

2402--A

2011-2012 Regular Sessions

I N   S E N A T E

January 19, 2011

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Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the transportation of children residing in a school district

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraphs a, b and e of subdivision 1 of section 3635 of  
2     the education law, paragraph a as amended by section 11 of part A of  
3     chapter 97 of the laws of 2011, paragraph b as amended by chapter 718 of  
4     the laws of 1990, subparagraph (i) of paragraph b as amended by chapter  
5     571 of the laws of 1994 and paragraph e as amended by chapter 665 of the  
6     laws of 1990, are amended to read as follows:  
7     a. Sufficient transportation facilities (including the operation and  
8     maintenance of motor vehicles) shall be provided by the school district  
9     for all the children residing within the school district to and from the  
10    school they legally attend, who are in need of such transportation  
11    because of the remoteness of the school to the child or for the  
12    promotion of the best interest of such children. Such transportation  
13    shall be provided for all children attending grades kindergarten through  
14    eight who live more than two miles from the school which they legally  
15    attend and for all children attending grades nine through twelve who  
16    live more than three miles from the school which they legally attend and  
17    shall be provided for each such child up to a distance of [fifteen]  
18    TWENTY-FIVE miles, the distances in each case being measured by the  
19    nearest available route from home to school. The cost of providing such  
20    transportation between two or three miles, as the case may be, and  
21    [fifteen] TWENTY-FIVE miles shall be considered for the purposes of this  
22    chapter to be a charge upon the district and an ordinary contingent

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

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1 expense of the district. Transportation for a lesser distance than two  
2 miles in the case of children attending grades kindergarten through  
3 eight or three miles in the case of children attending grades nine  
4 through twelve and for a greater distance than [fifteen] TWENTY-FIVE  
5 miles may be provided by the district with the approval of the qualified  
6 voters, and, if provided, shall be offered equally to all children in  
7 like circumstances residing in the district; provided, however, that  
8 this requirement shall not apply to transportation offered pursuant to  
9 section thirty-six hundred thirty-five-b of this article.

10 b. (i) School districts providing transportation to a nonpublic school  
11 for pupils living within a specified distance from such school shall  
12 designate one or more public schools as centralized pick-up points and  
13 shall provide transportation between such points and such nonpublic  
14 schools for students residing in the district who live too far from such  
15 nonpublic schools to qualify for transportation between home and school.  
16 The district shall not be responsible for the provision of transporta-  
17 tion for pupils between their home and such pick-up points. The  
18 district may provide school bus transportation to a pupil if the resi-  
19 dence of the pupil is located on an established route for the transpor-  
20 tation of pupils to the centralized pick-up point provided such trans-  
21 portation does not result in additional costs to the district. The cost  
22 of providing transportation between such pick-up points and such nonpub-  
23 lic schools shall be an ordinary contingent expense.

24 (ii) A board of education may, at its discretion, provide transporta-  
25 tion for pupils residing within the district to a nonpublic school  
26 located more than [fifteen] TWENTY-FIVE miles from the home of any such  
27 pupil provided that such transportation has been provided to such  
28 nonpublic school pursuant to this subdivision in at least one of the  
29 immediately preceding three school years and such transportation is  
30 provided from one or more centralized pick-up points designated pursuant  
31 to this paragraph and that the distance from such pick-up points to the  
32 nonpublic school is not more than [fifteen] TWENTY-FIVE miles. The  
33 district shall not be responsible for the provision of transportation  
34 for pupils between pupils homes and such pick-up points. The cost of  
35 providing transportation between such pick-up points and such nonpublic  
36 schools shall be an ordinary contingent expense.

37 (III) A BOARD OF EDUCATION SHALL PROVIDE TRANSPORTATION FOR PUPILS  
38 RESIDING WITHIN THE DISTRICT WHO ARE NOT ENTITLED TO TRANSPORTATION  
39 PURSUANT TO SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH OR ANY OTHER  
40 PROVISION OF THIS CHAPTER TO A NONPUBLIC SCHOOL FROM THE HOME OF SUCH  
41 PUPIL, REGARDLESS OF WHETHER SUCH NONPUBLIC SCHOOL IS WITHIN OR WITHOUT  
42 SUCH DISTRICT.

43 e. In lieu of the transportation provided pursuant to the foregoing  
44 provisions of this subdivision, a board of education may, at its  
45 discretion, provide transportation to any child attending grades kinder-  
46 garten through eight between the school such child legally attends and  
47 before-and/or-after-school child care locations. For the purposes of  
48 this subdivision, a before-and/or-after-school child care location shall  
49 mean a place, other than the child's home, where care for less than  
50 twenty-four hours a day is provided on a regular basis for a child who  
51 attends school within the school district, provided that such place is  
52 situated within the school district. This definition includes, but is  
53 not limited to, a variety of child care services such as day care  
54 centers, family day care homes and in-home care by non-relatives. Such  
55 transportation may be provided for children attending grades kindergar-  
56 ten through eight where the distance between the school they legally

1 attend and before-and/or-after-school child care locations is more than  
2 two miles, and may be provided for up to a distance of [fifteen] TWEN-  
3 TY-FIVE miles, the distance in each case being measured by the nearest  
4 available route from before-and/or-after-school child care locations to  
5 the school they legally attend, except that transportation for a lesser  
6 distance than two miles or a greater distance than [fifteen] TWENTY-FIVE  
7 miles may be provided if transportation for such distances is provided  
8 to students between home and school. Where a child receives transporta-  
9 tion from a before-school child care location to the school he or she  
10 legally attends, such child shall be entitled to receive transportation  
11 from the school he or she legally attends to his or her home or to an  
12 after-school child care location in accordance with this subdivision.  
13 Where a child receives transportation from the school he or she legally  
14 attends to an after-school child care location, such child shall be  
15 entitled to receive transportation from home to the school he or she  
16 legally attends in accordance with this subdivision. Transportation may  
17 be provided to any child attending grades kindergarten through eight  
18 between the school the child legally attends and before-and/or-after-  
19 school child care locations upon written request of the parent or legal  
20 guardian submitted not later than the first day of April preceding the  
21 next school year, provided, however, a parent or guardian of a child not  
22 residing in the district on such date shall submit a written request  
23 within thirty days after establishing residence in the district and  
24 provided further that in order to be considered eligible for such trans-  
25 portation in the nineteen hundred eighty-seven--eighty-eight school  
26 year, such request must be submitted by August first, nineteen hundred  
27 eighty-seven. The provision of transportation to or from before-and/or-  
28 after-school child care locations, if provided, shall be offered equally  
29 to all children in like circumstances residing in the district, provided  
30 that a board of education furnishing transportation pursuant to this  
31 paragraph may limit the provision of such transportation to child care  
32 locations located within the attendance zone of the school the child  
33 attends, and to child day care centers and school age child care  
34 programs licensed or registered pursuant to section three hundred ninety  
35 of the social services law located anywhere within the school district.  
36 The cost of providing such transportation between two or three miles, as  
37 the case may be, and [fifteen] TWENTY-FIVE miles shall be considered for  
38 the purposes of this chapter to be a charge upon the district. Such  
39 substitute transportation expense shall be eligible for state aid in  
40 accordance with clause one of paragraph b of subdivision seven of  
41 section thirty-six hundred two of this chapter. Nothing in this subdivi-  
42 sion shall be construed to impose a duty upon boards of education to  
43 provide transportation to or from before-and/or-after-school child care  
44 locations. Nothing in this subdivision shall be construed to authorize  
45 boards of education to provide to any child transportation between a  
46 before-and/or-after-school day care location and that child's home.

47 S 2. Paragraph a of subdivision 1 of section 3635 of the education  
48 law, as amended by chapter 69 of the laws of 1992, is amended to read as  
49 follows:

50 a. Sufficient transportation facilities (including the operation and  
51 maintenance of motor vehicles) shall be provided by the school district  
52 for all the children residing within the school district to and from the  
53 school they legally attend, who are in need of such transportation  
54 because of the remoteness of the school to the child or for the  
55 promotion of the best interest of such children. Such transportation  
56 shall be provided for all children attending grades kindergarten through

1 eight who live more than two miles from the school which they legally  
2 attend and for all children attending grades nine through twelve who  
3 live more than three miles from the school which they legally attend and  
4 shall be provided for each such child up to a distance of [fifteen]  
5 TWENTY-FIVE miles, the distances in each case being measured by the  
6 nearest available route from home to school. The cost of providing such  
7 transportation between two or three miles, as the case may be, and  
8 [fifteen] TWENTY-FIVE miles shall be considered for the purposes of this  
9 chapter to be a charge upon the district and an ordinary contingent  
10 expense of the district. Transportation for a lesser distance than two  
11 miles in the case of children attending grades kindergarten through  
12 eight or three miles in the case of children attending grades nine  
13 through twelve and for a greater distance than [fifteen] TWENTY-FIVE  
14 miles may be provided by the district, and, if provided, shall be  
15 offered equally to all children in like circumstances residing in the  
16 district; provided, however, that this requirement shall not apply to  
17 transportation offered pursuant to section thirty-six hundred thirty-  
18 five-b of this article.

19 S 3. This act shall take effect on the first of July next succeeding  
20 the date on which it shall have become a law; provided, that the amend-  
21 ments to paragraph a of subdivision 1 of section 3635 of the education  
22 law, made by section one of this act, shall not affect the expiration  
23 and reversion of such paragraph and shall be deemed repealed therewith,  
24 when upon such date section two of this act shall take effect.