STATE OF NEW YORK

1472

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PERRY -- read once and referred to the Committee on Children and Families

AN ACT relating to the investigation of and findings of educational neglect of a child during the COVID-19 pandemic

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

Section 1. a. Notwithstanding any law, rule or regulation to the contrary, evidence of a child's excessive absence from school shall not, by itself, be sufficient to find that a parent or guardian of the child failed to provide an adequate education to such child if such excessive absence:

(i) occurred during the state disaster emergency declared pursuant to executive order 202 of 2020 in response to the novel coronavirus (COVID-19) pandemic; and

(ii) is a result of the child not having the opportunity to participate in remote learning due to:

(A) a lack of resources or opportunity that would enable the child to do so, including, but not limited to, lack of access to necessary computer or other electronic equipment or lack of connectivity opportunity; or

(B) the fact that the child's parent or guardian is an essential worker, is caring for someone with the novel coronavirus (COVID-19), is sick with the novel coronavirus (COVID-19), or is in mandatory isolation or quarantine.

b. Upon a determination that a child's excessive absence from school is due solely to the factors listed in paragraphs (i) and (ii) of subdivision a of this section, any investigation into a claim of educational neglect of the child upon a complaint or report by a school or school district shall be closed unless the school or school district demonstrates that the child has had the opportunity and resources to participate in remote learning and has not done so.

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

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c. The provisions of this section shall apply to all investigations of educational neglect commenced since the declaration of the state disaster emergency pursuant to executive order 202 of 2020 in response to the novel coronavirus (COVID-19) pandemic.

§ 2. This act shall take effect immediately.