STATE OF NEW YORK

2526

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a personal income tax credit for parents who home school their children

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

Section 1. Section 606 of the tax law is amended by adding a new subsection (c-2) to read as follows:

(c-2) Home schooling credit. (1) A resident taxpayer who maintains a home school in compliance with the regulations of the department of education shall be allowed a credit equal to the cost of learning materials purchased for home schooling purposes during the taxable year, provided that such credit shall not exceed two thousand four hundred dollars. For purposes of this subsection the term "learning materials" shall include, but shall not be limited to, textbooks, workbooks, supplemental reading material, videos, and software.

(2) If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

(3) In the case of a husband and wife who file a joint federal return, but who are required to determine their New York taxes separately, the credit allowed pursuant to this subsection may be applied against the tax imposed of either or divided between them as they may elect.

§ 2. This act shall take effect immediately and shall apply to taxable years commencing on and after January 1, 2022.

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

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