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Subject: Clarification on 180-day Requirements in Light of Executive Orders

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Pursuant to Executive Orders 202.1 and 202.2, any day that a public school district (including Special Act School Districts) or charter school had been previously scheduled to be open but was closed prior to March 18, 2020 at the direction of state or local health officials as a result of the COVID-19 virus, or pursuant to a properly executed declaration of an emergency for the COVID-19 crisis, will satisfy the requirements for a waiver of the usually required reduction in monies payable to school districts and charter schools under Education Law section 3604, provided that such school district or charter school has exhausted any available time, including snow days and vacation days.

Pursuant to Executive Orders 202.4, any day that a public school district (including Special Act School Districts) or charter school had been previously scheduled to be open but is closed during the period of March 18, 2020 through March 31, 2020 will satisfy the requirements for a waiver of the usually required reduction in monies payable to public school districts and charter schools under Education Law section 3604.

Pursuant to Executive Order 202.11, any day that a public school district (including Special Act School Districts) or charter school had been previously scheduled to be open but is closed during the period of April 1, 2020 through April 14, 2020 will satisfy the requirements for a waiver of the usually required reduction in monies payable to public school districts and charter schools under Education Law section 3604, provided that such school district or charter school has exhausted and/or will exhaust any available time, including snow days and vacation days. Such waiver shall not be granted if such closure extends beyond April 14, 2020, unless otherwise directed by the Governor.

The same waiver rules shall apply to the requirement under Commissioner's Regulations 200.7(b)(5) and 200.20(a)(6) to operate for not less than 180 days during the 10-month school year for nonpublic chapter 853 schools, Special Act School Districts, state supported 4201 schools, the two state operated schools, and approved preschool Special Class and Special Class in an Integrated Setting programs.

Districts must continue to provide remote instruction for students, meals for students, and child care for essential workers every weekday between April 1, 2020 and April 14, 2020, even if the district is scheduled to be on spring break during that time.