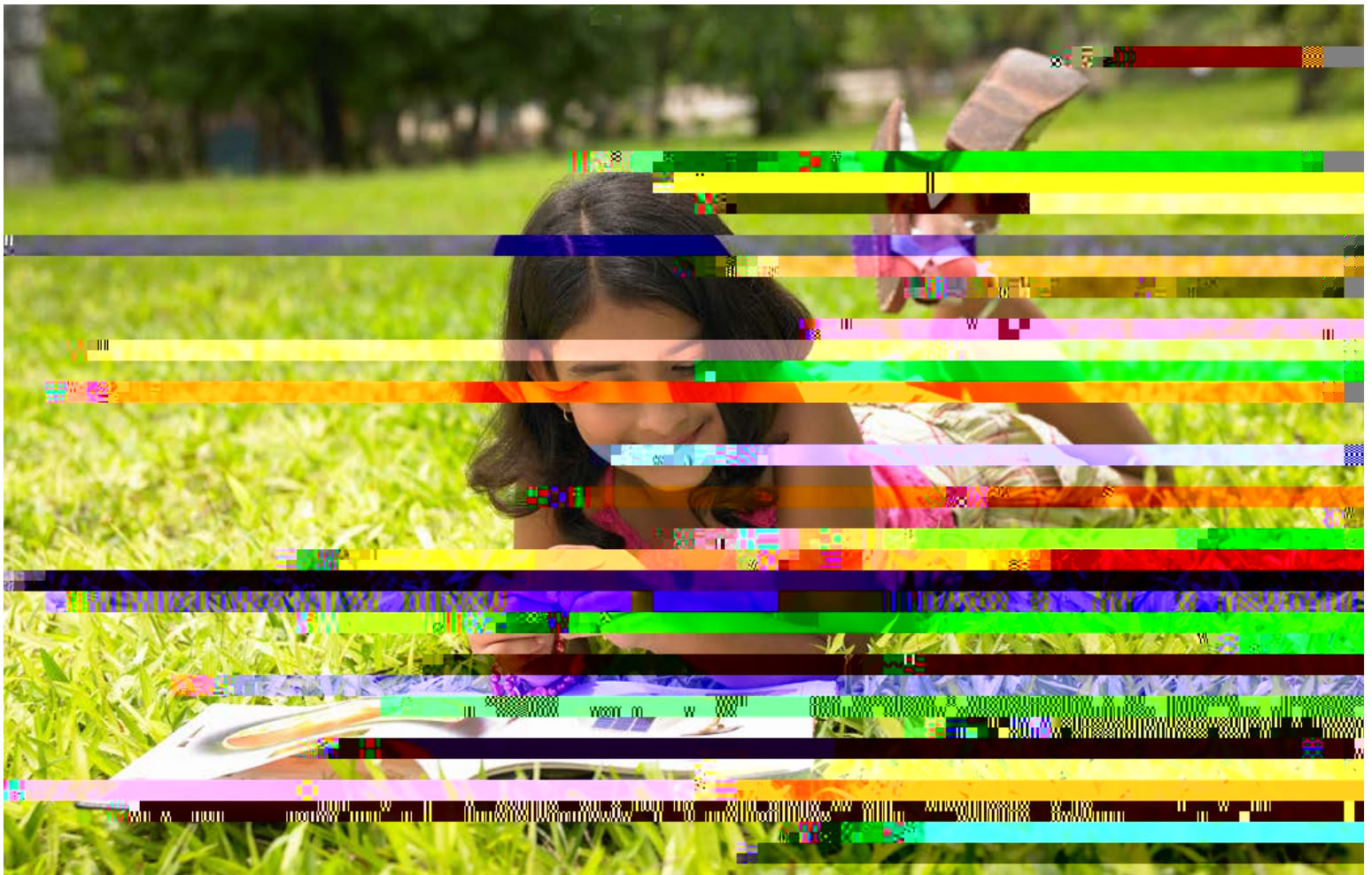


# Handbook for Summer School

## Administrators and Principals ( 2021)



Updated May 13, 2021





## I. INTRODUCTION

### Promising Practices for Summer Learning

Summer learning programs versus more traditional summer school programs offer opportunities to engage students and families in fun, creative, and educational programming that reinforces and enriches school year learning. As a result, participating students have a greater chance to sustain or improve wellbeing and academic learning, which can be especially impactful in minimizing inequities for students at risk



co-create thriving schools and contribute to safe, healthy, and just communities.” (Collaborative for Academic, Social, and Emotional Learning, 2020).



- x Offer opportunities for movement and physical activity. Social emotional and physical well-being are interconnected.
- x Leverage transformative SEL to support the work of anti-racism and anti-bias.
- x Implement explicit SEL lessons and embed opportunities to develop and practice SEL competencies within academic lessons.
- x Embed SEL and trauma-responsive practices in restorative discipline policies.
- x Consider how community school strategies might be leveraged for greater impact.

Several opportunities for professional learning are available through the Teaching in Remote Learning Environments (TRLE) Initiative at [eTeachNY](https://www.ed.gov/eTeachNY)

### Additional Resources for Implementation

A number of helpful resources are available to assist districts and schools in identifying promising practices to increase the efficacy of summer learning programs, including the following:

- x McCombs, Jennifer Sloan, Catherine H. Augustine, John F. Pane, and Jonathan Schrey, [Summer Counts: A Longitudinal Analysis of Outcomes from the National Summer Learning Project](#) Santa Monica, CA: RAND Corporation, 2020.
- x McCombs, Jennifer Sloan, Catherine H. Augustine, Fatih Unlu, Kathleen McGhee, Scott Naftel, Celia J. Gomez, Terry Marsh, Goke Akinniranye, and Ivy Tso, [Testing in Successful Summer Programs: A Review of Evidence Under the Every Student Succeeds Act](#) Santa Monica, CA: RAND Corporation, 2019.
- x National Academies of Sciences, Engineering, and Medicine. [2019. Planning Summertime Experiences: Opportunities to Promote Healthy Development and Well-being for Children and Youth](#)

- x [What Keeps Kids Engaged in Summer Learning](https://www.summerlearning.org/content/uploads/pdf/NaftzgerResearchBrief_web.pdf) National Summer Learning Association, 2019.
- x [https://www.summerlearning.org/content/uploads/pdf/NaftzgerResearchBrief\\_web.pdf](https://www.summerlearning.org/content/uploads/pdf/NaftzgerResearchBrief_web.pdf)
- x [National Summer Learning Association Award Winning Summer Programs](#)





instruction 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]).

*f* 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 class.

*f* Elementary schools must provide daily instructional experiences of at least one hour but not more than five hours (8 NYCRR §110.1[d])

*f* Secondary schools must provide daily instructional experiences of at least one hour but not more than five and one half hours (8 NYCRR §110.2[d])

*f* Schools may provide non-instructional activities in excess of 5 hours for elementary schools and 5.5 hours for secondary schools; such activities will not be aidable.

*f* BOCES that operate summer school programs may provide, at the request of two or more component school districts, up to 6 (hour)3 (s)-1 ( f)3 (or)-7 ( s)-1 (

## Summer School offered via Online or Blended Learning

Schools are encouraged and urged, to the extent practicable and allowable per NYS Department of Health and local departments of health requirements, to offer in-person summer school. Schools should prioritize providing in-person summer school for students in grades 6-8, and particularly for students in grades 6-8, students with disabilities, English Language Learners, students experiencing homelessness, students in foster care, students who are migratory seasonal farmworkers (or children of such workers) and other vulnerable students for whom online learning has been difficult and should prioritize social and emotional wellness in addition to academic skills.

Schools that operate elementary and secondary summer school programs completely via online learning (such as fully remote models) or partially via online learning (such as hybrid or blended models) must meet all the general summer school requirements outlined above.

In addition, when instruction is being provided through online learning, schools that operate elementary and secondary summer school programs

- x must provide regular and substantive interaction between students and a certified teacher in the subject area in order to support learning.
- x on days when instruction is being provided online teachers are encouraged to engage synchronously to the greatest extent possible with students. Summer programs provide an opportunity for students to reengage with teachers and peers. Teachers should provide students with ample opportunities to rebuild relationships while engaging both with the content and their classmates. In an online environment, the majority of the program should be in synchronous instruction involving interactive student focused activities such as learning games, real world project or problem based learning, tutoring, online centers and peer to peer support. The combined synchronous instruction and asynchronous instructional experiences must equal between 1 and 5 hours per day (elementary) and between 1 and 5.5 hours per day (secondary) for programs to be aidable. To the extent required by law, synchronous instruction must be provided by a certified teacher and must include regular breaks if in excess of one hour.
- x must provide instructional learning experiences and activities that would be equivalent to a minimum of 20 hours of student engagement over the course of the summer program. These hours are including but not limited to the synchronous instruction described above. Such engagement shall be at minimum 1 hour per day and a maximum of 5 hours per day (elementary) and 5.5 hours per day (secondary).
- x BOCES that operate elementary and secondary summer school programs in 2021 via online or blended learning must use curricula and course content that are determined cooperatively by the BOCES and participating component districts (8 NYCRR §110.5[a][3]), and should offer such programs under OCSE 5881, Summer Online and Blended Learning 0.514 (e)4 (l)-203g

- x For Summer 2021, Online and Blended Learning under either CO SER 5875 or CO SER 5881 will be extended to include all grades K-12. However, if BOCES wish to provide summer school programs via online or blended learning for grades K-12, they must request additional approval from the Department. Please contact [EMSCMGTS@nysed.gov](mailto:EMSCMGTS@nysed.gov) for additional information regarding serving students in grades K-12.

## Resident Student— 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). s prdentb(o a)g-9.99 -1anTd [(E)on, 14(s)-1 [(s)-c>B ac o-1(c)4 (hool)-2noolt pr BOCE ( a)4 (ny a)4 (c 5 >>B a)414(s)- ( pr)3to achon,dent (t)-licannot-2 ( m)-2 (e)-6 (e)4 (t)-2 ( a)4 sts Bsr (de)4 (nt)--1 (t)-ac2 ( di), pr( s)(e)4 (c)4 (hool)-2 ( pr)tl2 (e)-6 r BOCES cdent dis cCE2 (s)-1 ( f)]TJ 0.0025r di tRR §100.Educar m

Decision No. 8,954). A district must treat all nonresident applicants equally and may charge tuition calculated in accordance with §174.2 of the Commissioner's Regulations (see Education Law §§1709(3), (13), 3202(2); Matter of Roman and Battle, Ed Dept Rep 247, Decision No. 8,954). Regarding the ability of students to obtain credit for courses taken outside of the school in which they are enrolled, refer to the section entitled "Summer Course Taken Without Regard to Previous Course Work."

## Reporting in SIRS

Since the school year begins on July 1 and ends on June 30, summer school records are reported with the records for the school year beginning in September following summer school. If the student will be continuing enrollment in the fall in the same district that provided the summer school program,

- x When the service provider is a public school district and a charter school has accountability for the student's performance, use the BEDS code of the district building where the student receives the service.

All courses taken by students during the regular school year must be reported through Student Class Entry and Student Class Detail Record. For courses taken during a school year, use Student Class Entry and Student Class Detail Record.



- x Known, use the BEDS code of the building where the student receives the service, or
- x Not known, use the BEDS code of the district where the student receives the service.

When the service provider is a out-of-district placement (other than a public school district) and is not the district accountable for the student's performance and the building the service is provided in is:

- x Known, use the BEDS code of the building where the student receives the service, or
- x Not known, use the BEDS code of the out-district placement where the student receives the service.



## Schoolage Students with Disabilities

Students with disabilities identified by a Committee on Special Education (CSE) or students with

the COVID-19 virus, the guidance for schools continues to be updated. Schools are encouraged to stay up to date on school information and guidance from the New York State Department of Health (NYSDOH). Schools should monitor the [NYSDOH COVID-19 Webpage for Schools](#) for updates on changing guidance. Schools can also check the [NYS Center for School Health COVID-19 page](#), or subscribe to the NYS Center for School Health's list serve on their home page to receive these updates.

### Health Services

Boards of education of public schools are responsible for the health and safety of students, and must provide and maintain a continuous program of school health services under the direction of the director of school health services (aka medical director) pursuant to Education Law Article 19, which includes but is not limited to guiding parents, students and teachers in procedures for preventing and correcting defects and diseases; providing instruction to school personnel in procedures to follow in case of accident or illness; and providing inspections and supervision of the health and safety aspects of the school facilities and the provision of health information.

The assessment and interpretation of clinical data, triaging, and decision making about the disposition of students relating to illness or injury is the function of a school nurse, registered Professional Nurse (RN), and cannot be delegated to Licensed Practical Nurses (LPN) or unlicensed personnel (see Education Law §§6901,6902;8 NYCRR §29.1[b][10]). Further information on the difference between an RN and an LPN is available at [Use of Licensed Practical Nurses and the term "School Nurse" in School Settings and Provision of Nursing Services in School Settings including One-to-One Nursing Services to Students with Special Needs](#). If a student becomes ill or injured and a school nurse is not available, schools are should contact the parent/guardian to pick up the student or follow district policy for obtaining emergency medical services if necessary.

The Concussion Management and Awareness Act (Education Law §305[46], as added by Chapter 496 of the Laws of 2011), and §136.5 of the Commissioner's regulations requires any student who has sustained or is suspected of sustaining a head injury be immediately removed from athletic activities. Students may not return to athletic activities until they have been symptom free for a minimum of 24 hours and have been evaluated by and receive written and signed authorization to return to activities from, a licensed physician (8 NYCRR §136.5[d][2]). Regardless of where a student sustains a concussion, any student who is diagnosed with a concussion requires both physical and cognitive rest, and schools should make accommodations as recommended by the treating healthcare provider for such students, along with following district policies on concussion management. Additional information on the law and related issues is available at [Guidelines for Concussion Management in School Settings 2018](#)

### Medication Administration

The administration of medications to students in all New York schools is governed by Article 139 and Article 19 of Education Law. More information and guidance on medication management in schools can be found on NYSED's [Guidelines for Medication Management in Schools 2017](#). Other memos related to medications in schools that administrators should be

There are three functional categories of students when it comes to medication administration in schools. They are nurse dependent students, supervised students, and independent students. More detailed information on each functional category and the particular parameters for the administration of medication to such students can be found beginning on page 8 of [Guidelines for Medication Management in Schools 2017](#).

Pursuant to Education Law §§ 916, 916-a, and 916-b, certain students must be allowed to carry and self-administer certain medications if they have both a provider order and an attestation from the health care provider confirming the student has demonstrated he or she can self-administer their medications effectively, along with written parent/guardian consent to carry.



- o Secondary schools should use summer enrollment numbers to determine compliance with §91.2.
- o For the purposes of summer school in the summer of 2021, “period” should be considered one hour.
- o For secondary schools operating in a fully online modality, the certified school library media specialist may also provide services through a fully online modality

## Driver and Traffic Safety Education

Information regarding Driver and Traffic Safety Education (DTSE) can be found on the [Office of Career and Technical Information's website](#)

DTSE programs may not commence instruction prior to receiving notification of program approval from the State Education Department. Please allow at least four weeks to process your program's application as applications filed without sufficient time for review may not be approved in time to commence your school's DTSE class. For additional information please contact the Office of Driver and Traffic Safety Education at (518) 486-47.

### DTSE Classroom Instruction

The 24 hours of classroom instruction may be met fully in person, fully online, or through a hybrid of both in-person and online instruction. All classroom instruction must be delivered by an appropriately credentialed DTSE (MV283 lecture) teacher, including coursework for students seeking the Prelicensing Course Completion Certificate (MV78).

### DTSE In-Vehicle Instruction

The 24 hours of laboratory (in-vehicle) instruction may be met under the supervision of a parent/guardian holding a valid NY State Driver's License. COVID-19-related circumstances (e.g., social distancing requirements) do not allow students to enter a vehicle with a professional driving instructor (either an instructor with a valid MV283 Driver Education Instructor Certificate or an instructor with a valid MV524 Driving School Instructor Certificate contracted to teach in a DTSE program).

The student's school must provide the parent/guardian with specific information regarding the 24 hours of in-vehicle instruction, observation, and applied practice that the parent/guardian will deliver. Upon completion of this instruction, the parent/guardian must document and attest to the student's school that the student has received the 24 hours of combined in-vehicle instruction, observation and applied practice. It is a school's responsibility to determine how the parent/guardian will document and attest to the completion of the 24 hours, as the school is ultimately responsible for the issuance of the MV78 Certificate of Completion.

### III. HIGH SCHOOL COURSE REQUIREMENTS AND CREDIT

Schools are encouraged, to the extent practicable and allowable per NYS Department of Health and local departments of health, to offer in-person summer school. Schools should prioritize providing in-person summer school for students with disabilities, English Language Learners, students experiencing homelessness, students in foster care, students who are, migrant or seasonal farmworkers (or children of such workers) and other vulnerable students for whom online learning has been difficult and should prioritize social and emotional wellness in addition to academic skills.

Districts offering secondary summer school programs may offer courses for make-up credit or for initial course credit. For summer 2021, Districts net

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



## Summer Course Taken Without Regard to Previous Course Work (For Initial Course Credit)

A course offered for initial course credit to a student who either has never taken such course before, or is required to repeat an entire course and has no partial credit, must provide at least 45 hours of instruction, or the equivalent, to culminate in one-half unit of credit and 90 hours of instruction, or the equivalent, to culminate in one full unit of credit. Equivalent shall mean a minimum of 45 hours (one-half unit of credit) or 90 hours (one unit of credit) of instructional time for instruction delivered in a traditional face to face model or through alternative instructional experiences, including but not limited to through digital technology or blended learning, that represents standards learning under the guidance and direction of an appropriately certified teacher. Instructional experiences shall include, but not be limited to, meaningful and frequent interaction with an appropriately certified teacher, academic and other supports designed to meet the needs of the individual student and instructional content that reflects consistent academic expectations, person instruction. Any alternative instructional experience must include meaningful feedback on student assignments and methods of tracking student engagement.

Instructional requirements can be met for coursework delivered in online models by tracking the number of hours of student engagement in substantive interaction between the student and the teacher, as well as an estimated number of hours a student spends participating in asynchronous learning activities and/or in completing the coursework. If such programs are offered, schools must adhere to the [General Summer School Requirements](#) as well as the requirements for via Online or Blended Learning.

If students wish to earn initial course credit by enrolling in a summer course at a school or district other than one arranged by their school or home district, students are advised to seek prior permission in order to ensure credit will be accepted by their home school. The decision of whether to grant credit for coursework completed outside of the school in which a student is enrolled in the school in which the student is enrolled. To receive credit for coursework completed, students should seek approval from the home school prior to participating in the summer school program.

## Attendance for Initial Course Credit

As noted below, districts and BOCES must use a portion 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 policies may provide that a properly excused pupil absence does not count as an absence for determining course credit eligibility if the student has performed any assigned makeup work (8 NYCRR §104.1[i][2]). See Part 104 of the Commissioner's Regulations for all applicable requirements.

Attendance requirements can be met for coursework delivered in online models by tracking the number of hours of student engagement in substantive interaction between the student and the teacher, as well as an estimated number of hours a student spends participating in asynchronous learning activities and/or in completing the coursework.



#### 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

90 hours, districts are not limited to 90 hours. Summer school pupils, weighted at 0.12, are included

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## Hourly Attendance for State Aid Purposes

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.

## Funding Sources

Education Law §3602(1)(g) and Part 110 of the Commissioner's Regulations state that summer school is public instruction during the months of July and August. Many sources of funds may support a summer school program including local taxes, state aid, private donations and private, local, State and federal grants. However, the source of funds does not exempt a district from compliance with all laws and regulations applicable to summer school. In Appeal of Delmas, (18 Ed Dept Rep 320, Decision No. 9,859), this requirement is stated as follows:

“A board of education may accept gifts of money to be used for specific programs, but it may not delegate to a third party its responsibility for determining whether or not to offer such programs or any control over the manner in which they are to be offered.”

## Contracting for Instruction

Generally, school districts lack the authority to contract with an independent contractor to provide core instructional services (Appeal of McKenna, et al, 42 Ed Dept Rep 54, Decision No. 14,774), such as social work services (Appeal of Barker and Pitcher, 45 Ed Dept Rep 430, Decision No. 15,375), psychological services (Appeal of Friedman, 19 Ed Dept Rep 522, Decision No. 10,236), and substitute teaching services (Appeal of Woodarek, 46 Ed Dept Rep 1, Decision No. 15,422; pet. to review dismissed sub nom Kelly Services, Inc. v. USNY, et al., Sup Ct Albany County, 5/21/07, Index No. 751206). However, school districts may contract for summer school instruction with another school district (see Education Law §2040) or with a BOCES (Education Law §1950). ICPS school districts must not impose any charge or fee for programs and courses offered to resident students to meet high school diploma requirements (8 NYCRR §100.2[q][3]).

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

## V. STATE ASSESSMENTS

### Regents Examinations/Cancellation of the August 2021 Regents Examinations

On March 15, 2021, the Department announced the cancellation of all but four of the June 2021 Regents Examinations, and all of the August 2021 Regents Examinations. Any student who enrolls in summer school to make up failed course credit in a course leading to a Regents Examination and is subsequently granted such credit shall be exempt from the diploma requirement related to the

## STATE EDUCATION DEPARTMENT CONTACTS

### Student Support Services

Website: <http://www.p12.nysed.gov/sss/summerschool/>

Phone: 518~~4~~86-6090

Email: [StudentSupportServices@nysed.gov](mailto:StudentSupportServices@nysed.gov)

### Driver Education

Website: <http://www.p12.nysed.gov/cte/de/>

Phone: 518~~4~~86-1547

email: [EMSCDRVED@nysed.gov](mailto:EMSCDRVED@nysed.gov)

### Office of State Assessment

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

Phone: Tel: 518~~4~~74-5902

E-mail: [emscassessinfo@nysed.gov](mailto:emscassessinfo@nysed.gov)

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