



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

March 31, 2021

**TO:** BOCES District Superintendents  
School District Superintendents  
School District Business Officers  
Charter School Leaders

**FROM:** Phyllis D. Morris, Chief Financial Officer *Phyllis D. Morris*

**RE:** **Impact of Revised Regents Examination Schedule on Hourly Instructional Requirements and 180 Session Day Requirements**

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Regulations of the Commissioner of Education provide that days on which certain examinations are held count towards the annual minimum hourly requirement. These days include the days specified on the Regents Examination schedule for Regents Examinations and locally-developed Checkpoint A and B World Language Exams, and Rating Day(s). Days on which examinations are not held in the school do not count towards the annual minimum hourly requirement unless instruction is provided.

8 NYCRR 175.5(i)(1) reads, in part:

For only the grade levels sitting for a Regents examination, a district may schedule the average number of instructional hours it provides on non-examination days for days on which Regents examinations or rating day(s) are held, and have such hours count toward the annual minimum hourly requirement.

This provision allows districts and charter schools to count the average number of instructional hours towards the minimum instructional hour requirement for days on which, pursuant to the Regents Examination schedule, the school is conducting a Regents Examination or locally-developed Checkpoint A or B World Language Examination, and for the Rating Day. With the cancellation of many of the Regents Examinations originally planned for administration in June 2021, the [schedule for the updated June 2021 Regents Examination period](#) now includes fewer days during the 2020-21 school year on which Regents Examinations will be held. Regents Examinations will no longer be administered on June 15 or June 16 of 2021.

A Regents Exam day only counts as a session day if an exam is held on that day in the school. Because Regents Examinations are no longer scheduled for June 15 or June 16 of 2021, June 15 and 16 may no longer be considered Regents Exam days. Therefore, schools must provide instruction on June 15 and 16 to count these days towards days of session. June 21 may only be counted as a Regents Day if the school is administering locally-developed Checkpoint A or B World Language Exam(s) to its students on this day. If not, the school must provide instruction on June 21 for this day to be counted as a session day.

Finally, no Regents Examinations are scheduled for June 18 to allow for the weekday observance of the Juneteenth state holiday. General Construction Law §24 provides that holidays that fall on a Sunday are observed the Monday after. The law does not require observance of holidays that fall on a Saturday. In 2021, June 19 falls on a Saturday. Districts and charter schools are not obligated to close on June 18 for this holiday. Districts and charter schools that choose to hold an instructional day on June 18 will be able to count it towards the minimum instructional requirements.