

STATE OF NEW YORK

6728

2021-2022 Regular Sessions

IN ASSEMBLY

March 29, 2021

Introduced by M. of A. ZEBROWSKI, L. ROSENTHAL, RAMOS, STIRPE, STECK, COLTON, PICHARDO, GOTTFRIED, GALEF, GOODELL, MONTESANO, BRABENEC -- Multi-Sponsored by -- M. of A. CYMBROWITZ, DAVILA, PEOPLES-STOKES, PERRY, SIMON, SOLAGES, 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 amended by chapter 703 of the laws of 2019 and
7 subdivision 3 as amended by chapter 183 of the laws of 2004, is amended
8 to read as follows:

9 § 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

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

LBD05176-01-1

1 otherwise provided in subdivision three of this section, shall be
2 required to remain in attendance until the last day of session in the
3 school year in which the minor becomes sixteen years of age.

4 2. Exceptions. a. A minor who has completed a four-year high school
5 course of study or has passed a high school equivalency examination
6 shall not be subject to the provisions of this part [~~one of this arti-~~
7 ~~cle~~] in respect to required attendance upon instruction.

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

12 c. The board of education of every school district within the state is
13 hereby authorized to require minors who are five years of age on or
14 before December first to attend kindergarten instruction. However, the
15 provisions of this paragraph shall not apply to:

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

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

19 d. A minor seventeen years of age or older who participates, with the
20 consent of the school district and the person in parental relation to
21 such minor, in a course of instruction in vocational or occupational
22 skills shall not be subject to the provisions of this part with respect
23 to required attendance upon instruction.

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

29 4. In each school district of the state, each person over the age of
30 eighteen years and under the age of nineteen years, who does not attend
31 upon full-time instruction, shall enroll and participate in a general
32 education development course of study until he or she reaches the age of
33 nineteen years, or he or she passes the high school equivalency examina-
34 tion for such course of study, whichever shall occur first.

35 § 2. This act shall take effect on the first of September next
36 succeeding the date on which it shall have become a law.