

# STATE OF NEW YORK

323--B

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN, McDONOUGH, SHRESTHA -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the compulsory age for full time instruction and certain related exceptions

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

1 Section 1. Subdivision 11 of section 2 of the education law, as  
2 amended by chapter 363 of the laws of 1990, is amended to read as  
3 follows:

4 11. Compulsory school ages. The term "child of compulsory school age"  
5 means any child [~~between six and sixteen years of age~~] lawfully required  
6 to attend upon instruction pursuant to section thirty-two hundred five  
7 of this chapter.

8 § 2. Section 3205 of the education law, subdivision 1 as amended by  
9 chapter 262 of the laws of 1959, paragraphs a and b of subdivision 1 as  
10 amended by chapter 296 of the laws of 1969, paragraph c of subdivision 1  
11 as amended by chapter 518 of the laws of 1993, paragraph b of subdivi-  
12 sion 2 as amended by chapter 975 of the laws of 1966, paragraph c of  
13 subdivision 2 as amended by chapter 703 of the laws of 2019 and subdivi-  
14 sion 3 as amended by chapter 183 of the laws of 2004, is amended to read  
15 as follows:

16 § 3205. Attendance of minors upon full time day instruction. 1. a. In  
17 each school district of the state, each minor from [~~six~~] five to sixteen  
18 years of age shall attend upon full time instruction.

19 b. Each minor from [~~six~~] five to sixteen years of age on an Indian  
20 reservation shall attend upon full time day instruction.

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

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1 c. For purposes of this article, a minor who becomes [~~six~~] five years  
2 of age on or before the first of December in any school year or on or  
3 before a later date in such school year, not later than December thir-  
4 ty-first, established by the trustees or board of education for admis-  
5 sion to the public schools in such minor's school district of residence  
6 shall be required to attend upon full time instruction from the first  
7 day that the appropriate public schools are in session in September of  
8 such school year, and a minor who becomes [~~six~~] five years of age after  
9 the first of December in any school year or a later date in such school  
10 year, not later than December thirty-first, established by the trustees  
11 or board of education for admission to the public schools in such  
12 minor's school district of residence shall be required to attend upon  
13 full time instruction from the first day of session in the following  
14 September; and, except as otherwise provided in subdivision three of  
15 this section, shall be required to remain in attendance until the last  
16 day of session in the school year in which the minor becomes sixteen  
17 years of age.

18 2. Exceptions. a. A minor who has completed a four-year high school  
19 course of study shall not be subject to the provisions of part one of  
20 this article in respect to required attendance upon instruction.

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

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

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

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

32 3. In each school district, the board of education shall have power to  
33 require minors from sixteen to seventeen years of age who are not  
34 employed to attend upon full time day instruction until the last day of  
35 session in the school year in which the student becomes seventeen years  
36 of age.

37 § 3. Subdivision 1 of section 4105 of the education law is amended to  
38 read as follows:

39 1. Every Indian child between [~~six~~] five and sixteen years of age, in  
40 proper physical and mental condition to attend school, shall regularly  
41 attend upon instruction at a school in which at least the common school  
42 branches of reading, spelling, writing, arithmetic, English grammar and  
43 geography are taught in English, or upon equivalent instruction by a  
44 competent teacher elsewhere than at such school as follows: Every Indian  
45 child between fourteen and sixteen years of age not regularly and  
46 lawfully engaged in any useful employment or service, and every such  
47 child between six and fourteen years of age, shall so attend upon  
48 instruction as many days annually during the period between the first  
49 days of September and the following July as a public school of the  
50 community or district of the reservation, in which such child resides,  
51 shall be in session during the same period.

52 § 4. Section 4106 of the education law is amended to read as follows:

53 § 4106. Duties of persons in parental relation to Indian children. Any  
54 person in parental relation to an Indian child between [~~six~~] five and  
55 sixteen years of age in proper physical and mental condition to attend

1 school, shall cause such child to attend upon instruction as provided in  
2 this article.

3 § 5. Section 4108 of the education law, as amended by chapter 387 of  
4 the laws of 1954, is amended to read as follows:

5 § 4108. Persons employing Indian children unlawfully to be fined. A  
6 person, firm, association or corporation shall not employ any Indian  
7 child residing on any Indian reservation between [~~six~~] five and fourteen  
8 years of age, in any business or service whatever during any part of the  
9 term during which the school in the community or district in which such  
10 child resides or the school where such child should attend is in  
11 session, nor shall employ any Indian child residing on any reservation  
12 between fourteen and sixteen years of age, who does not, at the time of  
13 such employment present a consent in writing signed by the principal  
14 teacher of the reservation or the principal of the district which  
15 educates the children in the community in which such child resides to  
16 the effect that such child may be employed, and specifying the nature of  
17 the service and the duration of such service or employment. Any person,  
18 firm, association or corporation who shall employ any Indian child  
19 contrary to the provisions of this section shall for each offense  
20 forfeit and pay to the principal teacher of the reservation or to the  
21 commissioner [~~of education~~] the sum of twenty-five dollars to be sued  
22 for in the name of the people of the state of New York by the attorney  
23 general. Such penalty, when paid, shall be used for the support and  
24 maintenance of the schools on said reservation or for said reservation.

25 § 6. Section 4109 of the education law, as amended by chapter 387 of  
26 the laws of 1954, is amended to read as follows:

27 § 4109. Teachers' record of attendance. An accurate record of attend-  
28 ance of all Indian children between [~~six~~] five and sixteen years of age  
29 shall be kept by the teacher of every Indian school, showing each day,  
30 by the year, month, day of the month and day of the week, such attend-  
31 ance, and the number of hours in each day thereof; and each teacher upon  
32 whose instruction such Indian child shall attend elsewhere than at the  
33 school in the community or district of the reservation where [~~he~~] such  
34 child resides, shall keep a like record of such attendance. Such records  
35 shall at all times be open to the principal teacher of the reservation  
36 and its attendance officers or to such person or persons as shall be  
37 designated by the commissioner [~~of education~~] who may inspect and copy  
38 the same and any teacher shall answer all lawful inquiries made by them.  
39 A wilful neglect or refusal to keep such a record or answer such  
40 inquiries shall be a misdemeanor.

41 § 7. Section 4111 of the education law, as amended by chapter 181 of  
42 the laws of 2022, is amended to read as follows:

43 § 4111. Arrest of truants. Any attendance officer may arrest without  
44 warrant anywhere within the state any Indian child between [~~six~~] five  
45 and sixteen years of age, found away from [~~his~~] such child's home and  
46 who is then a truant from instruction upon which [~~he~~] such child is  
47 lawfully required to attend within the districts of which such attend-  
48 ance officer has jurisdiction. [~~He~~] The officer shall forthwith deliver  
49 a child so arrested either to the person in parental relation to the  
50 child, or to the teacher of the school from which said child is then a  
51 truant, or in case of habitual truants, shall bring them before a magis-  
52 trate for commitment to a school for delinquents, as provided in section  
53 forty-one hundred twelve of this article.

54 § 8. This act shall take effect on the first of July next succeeding  
55 the date on which it shall have become a law.