

# STATE OF NEW YORK

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1115

2021-2022 Regular Sessions

## IN SENATE

January 7, 2021

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Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed 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:

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

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

9 (ii) is a result of the child not having the opportunity to partic-  
10 ipate in remote learning due to:

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

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

19 b. Upon a determination that a child's excessive absence from school  
20 is due solely to the factors listed in paragraphs (i) and (ii) of subdi-  
21 vision a of this section, any investigation into a claim of educational  
22 neglect of the child upon a complaint or report by a school or school  
23 district shall be closed unless the school or school district demon-  
24 strates that the child has had the opportunity and resources to partic-  
25 ipate in remote learning and has not done so.

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

LBD03361-01-1

1     c. The provisions of this section shall apply to all investigations of  
2     educational neglect commenced since the declaration of the state disas-  
3     ter emergency pursuant to executive order 202 of 2020 in response to the  
4     novel coronavirus (COVID-19) pandemic.  
5     § 2. This act shall take effect immediately.