



Dr. Gemma C. Rinefield  
Assistant Commissioner  
Office of Student Support Services  
89 Washington Avenue, Room 318-M EB  
Phone: (518) 486-6090 Web: <http://www.p12.nysed.gov/sss/>

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To: BOCES District Superintendents  
Superintendents of Public Schools  
Principals of Public Schools  
Charter School Leaders

From: Dr. Gemma Rinefield

Re: Disenrolling Students Absent 20 or More Consecutive School Days

The New York State Education Department has received several inquiries from school districts regarding procedures when a student has missed 20 or more school days. To assist schools, the Department is providing the following statutory requirements school districts must adhere to along with suggestions on implementation.

[Education Law §3202](#) states all students “over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition.”

[Education Law §3205\(1\)\(a\)](#) establishes a compulsory age for students to attend school. Students from six to sixteen are required to attend school full-time. Each board of education is empowered to raise the compulsory age for youth who are not presently employed from sixteen to seventeen. Students are of compulsory age until the end of the school year when they turn sixteen or seventeen.

[Education Law §3202\(1\)\(a\)](#) permits school districts to disenroll students over the compulsory age if they are absent twenty (20) consecutive school days. However, the law prompts school districts to partner with the family to identify the barriers to school attendance and proactively work with families to overcome any obstacle preventing school completion. The following procedures must be adhered to before disenrolling:

1. The principal or superintendent must schedule an informal conference regarding the student's attendance and process for disenrollment. The student and person in parental relation must be notified of the informal conference in writing which must be sent via hard copy to the last known address.
2. At the informal conference, the principal or superintendent must determine the reasons for the student's absence and whether reasonable changes in the student's educational program would encourage or facilitate their re-entry or continuance of study.
3. The student and the person in parental relation must be informed orally and in writing of the student's right to re-enroll at any time in the public school maintained in the district where he or she resides.

If the student and the person in parental relation do not, after reasonable notice, attend the informal conference the school district may proceed with disenrolling, and the school district should issue a written notification. To ensure the school district provides appropriate notifications, the Department

has encouraged school districts to make multiple attempts using different outreach methods, including calling and texting, postal mail, email, and home visits. School districts will want to document their attempts, attach them to their disenrollment documentation and place them in the student's school records.

Students of compulsory age must remain enrolled in school until they reach the eligible age for disenrollment. School districts will want to continue making diligent efforts to locate compulsory-age students who have been absent for extended periods to identify school attendance barriers and plan for their successful return to school.

School districts can locate reporting requirements on pages 63 - 64 in the [New York State Student Information Repository System \(SIRS\) Manual](#).

Thank you for all your support to students. If you have further questions, please contact the Office of Student Support Services at 518-486-6090 or [StudentSupportServices@nysed.gov](mailto:StudentSupportServices@nysed.gov).

## **Resources**

[Absenteeism | Attendance](#)

[Attendance Playbook: Smart Strategies for Reducing Student Absenteeism Post-Pandemic](#)

[Attendance Works Resources](#)

[Every Student Present!](#)

[National Student Attendance, Engagement, and Success Center](#)

[Sustaining Efforts to Boost Regular Student Attendance](#)