

(X) Required

(x) Local

(x) Notice

EXTREME HEAT CONDITION DAYS

NOTE: Education Law §409-n requires district to adopt a policy addressing student and employee health and safety on days of high heat, including specific actions. The law takes effect 9/1/25. We encourage you to consult with your school attorney in implementing this law.

As required by Education Law section 409-n, the Board of Education adopts this policy to address the health and safety of students and employees on extreme heat condition days. “Extreme heat condition days” are defined by law as when occupiable educational and support services spaces are eighty-two degrees Fahrenheit or higher. Under the law, “support services spaces” do not include kitchen areas used in the preparation of food for consumption by students. The law requires room temperature to be measured at a shaded location, three feet above the floor near the center of the room.

NOTE: The following paragraph is optional. We understand that not every educational and support service space has the capacity and equipment for air conditioning, and that it can be prohibitively expensive to retrofit buildings to add air conditioning.

Air conditioners, where available, may also be used to keep temperatures from reaching eighty-two degrees, or to lower the temperature once it does. Evaporative cooling techniques may be feasible in some situations.

Actions to be Taken at Eighty-Two Degrees

NOTE: The following paragraph reflects the requirements of Education Law §409-n. The law does not address the requirements of building and fire codes (e.g., turning off lights and pulling down shades might conflict with minimum illumination levels; door hold-open devices must automatically release upon activation of the fire alarm). We recommend including language that all actions be taken consistent with fire and building codes. We also suggest optional language to forego using electronic equipment to the extent practicable.

We understand there may be significant challenges and costs to comply with the law, such as: windows that are not designed to be opened, windows that do not have screens (which may let in insects that are dangerous to those with allergies), outdoor air quality concerns (due to industrial or wildfire pollution), security concerns and safety plans that limit opening windows and/or doors, lack of window shades, and adequate numbers of fans.

When the temperature of an occupiable educational or support service space reaches eighty-two degrees Fahrenheit, the district will take actions to relieve heat-related discomfort (consistent with fire and building codes), including but not limited to the following:

1. Turning off the overhead lights;
2. Pulling down shades or blinds;
3. Turning on fans;

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4. Opening classroom doors and windows to increase circulation;
5. Turning off unused electronics that produce heat [*optional language*: , and not utilizing electronic equipment to the extent practicable]; and
6. Providing water breaks.

NOTE: Education Law §409-n does not address who must take these actions. It may be most efficient for the school staff member in charge of the space (e.g., the classroom teacher for each classroom, the librarian for the library, etc.) to take the actions, but depending on the equipment and the ability of the staff person, this may differ across situations. Provisions of your collective bargaining agreements may also impact who can be required to take the actions.

The Superintendent of Schools, Director of Facilities, and Building Principals will determine which actions to take, when to take them and in what order, and who will take them (consistent with applicable collective bargaining agreements).

NOTE: The following paragraph is optional. It is likely that once a room's temperature reaches eighty-two degrees, the actions listed above will be less effective in managing high temperatures than if they were undertaken when the temperature was lower. The following paragraph, if adopted, would allow such actions to be taken before temperatures reach 82 degrees. The district could also alter the language to require taking actions earlier (change "may" to "will").

On days when the outside temperature is expected to reach at least [*insert temperature, e.g., seventy-five*] degrees, the district may take the actions listed above earlier in the day or before school starts, when the temperature is lower. The Superintendent and Director of Facilities will develop strategies to cool the district's occupiable educational and support services spaces during hot days. The district will also remind students and their families to dress appropriately for the weather.

NOTE: The following paragraph is not addressed in Education Law §409-n, but we have included it to address individuals with specific needs for air conditioning.

This policy does not preclude air conditioning from being used pursuant to an Individualized Education Program, Section 504 Plan, or documented medical need.

Actions to be Taken at Eighty-Eight Degrees

NOTE: Education Law §409-n requires that the policy must include a plan to remove students and staff from occupied spaces when a room is too hot to be occupied, but does not address what the district must do, may do, or may not do. An amendment to the law is expected to pass, which would add the language "when practicable" below. The amendment to the law would also remove a requirement to include such evacuation in district school safety plans.

The following paragraph reflects the requirements of the law, and the numbered list items that follow are suggestions which can be modified.

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Students and staff will be removed from educational and support services spaces when the temperature reaches eighty-eight degrees Fahrenheit, when practicable. The Superintendent will direct Building Principals to evacuate the space, including but not limited to the following:

1. Move students and staff to cooler locations; or
2. Close school early and send students and staff home according to the district's early closing protocols.

NOTE: The following paragraph is optional, and addresses a topic not covered by Education Law §409-n. School districts are able to offer remote instruction under existing state regulations during emergencies (8 NYCRR §175.5(e)), which includes "extraordinary adverse weather conditions" as a reason to close due to an emergency. "Extreme heat condition days" might count as an extraordinary adverse weather condition.

Closing school entirely for the day increases the possibility of not attaining 180 school days in a given year as required by Education Law §§3204 and 3604 (for purposes of state aid). Unused snow days, if available, could make up for these high heat days, if compatible with collective bargaining agreements. Education Law §3604(7) allows an exception of up to five days for "extraordinarily adverse weather conditions" and "a credible threat to student safety as reasonably determined by a lead school official," where the district cannot make up such days by using vacation days. Districts should discuss with their attorney whether extreme heat condition days could count as either circumstance.

Another strategy, if compatible with the district's collective bargaining agreements, would be to start school earlier in the day, to complete the school day before it gets too hot.

The district could also consider sending students home early and continue instruction remotely, but it is likely difficult to manage that disruption to the educational process.

On days when the outside temperature is expected to be high enough that temperatures in occupiable educational or support service spaces are likely to reach eighty-eight degrees, even with the heat mitigation measures taken, the district may hold classes remotely (in accordance with the board-approved emergency remote instruction plan) or close school entirely (in accordance with required minimum instructional time). The Superintendent is authorized to make this decision. Remote learning may be district-wide, building-level, or for groups of students and staff affected by the extreme heat conditions.

NOTE: The following paragraph is optional regarding students taking exams. The law does not address what should occur if an exam, including a state or Regents exam, is being administered during extreme heat condition days. NYSED handbooks on administering Regents and state exams (<https://www.nysed.gov/sites/default/files/programs/state-assessment/directions-administering-regents-examinations-124.pdf> and <https://www.nysed.gov/sites/default/files/programs/state-assessment/38-sam-2022.pdf>) say that if students must be evacuated due to an emergency such as a bomb threat or fire drill, the students should be supervised and the exam should be continued if possible, extending the time for the exam.

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During exams, if the temperature reaches eighty-eight degrees in spaces where exams are being administered, students and staff will be evacuated from the exam room, and testing will resume at a time and place when it is safe to do so. On exam days when the outside temperature is expected to be high enough that the temperatures in spaces where exams are being administered are likely to reach eighty-eight degrees, even with the heat mitigation measures taken, the district will attempt to find alternate locations to administer exams.

Other Adjustments

NOTE: The following two paragraphs are optional, but are provided for the Board's consideration.

The Board will consider actions such as planting trees, installing “green” roofs or reflective roof surfaces, purchasing shade structures, and installing air conditioning, within available resources and building capability.

The Board will consider the anticipated number of extreme heat condition days when adopting or adjusting the school calendar, consistent with collective bargaining obligations.

Cross-ref: 4765, Online, Distance and Remote Learning

Ref: Education Law §§409-n; 2801-a

Adoption date: