STATE OF NEW YORK

10239

IN ASSEMBLY

February 12, 2026

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to implementing requirements and guidelines to reduce chronic absenteeism

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Part 1 of article 65 of the education law is amended by adding a new section 3200 to read as follows:

§ 3200. Definitions. For the purposes of this part, the following terms shall have the following meanings:

1. "Absent" means when a pupil is not in attendance for at least fifty percent of a school day; provided that, "absent" does not apply to participation in interscholastic extracurricular activities.

2. "Excused absence", "unexcused absence" and "disciplinary absence" shall be defined by the department which shall identify the rationale of each category for use by local and regional boards of education for the purposes of carrying out the provisions of this part, reporting chronically absent students, and calculating the district chronic absenteeism rate and the school chronic absenteeism rate. For such definitions of "excused absence" and "unexcused absence", the department shall exclude a student's engagement in: a. virtual classes; b. virtual meetings; c. activities on time-logged electronic systems; and d. the completion and submission of assignments, if such engagement accounts for not less than one-half of the school day during remote learning.

3. "Remote learning" means instruction by means of one or more internet-based software platforms as part of a remote learning model.

4. "Chronically absent" or "chronic absenteeism" means when a pupil, who is enrolled in a public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school, whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13142-01-5

5. "District chronic absenteeism rate" means the total number of chronically absent pupils attending a public school district, board of cooperative educational services, charter school, county vocational education and extension board, or nonpublic elementary, middle and/or secondary school system in a school year divided by the total number of pupils under the jurisdiction of such district, board, or system for such school year.

6. "School chronic absenteeism rate" means the total number of chronically absent pupils attending a school in a school year divided by the total number of pupils enrolled in such school for such school year.

§ 2. The education law is amended by adding a new section 3213-a to read as follows:

§ 3213-a. Chronic absenteeism. 1. Attendance reporting. a. The department shall develop a real-time attendance reporting system and a set of codes concerning the types of absences and reasons for such absences that are to be categorized as an "excused absence" or an "unexcused absence". Every public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school shall adopt and use such system and codes.

b. Each public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school shall, at least once per month, post on their public facing website anonymized student attendance reporting data which has been disaggregated by school, grade, race or ethnicity, gender, English learner status, economic status, disability status, and any other category the department deems necessary.

c. (1) Each public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school shall, each month, submit to the department all student attendance data collected by the real-time attendance reporting system during the previous month.

(2) The department shall use such data to compile reports on each school and school district which shall include, but not be limited to:

(A) for each student in each school in each district, anonymized:

(i) their school district, school or board, grade, race or ethnicity, gender, English learner status, economic status, disability status, and any other category the department deems necessary.

(ii) the total number of school days enrolled in such school and school district.

(iii) the total number of days missed for excused and unexcused absences.

(B) the number of students at each school and school district who were referred to the statewide central register for child abuse and maltreatment because of excessive absences in the aggregate.

2. Attendance review teams. a. Each public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school which: (1) has a school district or board chronic absenteeism rate of ten percent or higher shall establish an attendance review team for the school district or board; (2) has a school under the jurisdiction of the school district or board with a school chronic absenteeism rate of fifteen percent or higher shall establish an attendance review team at such school; (3) has more than one school under the jurisdiction of the school district or board with a school chronic

absenteeism rate of fifteen percent or higher shall establish an attendance review team for the school district or board and at each such school; or (4) has a school district or board chronic absenteeism rate of ten percent or higher and one or more schools under the jurisdiction of the board with a school chronic absenteeism rate of fifteen percent or higher shall establish an attendance review team for the school district or board and at each such school. Such attendance review teams shall be established to address chronic absenteeism in the school district, board, or at the school or schools.

b. Any attendance review team established under this subdivision may consist of school administrators, supervisors of attendance as outlined in section thirty-two hundred thirteen of this part, guidance counselors, school social workers, teachers, and representatives from community-based programs who address issues related to student attendance by providing programs and services to school delinquents, as defined in section thirty-two hundred fourteen of this part, and chronically absent students and their parents or person in parental relation.

c. Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent students, discussing school interventions and community referrals for such truants and chronically absent students, and making any additional recommendations for such truants and chronically absent students and their parents or person in parental relation. Each attendance review team shall utilize the tiered strategies developed by the department under subdivision three of this section and shall implement home visits as a part of such strategies.

3. Tiered strategies. a. The department, in consultation with community-based programs and organizations who address issues related to student attendance by providing programs and services to school delinquents, as defined in section thirty-two hundred fourteen of this part, shall develop guidelines and requirements for three tiers of strategies relating to chronically absent students which shall be adopted by each public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school.

b. (1) Tier one strategies shall be universal, whole school prevention attendance strategies for all students, including students who are absent less than ten percent of school days during a school year for any reason, including excused and unexcused absences. Tier one strategies may include, but need not be limited to:

(A) information that describes:

(i) chronic absenteeism, including, but not limited to, the definition of such term under section thirty-two hundred of this part, and the causes of chronic absenteeism, such as poverty, violence, poor health and lack of access to transportation, housing, and other resources.

(ii) the effect of chronic absenteeism on a student's academic performance.

(iii) how family and school partnerships with community resources, including, but not limited to, family resource centers and youth service bureaus, can reduce chronic absenteeism and improve student attendance.

(B) developing indicators to identify students who are at risk of being chronically absent children.

(C) monitoring students' attendance over time.

(D) adjusting interventions as they are being implemented.

(2) Tier two intervention strategies shall be targeted intervention strategies developed for a student who is absent at least ten percent but less than nineteen percent of school days during a school year for

any reason, including excused and unexcused absences. Schools shall utilize home visits as a part of their tier two intervention strategies where visitors are there to learn from families, not to enforce attendance policies or sanctions. Families shall receive multiple home visits that support building relationships over time. Tier two intervention strategies may include, but need not be limited to:

(A) a research-based and data-driven mentorship model that addresses and attempts to reduce chronic absenteeism using mentors, such as students, teachers, administrators, intramural and interscholastic athletic coaches, school resource officers and community partners;

(B) incentives and rewards that recognize schools that improve attendance and reduce the school chronic absenteeism rate and students who improve their attendance;

(C) the holding of a meeting with the parents or person in parental relation of each child who is a truant or chronically absent and appropriate school personnel to review and evaluate the reasons for the child being a truant or chronically absent, provided such meeting shall be held not later than ten school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year;

(D) coordinating services with and referrals of children to community agencies providing child and family services;

(E) annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent or other person having control of each child enrolled in a grade from kindergarten to eight, inclusive, in the public schools in writing of the obligations of the parent or such other person pursuant to section thirty-two hundred twelve of this part;

(F) annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parents or person in parental relation in a grade from kindergarten through eighth grade, inclusive, a telephone number or other means of contacting such parent or such other person during the school day;

(G) (i) the implementation of a truancy intervention model identified by the department for any school under its jurisdiction that has a disproportionately high chronic absenteeism rate, as determined by the department; and (ii) the adoption and implementation of a chronic absenteeism intervention model developed by the department that accounts for mental and behavioral health, or a similar chronic absenteeism intervention plan that meets all of the requirements for such model;

(H) a system of monitoring individual unexcused absences of children in grades kindergarten through eighth grade, inclusive, which shall provide that whenever a child enrolled in school in any such grade fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parents or person in parental relation is aware of the student's absence, a reasonable effort to notify the parents or person in parental relation by telephone and by mail shall be made by school personnel or volunteers under the direction of school personnel;

(I) providing notice to the parent or guardian of a child who is a truant of the information concerning the existence and availability of the 2-1-1 Infoline program, and other pediatric mental and behavioral health screening services and tools; and

(J) a requirement that an appropriate school mental health specialist conduct an evaluation of each child who is chronically absent to determine if additional behavioral health interventions are necessary for the well-being of the child; provided that any person who, in good faith,

gives or fails to give notice of this clause shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

(3) Tier three intervention strategies shall be targeted intensive intervention strategies developed for a student who is absent twenty percent of school days during a school year for any reason, including excused and unexcused absences. Schools shall utilize home visits as a part of their tier two intervention strategies where visitors are there to learn from families, not to enforce attendance policies or sanctions. Families shall receive multiple home visits that support building relationships over time. Tier three intervention strategies shall include all tier two intervention strategies as well as any other strategies the department requires.

4. Early warning systems. a. The department shall develop and each public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school shall implement an early warning system to identify students who need support to improve academic performance, attendance, or engagement in school. Such systems shall utilize the three tiers of strategies relating to chronically absent students developed under subdivision three of this section. The early warning systems shall alert the school, board, and district whenever a student:

(1) has been absent at least ten percent of school days during a school year for any reason, including excused and unexcused absences.

(2) has received an in school or out of school suspension.

(3) has failed or is currently failing any class during any grading period.

(4) displays any other indicator determined relevant by the department.

b. The early warning system shall be capable of providing:

(1) the number of students identified by the system as exhibiting two or more early warning indicators.

(2) the number of students, organized by grade level, who exhibit each early warning indicator.

(3) a description of each tiered strategy used by the school, board, or district to improve the academic performance, attendance, or engagement for students who exhibit at least one early warning indicator.

c. Each school, board, and district's attendance review team shall:

(1) implement and monitor the early warning system described in this subdivision.

(2) identifying students who exhibit at least two early warning indicators and developing appropriate intervention strategies for the student, unless the student is already being served by a tiered strategy.

(3) identifying students who have the potential to become chronically absent.

5. Attendance policies. Each public school district, board of cooperative educational services, charter school, county vocational education and extension board, and nonpublic elementary, middle and secondary school shall provide a copy of their attendance policies to all parents or persons in parental relation of students in that school, board, or district and publish the policy on their website. Such attendance policy shall include, but not be limited to: (1) the rights and obligations of

parents, persons in parental relation, and students pursuant to this part; (2) the prevention strategies that will be implemented to ensure that students attend classes; and (3) details about consequences of failing to adhere to the attendance policy. No attendance policy shall include the use of suspensions or expulsions.

§ 3. Subdivision 1-a of section 3202 of the education law, as added by chapter 400 of the laws of 1981, is amended to read as follows:

1-a. a. No pupil over the compulsory attendance age in [~~his or her~~] their school district shall be dropped from enrollment unless [~~he or she has~~] they have been absent twenty consecutive school days and the following procedure is complied with: The principal or superintendent shall schedule and notify, in writing and at the last known address, both the student and the person in parental relation to the student of an informal conference. The conference shall be offered to take place at the pupil's residence. At the conference the principal [~~or~~], superintendent, and member or members of the attendance review team, if applicable, shall determine both the reasons for the pupil's absence and whether reasonable changes in the pupil's educational program would encourage and facilitate [~~his or her~~] their re-entry or continuance of study. The pupil and the person in parental relation shall be informed orally and in writing of the pupil's right to re-enroll at any time in the public school maintained in the district where [~~he or she resides~~] they reside, if otherwise qualified under this section. [~~If the pupil and the person in parental relationship fail, after reasonable notice, to attend the informal conference, the pupil may be dropped from enrollment provided that he or she and the person in parental relation are notified in writing of the right to re-enter at any time, if otherwise qualified under this section.~~] Such parental relation shall sign an education withdrawal and enrollment form. Such education withdrawal and enrollment form shall include an attestation: (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community; and (2) from such parental relation that such child will be enrolled in an adult education program upon such child's withdrawal from school.

b. For any child regardless of age, the parent may indicate other reasons for removing the child from school such as transferring to another public school in the state, enrolling in private school, transferring to a charter school, or receiving homeschooling instruction. If, however, the parent does not take affirmative steps to withdraw the child from school, then the child must remain enrolled in the school. The district shall continue its efforts to try and reengage the child to return to school.

c. If the district has been unable to locate the child, then the district shall ensure that it has exhausted its due process procedures and practices. These steps include, but are not limited to, sending mail to the student's last known address, home visitation by a school official, health/safety visit by law enforcement, and filing a referral of educational neglect with the statewide central register of child abuse and maltreatment. If after all these and any additional efforts, the district has still been unable to locate the child, and has a reasonable belief that the student has moved out of the district, transferred to another school in the state, or is receiving homeschooling instruction, then in very limited circumstances the district may drop the pupil from enrollment. No school shall remove a pupil from the enrollment without conducting a home visitation by a school official. The exit date shall

be the date when the district completes its due process and the exit date shall not be backdated. Conversely, if the due process procedures allow the district to verify that the student actually transferred to another school, then the information obtained shall be used to report a transfer date. In such cases where the child's whereabouts are unknown, there is no specific time period that dictates when to unregister a student because it will depend on the specifics of the situation and the time it takes for the district to complete its adopted due process procedures, to pursue any and all efforts to locate the student, and to investigate the reasonable belief that the child has moved out of district. Prior to seeking to unregister a student, the district shall consider: (1) if it has made a good faith effort to ascertain the status of the student; (2) if it has evidence which supports the efforts to locate the student; and (3) if it has documentation of the process leading up to the student's removal through unregistration.

§ 4. Paragraph a of subdivision 2 of section 3213 of the education law, as amended by chapter 662 of the laws of 1955, is amended to read as follows:

a. Arrest of truants prohibited. [~~A~~] No supervisor of attendance, attendance teacher or attendance officer, as the case may be, may arrest [~~without warrant~~] any [~~minor~~] pupil who is unlawfully absent from attendance upon instruction. [~~He shall forthwith place the minor so arrested in attendance upon required instruction and shall notify the parent or guardian of the minor, and he may then begin proceedings for his commitment as a school delinquent or arraign him before a court having jurisdiction. Where a minor resides in one school district and attends school in another school district, the supervisor of attendance, attendance teacher or attendance officer of the district where the minor resides and the supervisor of attendance, attendance teacher or attendance officer of the district where said minor attends school shall have concurrent jurisdiction with reference to said minor and to the person or persons in parental relation to him.~~]

§ 5. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.