

Legislative Bill Drafting Commission
13700-01-9

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EDUCLA
(Provides for absence from school
for the mental or behavioral health
of the minor)

Ed L. absences from school

AN ACT

to amend the education law, in
relation to providing for absence
from school for the mental or behav-
ioral health of the minor

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s50 Antonacci	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s36 Bailey	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s30 Benjamin	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s34 Biaggi	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harckham	s45 Little	s61 Ranzzenhofer	s35 Stewart-
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	Cousins
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Comrie	s60 Jacobs	s37 Mayer	s18 Salazar	s57
s17 Felder	s43 Jordan	s42 Metzger	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a053 Davila	a128 Hunter	a037 Nolan	a090 Sayegh
a092 Abinanti	a072 De La Rosa	a029 Hyndman	a144 Norris	a140 Schimminger
a084 Arroyo	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a099 Schmitt
a107 Ashby	a003 DeStefano	a097 Jaffee	a051 Ortiz	a076 Seawright
a035 Aubry	a070 Dickens	a011 Jean-Pierre	a091 Otis	a052 Simon
a120 Barclay	a054 Dilan	a135 Johns	a132 Palmesano	a036 Simotas
a030 Barnwell	a081 Dinowitz	a115 Jones	a002 Palumbo	a005 Smith
a106 Barrett	a147 DiPietro	a077 Joyner	a088 Paulin	a118 Smullen
a060 Barron	a016 D'Urso	a040 Kim	a141 Peoples-	a022 Solages
a082 Benedetto	a048 Eichenstein	a131 Kolb	Stokes	a114 Stec
a042 Bichotte	a004 Englebright	a105 Lalor	a058 Perry	a110 Steck
a079 Blake	a074 Epstein	a013 Lavine	a023 Pheffer	a010 Stern
a117 Blankenbush	a109 Fahy	a134 Lawrence	Amato	a127 Stirpe
a098 Brabene	a061 Fall	a050 Lentol	a086 Pichardo	a102 Tague
a026 Braunstein	a080 Fernandez	a125 Lifton	a089 Pretlow	a071 Taylor
a138 Bronson	a126 Finch	a009 LiPetri	a073 Quart	a001 Thiele
a093 Buchwald	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a031 Titus
a142 Burke	a124 Friend	a129 Magnarelli	a012 Raia	a033 Vanel
a119 Buttenschon	a046 Frontus	a064 Malliotakis	a006 Ramos	a116 Walczyk
a094 Byrne	a095 Galef	a130 Manktelow	a062 Reilly	a055 Walker
a133 Byrnes	a137 Gantt	a108 McDonald	a087 Reyes	a143 Wallace
a103 Cahill	a007 Garbarino	a014 McDonough	a043 Richardson	a112 Walsh
a044 Carroll	a148 Giglio	a146 McMahan	a078 Rivera	a041 Weinstein
a047 Colton	a066 Glick	a017 Mikulin	a068 Rodriguez	a024 Weprin
a032 Cook	a150 Goodell	a101 Miller, B.	a136 Romeo	a059 Williams
a085 Crespo	a075 Gottfried	a038 Miller, M. G.	a027 Rosenthal, D.	a113 Woerner
a122 Crouch	a021 Griffin	a020 Miller, M. L.	a067 Rosenthal, L.	a056 Wright
a039 Cruz	a100 Gunther	a015 Montesano	a025 Rozic	a096 Zebrowski
a063 Cusick	a139 Hawley	a145 Morinello	a149 Ryan	
a045 Cymbrowitz	a083 Heastie	a057 Mosley	a121 Salka	
a018 Darling	a028 Hevesi	a065 Niou	a111 Santabarbara	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Section 3210 of the education law, subdivision 1 as amended
2 by chapter 821 of the laws of 1947, paragraph b of subdivision 1 as
3 amended by chapter 491 of the laws of 2014 and paragraph c of subdivi-
4 sion 1 as added by chapter 549 of the laws of 1986, is amended to read
5 as follows:

6 § 3210. Amount and character of required attendance. 1. Regularity and
7 conduct. a. A minor required by the provisions of part one of this arti-
8 cle to attend upon instruction shall attend regularly as prescribed
9 where he resides or is employed, for the entire time the appropriate
10 public schools or classes are in session and shall be subordinate and
11 orderly while so attending.

12 b. (i) Absence for religious observance and education shall be permit-
13 ted under rules that the commissioner shall establish.

14 (ii) In addition, the board of education or trustees shall determine
15 whether school session should not be held at an individual public
16 school, or district-wide, on a day where, if school were in session,
17 absenteeism may result in the waste of educational resources because a
18 considerable proportion of the student population is unlikely to attend
19 because of a religious or cultural day of observance.

20 (iii) Absence due to the mental or behavioral health of the minor
21 shall be permitted under rules that the commissioner shall establish.

22 c. In the event that a person requests the release of a minor required
23 by the provisions of part one of this article to attend upon instruc-
24 tion, the identity of such person shall be verified against a list of
25 names provided by the person or persons in parental relation to the
26 minor, as defined in section two of this chapter, at the time of such
27 minor's enrollment. The school district may adopt appropriate procedures
28 for the purpose of submitting a list of names at a later date or updat-

1 ing the list of names provided by the person or persons in parental
2 relation. If such person is identified as one of those persons included
3 on such list, such minor may be released from attendance. If such person
4 is identified as a person not included on such list, such minor may not
5 be released except in the event of an emergency as determined in the
6 sole discretion of the principal of the school, or his designee,
7 provided that the person or persons in parental relation to the minor
8 have been contacted and have agreed to such release. A school district
9 may presume that either parent of the student has authority to obtain
10 the release of said minor unless the school district has been provided
11 with a certified copy of the legally binding instrument such as the
12 court order or decree of divorce, separation or custody which provides
13 evidence to the contrary. No situation shall be deemed an emergency
14 until the facts of such situation have been verified by such principal
15 or his designee. No civil or criminal liability shall arise or attach to
16 any school district or employee thereof for any act or omission to act
17 as a result of, or in connection with, the duties or activities author-
18 ized or directed by this paragraph. The foregoing procedure shall not
19 apply to release of a minor pursuant to the protective custody
20 provisions of the social services law and the family court act.

21 2. Attendance elsewhere than at a public school. a. Hours of attend-
22 ance. If a minor included by the provisions of part one of this article
23 attends upon instruction elsewhere than at a public school, he shall
24 attend for at least as many hours, and within the hours specified there-
25 for.

26 b. Absence. Absence from required attendance shall be permitted only
27 for causes allowed by the general rules and practices of the public
28 schools. Absence for religious observance and education shall be

1 permitted under rules that the commissioner shall establish. Absence
2 due to the mental or behavioral health of the minor shall be permitted
3 under rules that the commissioner shall establish.

4 c. Holidays and vacations. Holidays and vacations shall not exceed in
5 total amount and number those allowed by the public schools.

6 d. Exception. In applying the foregoing requirements a minor required
7 to attend upon full time day instruction by the provisions of part one
8 of this article may be permitted to attend for a shorter school day or
9 for a shorter school year or for both, provided, in accordance with the
10 regulations of the state education department, the instruction he
11 receives has been approved by the school authorities as being substan-
12 tially equivalent in amount and quality to that required by the
13 provisions of this part [one of this article].

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