STATE OF NEW YORK

5353

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to kindergarten enrollment

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

Section 1. Paragraphs c of subdivisions 1 and 2 of section 3205 of the education law, paragraph c of subdivision 1 as amended by chapter 518 of the laws of 1993, and paragraph c of subdivision 2 as amended by chapter 703 of the laws of 2019, are amended to read as follows:

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

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~~] **September** 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.

§ 2. This act shall take effect immediately.

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

LBD09751-01-3