

# 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:

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.

21 c. For purposes of this article, a minor who becomes [~~six~~] five years  
22 of age on or before the first of December in any school year or on or  
23 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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1 ty-first, established by the trustees or board of education for admis-  
2 sion to the public schools in such minor's school district of residence  
3 shall be required to attend upon full time instruction from the first  
4 day that the appropriate public schools are in session in September of  
5 such school year, and a minor who becomes [~~six~~] five years of age after  
6 the first of December in any school year or a later date in such school  
7 year, not later than December thirty-first, established by the trustees  
8 or board of education for admission to the public schools in such  
9 minor's school district of residence shall be required to attend upon  
10 full time instruction from the first day of session in the following  
11 September; and, except as otherwise provided in subdivision three of  
12 this section, shall be required to remain in attendance until the last  
13 day of session in the school year in which the minor becomes sixteen  
14 years of age.

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

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

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

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

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

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

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

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