AN ACT to amend the education law, in relation to permitting a student to voluntarily repeat a grade

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 57 to read as follows:

57. Notwithstanding any provision of law to the contrary, the commissioner shall provide that all school districts shall permit any student who voluntarily elect to repeat the grade level such student was in during the two thousand nineteen--two thousand twenty school year in the two thousand twenty--two thousand twenty-one school year if such student missed any in-person instruction as a result of the outbreak of novel coronavirus, COVID-19. Any student who makes such election shall retain the same eligibility to participate in all intramural and interscholastic sports as such student had during the two thousand nineteen--two thousand twenty school year, and shall not be counted against the maximum number of years such student may participate in intramural and interscholastic sports. In addition, the commissioner shall require every school district to notify the parents and persons in parental relation to the students attending such district of the ability to make an election to voluntarily repeat a grade pursuant to this subdivision. Such notification may be provided on the school district's website, if one exists, or as part of an existing informational document that is provided to parents and persons in parental relation.

§ 2. This act shall take effect immediately.