STATE OF NEW YORK

323--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN, McDONOUGH -- read once and referred to the Committee on Education -- 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:

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

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

§ 2. 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 day instruction. 1. a. In each school district of the state, each minor from [~~six~~] **five** to sixteen years of age shall attend upon full time instruction.

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

c. For purposes of this article, a minor who becomes [~~six~~] **five** years of age on or before the first of December in any school year **or on or before a later date in such school year, not later than December thir-**

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

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ty-first, established by the trustees or board of education for admission to the public schools in such minor's school district of residence 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~~] **five** years of age after the first of December in any school year **or a later date in such school year, not later than December thirty-first, established by the trustees or board of education for admission to the public schools in such minor's school district of residence** 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.

2. Exceptions. a. A minor who has completed a four-year high school course of study shall not be subject to the provisions of 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 school not less than twenty hours per week instead of 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.~~]

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

4. Notwithstanding subdivision one of this section, a minor who will become five years of age in any school year and whose parent elects not to enroll their child in school or in home instruction in such school year shall not be required to attend upon full time instruction until the first day of session in September of the following school year.

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