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2015-2016 Regular Sessions

I N A S S E M B L Y

March 27, 2015

Introduced by M. of A. ZEBROWSKI, ROSENTHAL, CRESPO, ROBERTS, RAMOS, WEPRIN, GOODELL -- Multi-Sponsored by -- M. of A. CYMBROWITZ, GOTTFRIED, MONTESANO, PEOPLES-STOKES, PERRY, ROBINSON, THIELE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to attendance of minors at full-time day instruction

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

1 Section 1. Section 3205 of the education law, subdivision 1 as amended  
2 by chapter 262 of the laws of 1959, paragraphs a and b of subdivision 1  
3 as amended by chapter 296 of the laws of 1969, paragraph c of subdivi-  
4 sion 1 as amended by chapter 518 of the laws of 1993, paragraph b of  
5 subdivision 2 as amended by chapter 975 of the laws of 1966, paragraph c  
6 of subdivision 2 as separately amended by chapters 187 and 189 of the  
7 laws of 2014, subdivision 3 as amended by chapter 183 of the laws of  
8 2004, is amended to read as follows:

9 S 3205. Attendance of minors upon full time day instruction. 1. a. In  
10 each school district of the state, each minor from six to [sixteen]  
11 EIGHTEEN years of age shall attend upon full time instruction, EXCEPT AS  
12 PROVIDED IN SUBDIVISION FOUR OF THIS SECTION.

13 b. Each minor from six to [sixteen] EIGHTEEN years of age on an Indian  
14 reservation shall attend upon full time day instruction, EXCEPT AS  
15 PROVIDED IN SUBDIVISION FOUR OF THIS SECTION.

16 c. For purposes of this article, a minor who becomes six years of age  
17 on or before the first of December in any school year shall be required  
18 to attend upon full time instruction from the first day that the appro-  
19 priate public schools are in session in September of such school year,  
20 and a minor who becomes six years of age after the first of December in  
21 any school year shall be required to attend upon full time instruction  
22 from the first day of session in the following September; and, except as  
23 otherwise provided in subdivision three of this section, shall be

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

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1 required to remain in attendance until the last day of session in the  
2 school year in which the minor becomes sixteen years of age.

3 2. Exceptions. a. A minor who has completed a four-year high school  
4 course of study OR HAS PASSED A HIGH SCHOOL EQUIVALENCY EXAMINATION  
5 shall not be subject to the provisions of THIS part [one of this arti-  
6 cle] in respect to required attendance upon instruction.

7 b. A minor for whom application for a full-time employment certificate  
8 has been made and who is eligible therefor may, though unemployed, be  
9 permitted to attend part time school not less than twenty hours per week  
10 instead of full time school.

11 c. The board of education of the Syracuse city school district and the  
12 board of education of the city school district of the city of New York,  
13 the board of education of the city school district of the city of  
14 Rochester and the board of education of the city school district of the  
15 city of Utica and the board of education of the city school district of  
16 the city of Buffalo are hereby authorized to require minors who are five  
17 years of age on or before December first to attend kindergarten instruc-  
18 tion. However, the provisions of this paragraph shall not apply to:

19 (i) Minors whose parents elect not to enroll their children in school  
20 until the following September.

21 (ii) Students enrolled in non-public schools or in home instruction.

22 D. A MINOR SEVENTEEN YEARS OF AGE OR OLDER WHO PARTICIPATES, WITH THE  
23 CONSENT OF THE SCHOOL DISTRICT AND THE PERSON IN PARENTAL RELATION TO  
24 SUCH MINOR, IN A COURSE OF INSTRUCTION IN VOCATIONAL OR OCCUPATIONAL  
25 SKILLS SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS PART WITH RESPECT  
26 TO REQUIRED ATTENDANCE UPON INSTRUCTION.

27 3. In each school district, the board of education shall have power to  
28 require minors [from sixteen to seventeen] EIGHTEEN years of age who are  
29 not employed to attend upon full time day instruction until the last day  
30 of session in the school year in which the student becomes [seventeen]  
31 EIGHTEEN years of age.

32 4. IN EACH SCHOOL DISTRICT OF THE STATE, EACH PERSON OVER THE AGE OF  
33 EIGHTEEN YEARS AND UNDER THE AGE OF NINETEEN YEARS, WHO DOES NOT ATTEND  
34 UPON FULL-TIME INSTRUCTION, SHALL ENROLL AND PARTICIPATE IN A GENERAL  
35 EDUCATION DEVELOPMENT COURSE OF STUDY UNTIL HE OR SHE REACHES THE AGE OF  
36 NINETEEN YEARS, OR HE OR SHE PASSES THE HIGH SCHOOL EQUIVALENCY EXAMINA-  
37 TION FOR SUCH COURSE OF STUDY, WHICHEVER SHALL OCCUR FIRST.

38 S 2. This act shall take effect on the first of September next  
39 succeeding the date on which it shall have become a law.