



Attendance and Enrollment Frequently Asked Questions (FAQ)

****Please Note: While State Aid provides and references guidance such as this FAQ, Statutes and Regulations, it is up to the district to interpret any guidance provided with the assistance of the district's representatives, experts, counsel, other appropriate SED offices, etc.***

Extraordinary Condition Days & State of Emergency Days

1. When should a district apply for Extraordinary Condition or State of Emergency Days?

Districts should only apply for Extraordinary Condition or State of Emergency Days if they do not meet the 180 day or 900/990 hourly requirement AND have met the criteria outlined on Schedule A8.

2. What steps must districts take when they close one or more school(s) for an emergency or unplanned reason?

Education Law §2(15) defines a school year and Commissioner's regulations §155.17(f) requires that: *"(1) Whenever the building-level emergency response plan is activated and results in the closing of a school building, the superintendent or their designee shall notify the commissioner as soon as possible and shall provide such information as the commissioner may require in a manner prescribed by the commissioner. In addition, school districts within a supervisory district shall provide timely notification to the BOCES district superintendent. Such information need not be provided for routine snow emergency days."*

3. When should a district send in required documentation of a closure required by a State of Emergency declaration?

Where possible, districts are encouraged to use additional days built into the calendar to handle closures first. If the district is short of 180 days or 900/990 hours at the end of the school year due to the closure required by such declaration, the required documentation is due simultaneously with the submission of Form A by September 2nd after the close of the school year, per §3601 of Education law. Districts may submit early if desired, but the documentation will not be reviewed until Form A and subsequent schedules have been certified for review in the corresponding claim year.

4. If a district is reporting a State of Emergency Day, does the order of events matter—specifically, the timing of when the superintendent closed the school compared to when the State of Emergency was declared?

Education Law §3604(7) provides that the Commissioner may disregard a short session reduction for *“any day or days on which session had been previously scheduled but the superintendent was required to close the school or schools due to a properly executed declaration of a state or local state of emergency pursuant to article two-B of the executive law.”* If the superintendent was required to close the school or schools due to an emergency declaration, the sequence of the superintendent or executive action is not relevant. Information on the process of claiming these days is available in the [Directions for Schedule A-8 \(Extraordinary Condition Days and State of Emergency Days\)](#).

5. If a district receives an emergency declaration (Statewide or local) impacting a scheduled day of session, how should the district determine whether the declaration requires the Superintendent to close school(s)?

Districts should consult local counsel and the [Directions for Schedule A-8 \(Extraordinary Condition Days and State of Emergency Days\)](#) for guidance determining whether an emergency declaration requires the closure of school(s).

6. If a district has canceled session for more days than expected due to adverse weather conditions, can a district extend the calendar and the remaining days of session rather than cancel a scheduled vacation day?

Education Law §3604(7) requires 180-days of instruction. Commissioner's Regulation §175.5 requires 900/990 annual instructional hours. Commissioner's Regulation §175.5(b)(2) provides that districts may schedule session on *“any day, excluding Saturdays and legal holidays pursuant to Education Law §3604(8), from the first day in which attendance may be required pursuant to Education Law §3205(1)(c) until the end of the school year, plus superintendents' conference days.”* Districts have broad flexibility in how to meet both requirements as session may be scheduled beginning September 1 through June 30.

7. What is the process for claiming an Extraordinary Condition Day?

Education Law §3604(7) requires 180 days of instruction and provides that the Commissioner may disregard up to five days if the closure was due to extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, a credible threat to student safety as reasonably determined by a lead school official or the destruction of a school building either in whole or in part, or such other cause as may be found satisfactory by the Commissioner, AND if the district cannot make up such days by using all scheduled vacation days which occur prior to the last scheduled Regents examination day in June (for Grades K-6) or before the first scheduled Regents exam day in June (for Grades 7-12). These days would be reported on Form A, Sch A-8, and a valid link to the school year calendar will also need to be entered. Further documentation may also be requested. This section of law also provides that *“scheduled vacation days' shall mean days on which the schools of the district are not in session and for which no prohibition exists in subdivision eight of this section for them to be in session.”* Further details can be found in the [Directions for Schedule A-8 \(Extraordinary Condition Days and State of Emergency Days\)](#).