

NEW YORK STATE EDUCATION DEPARTMENT
ALBANY, NY 12234



*Handbook for Summer School
Administrators and Principals (2020)*

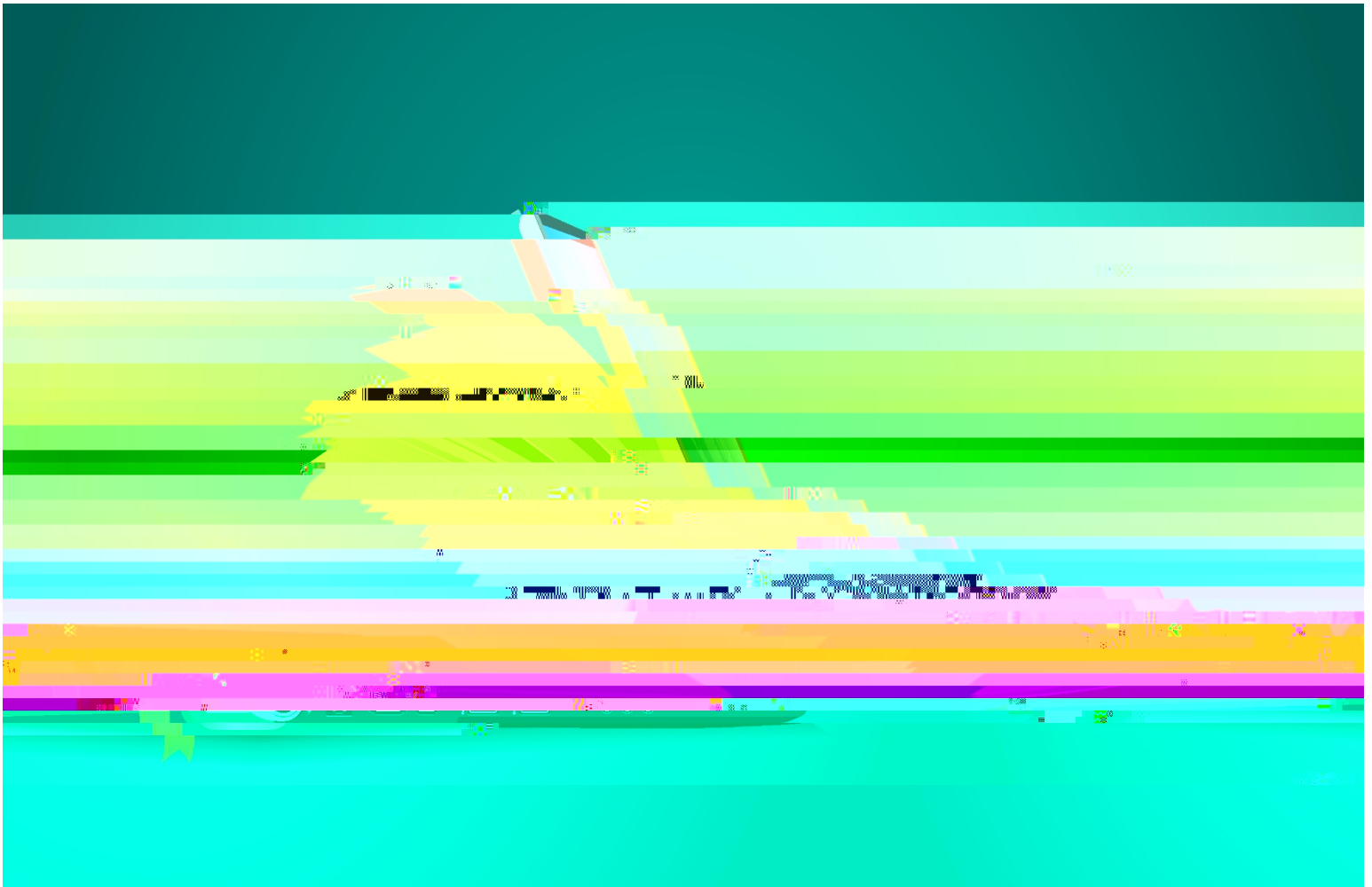


Table of Contents

2020 Calendar	3
I. INTRODUCTION	4
II. SUMMER SCHOOL PROGRAM REQUIREMENTS.....	5
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II. SUMMER SCHOOL PROGRAM REQUIREMENTS

General Summer School Requirements for All Summer School Programs

Summer school programs must adhere to the following conditions:

To the extent required by law, employ teachers who are appropriately certified to teach in the schools of this State, use paraprofessionals, as needed, and, for secondary summer school, assign such teachers to teach only the courses in which they are certified (8 NYCRR §§110.1[c], 110.2[c]).

Provide a program of at least 20 hours of instruction, or the equivalent, with a maximum program of 90 hours for State aid purposes during the months of July and August, exclusive of days used for registration or administration of final examinations (8 NYCRR §§110.1[b], 110.2[b]).

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

Summer School Offered Remotely Using Digital or Online Methodologies Requiring a Device and Internet Connectivity

Schools that operate elementary and secondary summer school programs via digital or online methodologies

- must meet all the general summer school requirements outlined above;
- must provide regular and substantive interaction between students and a certified teacher in the subject area in order to support learning;
- must provide synchronous online instruction for at least one hour per day in both elementary and secondary schools, and the combined synchronous instruction and asynchronous learning activities must not exceed 5 hours per day (elementary) and 5.5 hours

- must include teacher contact via telephone, text or email (whichever is more likely to assure access to the student and/or parent) with students participating in their summer school program at least 3 days per week to provide instructional support. Other such days that the summer school is in operation, teachers must be available for students to make contact via telephone, text or email in order to seek instructional support. All such contact should be conducted at the reasonable mutual convenience of both the student and teacher.

Resident Students – Public, Nonpublic and Home Schooled

When a public school or school district operates a summer school or participates in a BOCES regional summer school, all resident students, including public, nonpublic, and home-schooled students, are entitled to attend the summer school program. A public school, school district or BOCES cannot charge resident students fees for any instruction or program leading to a high school diploma (Education Law §3202; 8 NYCRR §100.2[q][3]; Matter of Gordon, 14 Ed Dept Rep 358, Decision No. 9,013). However, students must meet any academic requirements for a course.

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

School districts which do not operate summer school programs cannot be required to assume responsibility for the tuition of resident students who attend summer school in other districts (Appeal of Stamler, 38 Ed Dept Rep 292, Decision No. 14,036; Matter of Roman and Battle, 14 *id.* 247, Decision No. 8,954). For the purpose of summer school instruction, a resident nonpublic school student is not considered to be an enrollee of the nonpublic school (see Formal Opinion of Counsel, No. 149, 4 Ed Dept Rep 230).

School districts may seek recovery of costs for lost books or other liability that an individual student may incur. However, school districts may not withhold admission to the next semester, report carpm9u BT 0

Nonresident Students

A school district operating a summer school or participating in a BOCES regional summer school

ESY services (i.e., 12 month service and/or program) are special education services and/or programs provided on a year-round basis, for students determined to be eligible in accordance with sections 200.6(k)(1) or 200.16(i)(3)(v) of Commissioner's Regulations whose disabilities require a structured learning environment of up to 12 months duration 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 IEP goals and objectives mastered at the end of the previous school year. A student's need for services during the months of July and August must be made by the Committee on an individual basis.

ESY programs operate under different program requirements, funding mechanisms and approval processes than summer school. Additional information about ESY is available on the Office of Special Education's [Frequently Used Special Education Applications webpage](#) by contacting the Office of Special Education at (518) 473-2878 or speced@nysed.gov.

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

III. HIGH SCHOOL COURSE REQUIREMENTS AND CREDIT

Summer School Coursework Delivered Via Online Learning

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

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

See [Part 100.5 of the Commissioner's Regulations](#) for additional information pertaining to Online and Blended Learning.

Summer Course Taken to Improve an Existing Grade or Make Up an Incomplete or Failed Course

A summer course to improve an existing grade or make up an incomplete or failed course may be offered for less than 90 hours/credit and carries only partial credit. Such courses may be offered in an online model or a model that does not require a computing device or the internet, if a computing device or internet access is not available. It is appropriate to factor in the grades from both the summer and the regular school year in determining the final course grade. A student who failed a course during the regular school year due to a deficiency level may make up that course in the summer. However, if a student failed a course due to inadequate or no work completion, he/she may be required to take the entire course again and not be eligible for a summer course.

Section 100.5(d)(8) of the Commissioner's regulations establishes standards for make-up credit programs for school districts, registered nonpublic schools, and charter schools that choose to offer such programs. It is intended to ensure appropriate levels of rigor and quality for making-up incomplete or failed course credit.

Pursuant to §100.5(d)(8) of the Commissioner's regulations, a school district, registered nonpublic school, or charter school may provide

direction and/or supervision of a teacher. For programs offered by school districts and BOCES, the direction and supervision must be provided by a teacher certified in the subject matter area.

In the case of a school district or registered nonpublic school, a student's participation in the make-up credit program must be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator.

To receive credit, the student must successfully complete the make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable.

However, as a result of the cancellation of the August 2020 Regents Examination administration due to COVID-19, students who make up failed and incomplete course credit in Summer 2020 in a course leading to a Regents Examination are exempt from the passing of such examination in order to meet the diploma requirements.

Before a student can participate in a summer school make-up program in another school or district, the home school's school-based panel must approve the student's enrollment. Upon program

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for coursework completed outside of the school in which a student is enrolled lies with the school in which students are enrolled. To receive credit for coursework completed, students should seek approval from the home school prior to participating in the summer school program.

In all cases, online summer school culminating in diploma credit must include regular and substantive interaction between students and certified teachers on a daily basis. Such interaction must occur for a minimum of 1 hour per day and not exceed 5.5 hours per day during the time summer school is in session. Such student/teacher interaction can include but is not limited to the following:

- Student participation in a synchronous class or meeting by audio or video;
- Direct outreach by the teacher, by phone, audio or video teleconference, to check in with the student;
- Student attendance at a teacher's virtual office hours; and/or
- Student participation in an online forum, chat, or discussion thread that includes the teacher.

Attendance for Initial Course Credit

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

IV. STATE AID AND OPERATING INFORMATION

There is no separate categorical aid for general education summer school programs. Foundation Aid provides districts with summer school funding by including the average daily membership in district-operated summer school programs in the pupil count used to calculate Foundation Aid. Expenses for district participation in BOCES summer school programs generate BOCES Aid and are claimed by the BOCES on behalf of the district.

Foundation Aid

Foundation Aid is the largest category of aid for major districts. Foundation Aid is unrestricted aid available to help each district meet its expenditures for general operation and maintenance of the school district. Such operating expenditures include salaries of administrators, teachers and non-professionals, fringe benefits, utilities and maintenance of school facilities. Foundation Aid provides the majority of State funding for general education summer school because the pupil counts used to calculate Foundation Aid include the average daily membership of summer school pupils. Foundation Aid is described briefly below. A more detailed explanation of Foundation Aid can be found in the State Aid Handbook on the [State Aid homepage](#).

Foundation Aid has four main components:

- A State-specified expense per pupil, called the adjusted foundation amount, to which the State and school districts will contribute;
- A State-specified expected minimum local contribution per pupil (based on a computed tax rate or local share formula) representing each district's contribution to the adjusted foundation amount per pupil;
- The number of total aidable foundation pupil units (TAFPU) in the district; and
- A calculation of Foundation Aid payable, which adjusts Total Foundation Aid based on phase-in factors and minimum and maximum aid increases.

While the actual formula is more detailed, in general Foundation Aid is calculated as follows:

$$\text{Total Foundation Aid} = (\text{Adjusted Foundation Amount per pupil minus a local contribution per pupil}) \times \text{Total Aidable Foundation Aid Pupil Units (TAFPU)}$$

The possible aggregate attendance (not actual attendance) of summer school pupils, weighted at .12, is included in the calculation of the TAFPU.

State Aid Reporting

Hours of attendance for summer 2020 in district operated programs should be reported to the State Aid Office on 2020-2021 SAMS Form A by September 2, 2020 (completed by the local district business office).

The costs associated with summer school are also reported to the State Education Department on the ST-3 Form. These costs are used in calculating the Approved Operating Expense (AOE), one of the factors in calculating some State aid to the school district. The term "special schools" used on the ST-3 Form includes district operated continuing education and summer schools.

The Commissioner has determined that non-mandatory summer courses are an ordinary contingent expense and may be part of a contingency budget adopted by the Board of Education (Matter of the Board of Education and Resident TT (de)4 3-encaewpi(e)4 p to t(wpi(e)41

Hourly Attendance for State Aid Purposes

Hourly attendance for programs delivered using a methodology not involving a computing device or internet connectivity.

The per pupil hourly attendance should be calculated using the time in substantive interaction with the teacher in addition to an estimated time that the student spent engaging in learning activities prescribed by the teacher. The hourly pupil attendance for such programs shall not exceed 5 program hours per week times the number of weeks the summer program is administered.

Hourly attendance for programs delivered using online or digital methodologies.

The per pupil hourly attendance should be calculated using the time in substantive interaction with the teacher in addition to an estimated time that the student spent engaging in online learning activities prescribed by the teacher. The hourly pupil attendance for such programs shall not exceed 90 hours per pupil for the entire summer program.

Funding Sources

Education Law §3602(1)(g) and Part 110 of the Commissioner's regulations state that summer school is publicw 0.82 -1.2o2 (i)-7s publi publi publ n to anp Iompubln2 ((a)- J-1 (c)nda)4 (nc)ul(uguubl

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

BOCES provide shared services to public school districts under contracts known as COoperative SERvices agreements or COSERs. If a district wants to provide some services and not others, it needs a separate COSER for each package of services. A BOCES summer school COSER must be operated as a centralized service, operated by the BOCES and supervised by an administrator employed by the BOCES.

V. STATE ASSESSMENTS

Cancellation of the June and August 2020 Regents Examinations

On April 7, 2020,

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

Information and Reporting Services Team

Website: <http://www.p12.nysed.gov/irs/>

Phone: (518) 474-7965

Email: dataquest@nysed.gov

Office of ESSA-Funded Programs

Website: <http://www.nysed.gov/essa>

Phone: 518-473-0295

Email: conappta@nysed.gov