S T A T E O F N E W Y O R K

1437

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. DILAN, DIAZ, HASSELL-THOMPSON, HUNTLEY, KRUEGER, ONORATO, PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to increasing the compulsory school age to eighteen and extending age eligibility to under twenty-two years

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph a of subdivision 1 and subdivision 3 of section 3205 of the education law, paragraph a of subdivision 1 as amended by chapter 296 of the laws of 1969 and subdivision 3 as amended by chapter 183 of the laws of 2004, are amended to read as follows:

a. In each school district of the state, each minor from six to [sixteen] EIGHTEEN years of age shall attend upon full time instruction, UNLESS SUBDIVISION THREE OF THIS SECTION APPLIES.

3. In each school district, the board of education shall have power to [require] EXCLUDE minors from sixteen to [seventeen] EIGHTEEN years of age [who are not employed to attend upon] FROM ATTENDING full time day instruction until the last day of session in the school year in which the student becomes [seventeen] EIGHTEEN years of age IF THE BOARD OF EDUCATION DETERMINES THAT THE MINOR MEETS AN EXCEPTION ESTABLISHED IN PARAGRAPH A OR B OF SUBDIVISION ONE OF THIS SECTION OR THAT THE MINOR HAS PASSED A HIGH SCHOOL EQUIVALENCY EXAMINATION.

S 2. Subdivision 1 of section 3202 of the education law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

1. A person over five and under [twenty-one] TWENTY-TWO years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition. Provided further that such person may continue to attend the public school in such district in the same manner, if temporarily residing outside the boundaries of the district

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

LBD05055-01-9

when relocation to such temporary residence is a consequence of such person's parent or person in parental relationship being called to active military duty, other than training. Notwithstanding any other provision of law to the contrary, the school district shall not be required to provide transportation between a temporary residence located outside of the school district and the school the child attends. A veteran of any age who shall have served as a member of the armed forces of the United States and who shall have been discharged therefrom under conditions other than dishonorable, may attend any of the public schools of the state upon conditions prescribed by the board of education, and such veterans shall be included in the pupil count for state aid purposes. A nonveteran under [twenty-one] TWENTY-TWO years of age who has received a high school diploma shall be permitted to attend classes in the schools of the district in which such person resides or in a school of a board of cooperative educational services upon payment of tuition under such terms and conditions as shall be established in regulations promulgated by the commissioner; provided, however, that a school district may waive the payment of tuition for such nonveteran, but in any case such a nonveteran who has received a high school diploma shall not be counted for any state aid purposes. Nothing [herein] contained IN THIS SECTION shall, however, require a board of education to admit a child who becomes five years of age after the school year has commenced unless his birthday occurs on or before the first of December.

S 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.