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:

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

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

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

§ 4707. Children admitted to such school. Children not more than eighteen nor less than eight years of age may be admitted to or received in such school, either (1) upon the application of the parents or guardians having the legal custody or control of such children, accompanied by the written consent of such parents or guardians, or (2) upon commitment thereto as truants [~~or incorrigible pupils as provided in section thirty-two hundred fourteen of this chapter,~~] or (3) upon commitment thereto as juvenile delinquents as provided by law, provided that children convicted of crime shall not be committed to such school. Children who have no homes or who are without proper parental control or who are 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.

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

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

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

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

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

§ 5. This act shall take effect immediately.