

STATE OF NEW YORK

10714

IN SENATE

October 2, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to establishing enhanced educational continuity reviews for certain students transitioning to home instruction

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

1 Section 1. The education law is amended by adding a new section 3211-b
2 to read as follows:

3 § 3211-b. Enhanced educational continuity review for certain home-in-
4 structed students. 1. For purposes of this section, the following terms
5 shall have the following meanings:

6 (a) "Home instruction" shall mean instruction provided to a child
7 pursuant to section 100.10 of title eight of the New York codes, rules
8 and regulations, or any successor regulation.

9 (b) "Severe absenteeism" shall mean absence from twenty percent or
10 more of the instructional days during which a child was enrolled in a
11 public school during either:

12 (i) the school year in which such child commences home instruction,
13 measured through the last day on which such child was enrolled in such
14 public school; or

15 (ii) the school year immediately preceding the school year in which
16 such child commences home instruction.

17 2. (a) Where a child of compulsory school age who was enrolled in a
18 public school commences home instruction and such child experienced
19 severe absenteeism, the school district of residence shall conduct an
20 enhanced educational continuity review pursuant to this section. Such
21 school district shall provide written notice to the parent or person in
22 parental relation that such child is subject to enhanced educational
23 continuity review. Such notice shall include the attendance rate giving
24 rise to such review and an explanation of the requirements and proce-
25 dures applicable thereto.

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

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1 (b) Nothing in this section shall delay, condition or otherwise
2 restrict the commencement of home instruction in accordance with appli-
3 cable law and regulations of the commissioner.

4 3. (a) Within sixty days of the commencement of home instruction, the
5 school district shall review whether the individualized home instruction
6 plan for the child is being implemented and whether instruction required
7 pursuant to law and regulations of the commissioner is occurring.

8 (b) For purposes of such review, the parent or person in parental
9 relation shall provide one or more reasonable forms of evidence demon-
10 strating implementation of the home instruction program, which may
11 include, but shall not be limited to:

12 (i) attendance or instructional records;

13 (ii) representative samples of student work;

14 (iii) curriculum or instructional materials;

15 (iv) a portfolio or other evidence of academic progress;

16 (v) an interim academic assessment; or

17 (vi) other reasonably equivalent evidence permitted by the commission-
18 er.

19 (c) No particular form of evidence shall be required pursuant to this
20 subdivision where other evidence submitted by the parent or person in
21 parental relation reasonably demonstrates that required instruction is
22 occurring.

23 4. Where the school district determines that the evidence provided
24 pursuant to subdivision three of this section reasonably demonstrates
25 that the home instruction program is being implemented in accordance
26 with applicable law and regulations of the commissioner, the enhanced
27 educational continuity review shall terminate. Thereafter, such child
28 shall be subject to the requirements otherwise applicable to home
29 instruction.

30 5. Where the school district determines that the evidence provided
31 pursuant to subdivision three of this section is insufficient to reason-
32 ably demonstrate that required instruction is occurring, the school
33 district shall provide written notice to the parent or person in
34 parental relation. Such notice shall:

35 (a) identify with specificity each deficiency upon which such determi-
36 nation is based;

37 (b) identify additional information or evidence that may be submitted
38 to demonstrate compliance; and

39 (c) provide the parent or person in parental relation with not less
40 than fifteen days from receipt of such notice to submit additional
41 evidence or otherwise cure each identified deficiency.

42 6. (a) Where, following notice and an opportunity to cure pursuant to
43 subdivision five of this section, the evidence remains insufficient to
44 reasonably demonstrate that required instruction is occurring, the
45 school district may require an educational conference, an interim
46 academic assessment, additional instructional or attendance records,
47 additional representative samples of student work, or another reasonable
48 means of verification authorized by regulations of the commissioner.

49 (b) Where such additional review demonstrates that the child is not
50 receiving instruction required pursuant to law or regulations of the
51 commissioner, the school district shall proceed in accordance with
52 applicable provisions of law and regulations of the commissioner relat-
53 ing to home instruction, compulsory attendance, probation of a home
54 instruction program, or educational neglect.

55 7. Nothing in this section shall be construed to:

1 (a) authorize a school district to require any particular pedagogical
2 method, curriculum, instructional schedule or manner of instruction
3 except as otherwise required pursuant to law or regulations of the
4 commissioner;

5 (b) authorize mandatory entry into a residence solely on the basis
6 that a child is subject to enhanced educational continuity review pursu-
7 ant to this section;

8 (c) limit the authority of a school district to request a home visit
9 or exercise any other authority otherwise provided pursuant to law or
10 regulations of the commissioner; or

11 (d) authorize the continuation of enhanced educational continuity
12 review after the requirements of subdivision four of this section have
13 been satisfied.

14 8. The commissioner shall promulgate rules and regulations necessary
15 to implement the provisions of this section, including provisions estab-
16 lishing appropriate exceptions to or modifications of the requirements
17 of this section where severe absenteeism resulted from documented
18 medical circumstances or other circumstances for which application of
19 enhanced educational continuity review would be inappropriate.

20 9. The department shall annually collect and publish, in aggregate
21 form and in a manner that protects personally identifiable student
22 information:

23 (a) the number of students who transfer from enrollment in a public
24 school to home instruction;

25 (b) the attendance rates of such students during the school year in
26 which home instruction commenced and the immediately preceding school
27 year;

28 (c) the number and percentage of such students who experienced severe
29 absenteeism;

30 (d) the number of students subject to enhanced educational continuity
31 review pursuant to this section;

32 (e) the number of such reviews terminated pursuant to subdivision four
33 of this section;

34 (f) the number of deficiency notices issued pursuant to subdivision
35 five of this section;

36 (g) the number of students subject to additional review pursuant to
37 subdivision six of this section; and

38 (h) the number of such students whose home instruction programs are
39 subsequently placed on probation or otherwise determined not to comply
40 with applicable requirements governing home instruction.

41 § 2. This act shall take effect on the first of July next succeeding
42 the date on which it shall have become a law. Effective immediately, the
43 addition, amendment and/or repeal of any rule or regulation necessary
44 for the implementation of this act on its effective date are authorized
45 to be made and completed on or before such effective date.