STATE OF NEW YORK

2909

2023-2024 Regular Sessions

IN ASSEMBLY

February 1, 2023

Introduced by M. of A. ZEBROWSKI, L. ROSENTHAL, RAMOS, STIRPE, STECK, COLTON, GOODELL, BRABENEC -- Multi-Sponsored by -- M. of A. DAVILA, PEOPLES-STOKES, SIMON, 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:

Section 1. Section 3205 of the education law, subdivision 1 as amended by chapter 262 of the laws of 1959, paragraphs a and b of subdivision 1 as amended by chapter 296 of the laws of 1969, paragraph c of subdivision 1 as amended by chapter 518 of the laws of 1993, paragraph b of subdivision 2 as amended by chapter 975 of the laws of 1966, paragraph c of subdivision 2 as amended by chapter 703 of the laws of 2019 and subdivision 3 as amended by chapter 183 of the laws of 2004, is amended to read as follows:

§ 3205. Attendance of minors upon [~~full time~~] **full-time** day instruction. 1. a. In each school district of the state, each minor from six to [~~sixteen~~] **eighteen** years of age shall attend upon [~~full time~~] **full-time** instruction**, except as provided in subdivision four of this section**.

b. Each minor from six to [~~sixteen~~] **eighteen** years of age on an Indian reservation shall attend upon [~~full time~~] **full-time** day instruction**, except as provided in subdivision four of this section**.

c. For purposes of this article, a minor who becomes six years of age on or before the first of December in any school year shall be required to attend upon [~~full time~~] **full-time** instruction from the first day that the appropriate public schools are in session in September of such school year, and a minor who becomes six years of age after the first of December in any school year shall be required to attend upon [~~full time~~] **full-time** instruction from the first day of session in the following September; and, except as otherwise provided in subdivision three of

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

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this section, shall be required to remain in attendance until the last day of session in the school year in which the minor becomes sixteen years of age.

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

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

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

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

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

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

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

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

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