learning, and assessment strategies with participating pilot schools interested in multiple ways for students to demonstrate their mastery of learning standards.

For more information and resources, visit NYSED's website, where you can find:

- A webinar video featuring a presentation by Dr. Linda Darling-Hammond on performance-based approaches to deeper learning;
- A Fact Sheet with information on performance-based learning and assessment;
- Videos of performance-based learning and assessment in practice; and
- Resources on performance-based approaches to career and technical education and work-based learning.

Outside Fun/Safety

The Summer months are a time for outdoor fun, but it is imperative to make sure your students are safe while having their summer fun. Programs should be mindful of health and weather factors that could put students at risk such as dehydration, heat related illness and sun exposure. Programs and districts are encouraged to review the New York State Center for School Health resources regarding summer heat related risks.

Summer Meals

Districts should include adequate nutrition and snacks for students participating in summer

programming. Providing free meals for all students, regardless of income, is a proven strategy to reduce food insecurity, support learning, improve mental and physical health, and bolster educational and economic equity. If a district seeks support and assistance accessing free summer meals, they are encouraged to visit The Summer Food Service Program to access these resources.

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SUMMER SCHOOL PROGRAM REQUIREMENTS

NOTE: This Handbook is provided to assist schools for 2023 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) required by sections 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 the development of English language proficiency for English Language Learners (ELLs).

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 should offer summer school programs in person, unless otherwise directed by an order of a State or Local Department of Health.
- Schools 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.
    - 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, schools must employ teachers who are appropriately certified to teach in the schools of this state; may use paraprofessionals as needed; and for secondary summer school, assign such teachers to teach only courses that they are certified to teach (8 NYCRR §§110.1[c], 110.2[c]).
- Schools must provide a program of at least 20 hours of instruction, or its equivalent as defined in 8 NYCRR §100.1(a) 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 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]).
- Non-instructional activities in excess of five and five and one-half hours per day (as applicable to elementary and secondary schools, respectively) are not aidable.
- BOCES that operate summer school programs may provide, at the request of two or more component 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 §100.5[b]).
- Schools must employ a New York State certified principal to be available during the hours when 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 pursuant to §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.
    - A summer school operating in a **fully online modality** model is required to employ a principal certified in this State pursuant to §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.
    - Schools may obtain an exception to this requirement if the commissioner has approved an alternative mode of administration (8 NYCRR § 100.2 [a]).

Summer School Offered via Online or Blended Learning

Schools are encouraged to offer in-person summer school. In particular, 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, ELLs, students experiencing homelessness, students in foster care, students who are migratory or seasonal farmworkers (or children of such workers) and other vulnerable students. School should also prioritize social-emotional well-being in addition to academic skills.

Schools that operate elementary and secondary summer school programs completely or partially via online learning (such as 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 adhere to the following:

- Provide regular and substantive daily interaction between students and a certified teacher employed by the district, BOCES, Charter School, registered nonpublic school, or State Agency, in the subject area in order to support learning.
- On days when instruction is being provided through online learning, teachers are encouraged to engage synchronously to the greatest extent possible with students. Summer programs provide an opportunity for students to engage with teachers and peers. Teachers should provide students with ample opportunities to build relationships while engaging with the content and their classmates. In an online environment, most 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. To be aidable, the combined synchronous instruction and asynchronous instructional experiences must amount to between one and five hours per day (elementary) and between one and five and one-half hours per day (secondary). To the extent required by law and regulation, synchronous instruction must be provided by a teacher certified in the subject area and must include regular breaks if delivered for longer than one hour.

- 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 include but are not limited to the synchronous instruction described above.
- BOCES that operate elementary and secondary summer school programs 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 5875 (Summer School), or CO-SER 5881 (Summer Online and Blended Learning). CO-SER 5875 has been expanded so that instruction can now include both in-person instruction or online or blended learning.
- For Summer 2023, Online and Blended Learning under either CO-SER 5875 or CO- SER 5881 will be permitted to include grades 6-12. However, if BOCES wish to provide summer school programs via online or blended learning for grades K-5, they must request specific approval from the Department. Please contact EMSCMGTS@nysed.gov for additional information regarding serving students in grades K-5.

Resident Student – Public, Nonpublic, and Home School

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 prerequisite 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 available to the public. Districts should review Commissioner's regulations §100.2(y) to ensure compliance with proper enrollment procedures. If the school district has refused to enroll a student on the basis of non-residency, it must provide written notice thereof and identify the basis for such determination. Such notice must include a statement that the determination may be appealed 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, in connection with such an appeal. If granted, a stay will allow a student to be considered a resident until a final decision is issued (8 NYCRR §276.1). Further information regarding the appeal process is available on NYSED's Office of Counsel Website.

School districts that 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, please refer to the section Summer Instruction for Initial Credit.

Student Information and Reporting Services (SIRS)

Reporting in SIRS

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 participates in SIRS.

SIRS for Summer School Students

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” codes 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.

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.

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.

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. 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. 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:

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: This student is taking this program as academic intervention, to improve their 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

- 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 services.

- 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 student's performance, use the BEDS code of the other district.

- When the service provider is a public-school district and a charter school as 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 section 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."

For more information about the Student Information Repository System, visit the NYS SIRS Manual.

English Language Learners

Students identified as English Language Learners (ELLs) as required by section 154-2.3 of the Commissioner's regulations 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 their 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 and who are recommended to take the test based on the results of their Individual Interview. 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. For more information on the ELL Identification Process, visit the ELL Identification & Placement/Home Language Questionnaire webpage.

The Level I test may be administered starting June 1 only to new students who will not begin Kindergarten until September. Schools that are registering students prior to June 1 for enrollment in Kindergarten for the upcoming school year should not administer the NYSITELL to those students until June 1. 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. 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 NYSITELL from July 1 – July 14. For more information about NYSITELL, see the NYSITELL webpage.

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 must be provided equitable access to all summer school programs and are entitled to program modifications and/or accommodations deemed necessary to ensure an equal opportunity to participate in summer school programs. If a student with a disability is attending a summer school program (not an extended school year 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 ensure their participation in the summer school program is required to provide the necessary supports.

Extended School Year (ESY) Programs and Services for Students with Disabilities

Separate and apart from participation in summer school programs, some students with disabilities with individualized education programs may require ESY programs and services during the months of July and August to ensure the provision of a free appropriate public education. 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 programs. 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 speced@nysed.gov.

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. Schools are encouraged to stay up to date on school information and guidance from the New York State Department of Health Schools and Youth guidance. Schools should periodically check the Department of Health Schools & Youth webpage for updates on guidance. Schools can also check the NYS Center for School Health (NYSCSH) COVID-19 page or subscribe to the NYSCSH listserv on their home page to receive these.

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 (a.k.a. medical director) who is a physician or nurse practitioner pursuant to Education Law Article 19. The medical director's responsibilities include but are 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 who is a Registered Professional Nurse (RN) pursuant to Education Law §§901 and 902 and cannot be delegated to Licensed Practical Nurses (LPN) or unlicensed school personnel (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 or medical director is not available to assess and determine next steps, schools must 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 require 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 NYSED's Guidelines for Concussion Management in Schools July 2022.

The Dominick Murray Sudden Cardiac Arrest Prevention Act, Education Law Article 19 §923 and Commissioner's regulations §136-9 require any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest (SCA) be immediately removed from athletic activities and not resume athletic activity until they have been evaluated by and received written and signed authorization from a licensed physician. Schools must retain such authorization in the student's permanent health record (a.k.a. cumulative health record). Students participating in physical activities, such as PE class, who display signs and symptoms of SCA are to be immediately removed from such activity and evaluated by and receive written clearance from a healthcare provider [physician, nurse practitioner (NP) or physician assistant (PA)] before returning to such activities. Additional information is available in NYSED's Managing Emergency Healthcare and Communicable Diseases in the School Setting.

Medications

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 in NYSED's Guidelines for Medication Management in Schools October 2022. Other memos related to medications in schools that administrators should be familiar with include:

- NYS Nursing: Practice and Alerts & Guidelines: RN & LPN Practice Issues: Administration of Medications
- 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 14 of the Guidelines for Medication Management in Schools October 2022.

Pursuant to Education Law §§916, 916-a, and 916-b, students must be allowed to carry and self-administer certain medications if they have both an order and an attestation from a health care provider confirming the student has demonstrated they 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. These medications include inhaled rescue medications for respiratory symptoms, epinephrine auto-injector to treat allergies, and insulin, glucagon and other diabetic supplies to manage their diabetes (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 who is under the direction of an RN or physician – with exceptions in law for epinephrine auto-injectors, glucagon and opioid antagonists.

An RN, nurse practitioner, physician assistant or physician may train willing unlicensed school staff members to administer emergency epinephrine auto-injector or glucagon to an individual student with an order from a healthcare 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 unlicensed school personnel to administer an epinephrine auto-injector without a healthcare 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 the NYS Center for School Health website under E in the A-Z Resources Index.

Education Law §922 permits schools to provide and maintain on-site in each instructional school facility opioid antagonists (e.g., naloxone). More detailed information and specific resources for schools that choose to participate are available on pp. 25-26 in NYSED's Guidelines for Medication Management in Schools October 2022.

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 duly licensed physician or a 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 under Medical Director in the A-Z Index.

Personal use insect repellant is not a medication (it is a pesticide), therefore a healthcare provider order is not required. Personal insect repellants are not governed by laws regarding the use of pesticides on school grounds. In most instances, parents/guardians should be instructed to have their child wear appropriate clothing for the activity to minimize the need for insect repellant, and to apply insect repellant at home before sending their child to school. However, if the student needs insect repellant applied at school, parent/guardian written consent is required. If insect repellant is to be applied at school, due to exposure risks please review the recommendations on p. 22 in NYSED's Guidelines for Medication Management in Schools October 2022.

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 must obtain the assistance of an appropriate licensed health professional pursuant to an order from a healthcare 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 (AEDs) 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 Commissioner's regulation §136.4, and is available at NYSED's 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, as long as the online library complies with §91.1.
        - Fully online summer schools should implement a mechanism 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 2023, "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 must be delivered fully in person beginning July 1, 2023. 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 must be delivered under the supervision of 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) per the NYS DTSE Guidelines. The COVID-19 option of parent/guardian supervision for the laboratory instruction will no longer be allowed after June 30, 2023.

Districts offering secondary summer school programs may offer opportunities for make-up credit or for initial credit.

Summer Instruction to Make Up an Incomplete Credit or Failed Course

Options for make-up programs are locally determined. When a student fails a course or is unable to complete a high school credit, individual schools and districts can determine the best means of supporting the student to demonstrate mastery of the learning outcomes for the subject. There is no requirement for a commencement-level summer make up program to mirror the instruction provided during the school year. Summer instruction to make up an incomplete credit or failed course should align with the Promising Practices for Summer Learning and provide each individual learner with an opportunity to receive intensive instruction in the deficiency area(s). Commencement-level summer make up programs should provide opportunities for high schoolers to engage in and reconnect with the school environment and the community at large, while also providing flexibility for students to continue outside-of-school responsibilities.

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. 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. Since the student already had the opportunity to complete the unit of study, the Department does not require a specific number of hours of instruction for makeup programs. A makeup program must be aligned with the New York State learning standards for that subject, satisfactorily address the student's credit 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. Awarding credit is not dependent upon any State-mandated attendance requirements. Attendance policies are locally determined.

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 Instruction for Initial Credit

Summer instruction provided for initial credit should align with the Promising Practices for Summer Learning and 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 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.

If students wish to earn initial credit by enrolling in a summer program 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

Awarding credit is not dependent upon any State-mandated attendance requirements. Attendance policies are locally determined. As noted below, districts and BOCES must use a proration 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.

Summer School Instruction 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 opportunities using online or blending learning experiences. Districts and BOCES must ensure that instruction:

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

For additional information pertaining to Credit for Online or Blended Learning, see Commissioner's

regulations section 100.5 and the previous section Summer School Delivered via Online or Blended Learning.

There is no separate categorical aid for general education summer school programs. Districts are provided 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 school 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, which includes students in summer session; and
- A calculation of Foundation Aid payable, which adjusts Total Foundation Aid based on phase-in factors and minimum and maximum aid increases.

At a high level, Foundation Aid is calculated as follows:

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

TAFPU is 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

Districts must report both total actual hours of aggregate student attendance for summer 2023 in district operated programs and total possible hours of aggregate student attendance. Actual hours are used as part

of average daily attendance. Possible hours are used as part of average daily membership calculations. This information should be reported to the State Aid Office on 2023-2024 SAMS Form A by September 1, 2023, in entries 71a and 71b (completed by the local district business office).

The total actual hours of aggregate student 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. The total possible hours of aggregate student attendance should be calculated using daily membership (i.e., the hours for students on the summer school register for each day), not actual attendance hours, and should equal the aggregate sum of all students enrolled in such courses in hourly units. Districts are not limited to a particular number of hours, but for State Aid reporting, no student may be counted for more than 90 hours of actual or possible attendance during the summer session.

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 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 that assess a fee
- recreation programs
- any other activities that would not be aidable during the regular school year.

Attendance

Section 104 of the Commissioner's regulations concerning 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 Regents diploma, nonpublic schools must also take attendance. Any board that adopts a policy establishing a minimum standard of attendance in order for a pupil to be eligible for course credit must also distinguish between excused and unexcused student absences for this purpose. Such policies must also include a description of the

notice to the student's parent(s) or person(s) in parental relation as well as the specific intervention strategies to be employed prior to the denial of course credit for insufficient attendance.

If the district provides online or blended learning opportunities, the local attendance policy should reflect any differences in determining attendance in these learning environments, if applicable.

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 Matter 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 (Matter 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 (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]).

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 at EMSCMGTS@nysed.gov.

Federal Funding Sources to Support Summer School Programs

LEAs have available a wide breadth of federal resources that can be used to support the implementation of high-quality summer learning programs. In developing these programs LEAs should consider how these resources can be coordinated to support summer opportunities. For example, ESSA program funds, Elementary and Secondary School Emergency Relief Funds, and/or Governor's Emergency Education Relief Funds can be coordinated with other fund sources to strengthen these complimentary services. Several LEAs also have ARP State Reserve funding available which includes a reserve that is specifically to be used to carry out the implementation of evidence-based summer enrichment programs. For more information on leveraging federal resources to best support summer learning programs please contact the Office of ESSA-Funded Programs at Conappta@nysed.gov.

STATE ASSESSMENTS

Administration Schedule

The examination administration schedule for August is available on page 29 of this document and is also available on the NYS August 2023 Regents Examination Schedule webpage.

Instructions for Administration

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

- ✓ Meet the eligibility requirements as described in 8 NYCRR §110.4[a], or
- ✓ Were approved for credit by examination in accordance with Section 100.5(d)(1) of the Commissioner's regulations.

- 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.

- Students not enrolled in a summer school program must provide written permission from their home school principal to be admitted to an August examination. It is recommended that the test site administrator retain the written permission from the home school administrator for a minimum of one year from the date of testing.

- Public school districts may not charge resident students a fee for admission to, or scoring of, the August examinations.

- 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.

- Plans should be made **well before August 16** to verify the identity of each student entering the examination room. This precaution is especially important in the case of students who are not enrolled in the summer school program but who are taking the August examinations at your school. Accurate and permanent attendance records must be kept for each examination. A summer school principal should be able to use the attendance records later to verify the presence or absence of a student for any August examination, if called upon to do so.

- Both the summer school and the school attended during the regular school year must maintain an accurate record of students' examination scores.

- For information on testing accommodations for English Language Learners (ELL) and former ELL students, see page 18 of the *School Administrator's Manual for Regents Examinations*.

- All students taking the August 2023 Regents Examination in Physical Setting/Earth Science, including those retaking the written examination, must take the Earth Science Performance Test (Part D) during the two-week period immediately preceding the August written examination. This performance test must be administered to each student in one continuous block of time in one day. Scores earned by students on the Earth Science Performance Test taken in conjunction with prior administrations of this written examination may not be carried over and applied to the student's final examination score for a subsequent Regents Examination. Only the performance test score earned by the student in this two-week period immediately preceding the written examination may be used to determine the student's final examination score for the August 2023 Regents Examination in Physical Setting/Earth Science. This requirement applies to both students enrolled in the course of study, such as in summer school, and students who register only to retake the examination. All schools administering this examination must notify students of the date and time to appear for the performance test.

- Schools are required to use uniform machine-scorable answer sheets developed by a Regional Information Center (RIC) or large-city scanning center. Throughout the State, in consultation with the Department, schools must make the necessary arrangements to obtain machine-scorable answer sheets and scanning services for all Regents Exams from a RIC or large-city scanning center.

- All schools administering August 2023 State examinations must make arrangements for the scoring of the exams to be completed by the minimum required number of teachers in the subject area of the test, none of whom may be the student's 2023 summer school teacher or 2022-23 school year teacher.

Online Requesting of August 2023 Examinations

The State Education Department's Office of State Assessment (OSA) will send an e-mail which provides all information on requesting examinations to all principals identified as summer school administrators in late June/early July 2023. To avoid any delays, high school principals for the "regular school year" are encouraged to enter the Department's application business portal now to check the "School Information" page in the online examination request system and to verify or enter:

- Whether the school intends to request August examinations.
    - If not, please enter "no".
    - If yes, please enter the name of the summer school administrator.

- The summer school administrator's contact information (phone, fax, and e-mail address) for July and August.

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

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

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

AUGUST 2023
EXAMINATION SCHEDULE

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

Wednesday August 16	Thursday August 17
8:30 a.m.	**8:30 a.m.**
Algebra I English Language Arts	U.S. History & Government (Framework) Physical Setting/Earth Science Physical Setting/Chemistry
12:30 p.m.	**12:30 p.m.**
Global History & Geography II Algebra II	Geometry Living Environment

Uniform Admission Deadlines

Morning Examinations — 9:15 a.m. Afternoon Examinations — 1:15 p.m.

DET 504 AUG 2023

STATE EDUCATION DEPARTMENT CONTACTS

Driver and Traffic Safety Education
Website: http://www.nysed.gov/career-technical-education/driver-and-traffic-safety-education-dtse
Phone: 518-486-1547
Email: EMSCDRVED@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 Educational Design and Technology
Website: http://www.nysed.gov/edtech
Phone: 518-474-5461
Email: edtech@nysed.gov

Office of ESSA-Funded Programs
Website: http://www.nysed.gov/essa
Phone: 518-473-0295
Email: conappta@nysed.gov

Office of Information and Reporting Services
Website: http://www.p12.nysed.gov/irs/
Phone: 518-474-7965
Data Support

Office of Innovation and School Reform
Website: http://www.p12.nysed.gov/oisr/
Phone: 518-473-8852
Email: oisr@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 Standards and Instruction
Website: http://www.nysed.gov/curriculum-instruction
Phone: 518-474-5922
Email: emscurric@nysed.gov

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

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

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

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

Student Centered Technical Assistance Support
Website: https://www.p12.nysed.gov/sss/
Phone: 518-486-6090
Email: SCTAS@nysed.gov