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

2293--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. CLARK -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to attendance of minors in a city with a population of one million or more

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

Section 1. Section 3205 of the education law is amended by adding a new subdivision 4 to read as follows:

4. COMMENCING DECEMBER FIRST, TWO THOUSAND FIFTEEN, EACH SCHOOL DISTRICT LOCATED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY AUTHORIZED TO REQUIRE MINORS WHO ARE FIVE YEARS OF AGE ON OR BEFORE DECEMBER FIRST TO ATTEND KINDERGARTEN INSTRUCTION FROM THE FIRST DAY THAT THE APPROPRIATE PUBLIC SCHOOLS ARE IN SESSION IN SEPTEMBER OF SUCH SCHOOL YEAR, AND A MINOR WHO BECOMES FIVE YEARS OF AGE AFTER THE FIRST OF DECEMBER IN ANY SCHOOL YEAR SHALL BE REQUIRED TO ATTEND KINDERGARTEN FROM THE FIRST DAY OF SESSION IN THE FOLLOWING SEPTEMBER. HOWEVER THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO STUDENTS ENROLLED IN NON-PUBLIC SCHOOLS OR IN HOME INSTRUCTION.

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] AT LEAST five YEARS OLD and under twenty-one 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 when relocation to such temporary residence is a consequence of such person's parent or person in parental relationship being called to

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

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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 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 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 immediately.