



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK


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CHARTER SCHOOL OFFICE

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To: School Leaders and Board Chairs of All Charter Schools

From: David Frank, Executive Director 

Date: March 5, 2019

Subject: Non-applicability of the State Aid Waiver for Charter School Snow Days

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In accordance with Education Law §2851(2)(n), charter schools are required to provide at least as much instructional time during a school year as required of other public schools. The law does not specifically require charter schools to provide 180 days of instruction. Instead, charter schools may have fewer days of instruction, with extended learning time in each day, as long as the instructional time provided by the charter school is at least as much time as required of other public schools. In practice, most charter schools provide more days of instruction *and* longer school days, as set forth in their charter. Within the context and requirements of the law, the school's charter is the governing document in terms of how many days of instruction and instructional time the charter school is required to provide.

Although the law does not require 180 days, a school's charter may require 180 days (or more) of instruction. Moreover, charter schools are not eligible for a waiver pursuant to Education Law §3604(7), which relates to reductions in state aid to school districts. If a school's charter requires 180 days and the school will not meet that requirement due to inclement weather or emergency days, the school should re-adjust its annual calendar, in consultation with the school community. This may necessitate the reallocation of planned vacation days in consultation with the school community that is inclusive of parents.

Failure to have the days of instruction required by the school's charter would result in the school being out of compliance with the charter, may lead to accountability ramifications from the school's authorizer, and may prevent the school from billing a full 1.0 FTE for its students. For more information about calculating student FTEs, please refer to <https://stateaid.nysed.gov/ftcalc/calcfte.htm>. For information on what your charter requires, please reach out to your authorizer. Charter schools authorized by the Board of Regents should reach out to their NYSED Charter School Office liaison.