

STATE OF NEW YORK

6744

2021-2022 Regular Sessions

IN SENATE

May 13, 2021

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to removing the term incorrigible

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

1 Section 1. Section 4111 of the education law is amended to read as
2 follows:

3 § 4111. Arrest of truants. Any attendance officer may arrest without
4 warrant anywhere within the state any Indian child between six and
5 sixteen years of age, found away from his home and who is then a truant
6 from instruction upon which he is lawfully required to attend within the
7 districts of which such attendance officer has jurisdiction. He shall
8 forthwith deliver a child so arrested either to the person in parental
9 relation to the child, or to the teacher of the school from which said
10 child is then a truant, or in case of habitual ~~[or incorrigible]~~
11 truants, shall bring them before a magistrate for commitment to a school
12 for delinquents, as provided in section forty-one hundred twelve of this
13 article.

14 § 2. Section 4707 of the education law is amended to read as follows:

15 § 4707. Children admitted to such school. Children not more than
16 eighteen nor less than eight years of age may be admitted to or received
17 in such school, either (1) upon the application of the parents or guard-
18 ians having the legal custody or control of such children, accompanied
19 by the written consent of such parents or guardians, or (2) upon commit-
20 ment thereto as truants ~~[or incorrigible pupils as provided in section~~
21 ~~thirty-two hundred fourteen of this chapter,~~ or (3) upon commitment
22 thereto as juvenile delinquents as provided by law, provided that chil-
23 dren convicted of crime shall not be committed to such school. Children
24 who have no homes or who are without proper parental control or who are
25 under improper guardianship may be sent to and received in such school,

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

LBD10630-01-1

1 in the same manner and under the same authority as in case of other
2 children who are improperly provided for at home.

3 § 3. Subdivision 2 of section 4807 of the education law is amended to
4 read as follows:

5 2. Truants[~~, incorrigible pupils~~] or children coming within any of the
6 descriptions mentioned in section thirty-two hundred fourteen of this
7 chapter upon commitment thereto either by the school authorities or by a
8 court having jurisdiction thereof.

9 § 4. Section 4809 of the education law, as amended by chapter 550 of
10 the laws of 1978, is amended to read as follows:

11 § 4809. Transfer of pupils. The board of managers shall have full
12 power to transfer to other institutions any child [~~committed by a court~~
13 ~~found to be incorrigible, not amenable to proper discipline and training~~
14 ~~of the school, or mentally retarded, in the manner and by the methods~~
15 ~~prescribed and set forth in the penal law~~] if a court grants a petition
16 for transfer pursuant to section seven hundred seventy-three of the
17 family court act.

18 § 5. This act shall take effect immediately.