

5088

2011-2012 Regular Sessions

I N   S E N A T E

May 3, 2011

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

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

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 chapter 69 of the laws of  
3     1992, paragraph b as amended by chapter 718 of the laws of 1990, subparagraph (i) of paragraph b as amended by chapter 571 of the laws of 1994  
4     and paragraph e as amended by chapter 665 of the laws of 1990, are  
5     amended to read as follows:  
6  
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 miles,  
18    EXCEPT UPON THE ADOPTION OF A RESOLUTION, LIMITING SUCH TRANSPORTATION  
19    TO SEVEN MILES, BY THE BOARD OF EDUCATION OF A SCHOOL DISTRICT IN THE  
20    COUNTY OF WESTCHESTER, the distances in each case being measured by the  
21    nearest available route from home to school. The cost of providing such  
22    transportation between two or three miles, as the case may be, and SEVEN  
23    OR fifteen miles, AS THE CASE MAY BE, shall be considered for the  
24    purposes of this chapter to be a charge upon the district and an ordinary  
25    contingent expense of the district. Transportation for a lesser

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

LBD11319-01-1

1 distance than two miles in the case of children attending grades kinder-  
2 garten through eight or three miles in the case of children attending  
3 grades nine through twelve and for a greater distance than SEVEN OR  
4 fifteen miles, AS THE CASE MAY BE, may be provided by the district, and,  
5 if provided, shall be offered equally to all children in like circum-  
6 stances residing in the district; provided, however, that this require-  
7 ment shall not apply to transportation offered pursuant to section thir-  
8 ty-six hundred thirty-five-b of this [article] PART.

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

23 (ii) A board of education may, at its discretion, provide transporta-  
24 tion for pupils residing within the district to a nonpublic school  
25 located more than fifteen miles from the home of any such pupil provided  
26 that such transportation has been provided to such nonpublic school  
27 pursuant to this subdivision in at least one of the immediately preced-  
28 ing three school years and such transportation is provided from one or  
29 more centralized pick-up points designated pursuant to this paragraph  
30 and that the distance from such pick-up points to the nonpublic school  
31 is not more than fifteen miles. PROVIDED, HOWEVER, THAT IN A SCHOOL  
32 DISTRICT THAT HAS ADOPTED A RESOLUTION PROVIDING THAT THE MAXIMUM  
33 DISTANCE FOR TRANSPORTATION IS SEVEN MILES, PURSUANT TO PARAGRAPH A OF  
34 THIS SUBDIVISION, THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, PROVIDE  
35 TRANSPORTATION FOR PUPILS RESIDING WITHIN THE DISTRICT TO A NONPUBLIC  
36 SCHOOL LOCATED MORE THAN SEVEN MILES FROM THE HOME OF ANY SUCH PUPIL  
37 PROVIDED THAT SUCH TRANSPORTATION HAS BEEN PROVIDED TO SUCH NONPUBLIC  
38 SCHOOL PURSUANT TO THIS SUBDIVISION IN AT LEAST ONE OF THE IMMEDIATELY  
39 PRECEDING THREE SCHOOL YEARS AND SUCH TRANSPORTATION IS PROVIDED FROM  
40 ONE OR MORE CENTRALIZED PICK-UP POINTS DESIGNATED PURSUANT TO THIS PARA-  
41 GRAPH AND THAT DISTANCE FROM SUCH PICK-UP POINTS TO THE NONPUBLIC SCHOOL  
42 IS NOT MORE THAN SEVEN MILES. The district shall not be responsible for  
43 the provision of transportation for pupils between pupils homes and such  
44 pick-up points. The cost of providing transportation between such pick-  
45 up points and such nonpublic schools shall be an ordinary contingent  
46 expense.

47 e. In lieu of the transportation provided pursuant to the foregoing  
48 provisions of this subdivision, a board of education may, at its  
49 discretion, provide transportation to any child attending grades kinder-  
50 garten through eight between the school such child legally attends and  
51 before-and/or-after-school child care locations. For the purposes of  
52 this subdivision, a before-and/or-after-school child care location shall  
53 mean a place, other than the child's home, where care for less than  
54 twenty-four hours a day is provided on a regular basis for a child who  
55 attends school within the school district, provided that such place is  
56 situated within the school district. This definition includes, but is

1 not limited to, a variety of child care services such as day care  
2 centers, family day care homes and in-home care by non-relatives. Such  
3 transportation may be provided for children attending grades kindergar-  
4 ten through eight where the distance between the school they legally  
5 attend and before-and/or-after-school child care locations is more than  
6 two miles, and may be provided for up to a distance of fifteen miles,  
7 EXCEPT UPON THE ADOPTION OF A RESOLUTION, LIMITING SUCH TRANSPORTATION  
8 TO SEVEN MILES, BY THE BOARD OF EDUCATION OF A SCHOOL DISTRICT IN THE  
9 COUNTY OF WESTCHESTER, the distance in each case being measured by the  
10 nearest available route from before-and/or-after-school child care  
11 locations to the school they legally attend, except that transportation  
12 for a lesser distance than two miles or a greater distance than FIVE OR  
13 fifteen miles, AS THE CASE MAY BE, may be provided if transportation for  
14 such distances is provided to students between home and school. Where a  
15 child receives transportation from a before-school child care location  
16 to the school he or she legally attends, such child shall be entitled to  
17 receive transportation from the school he or she legally attends to his  
18 or her home or to an after-school child care location in accordance with  
19 this subdivision. Where a child receives transportation from the school  
20 he or she legally attends to an after-school child care location, such  
21 child shall be entitled to receive transportation from home to the  
22 school he or she legally attends in accordance with this subdivision.  
23 Transportation may be provided to any child attending grades kindergar-  
24 ten through eight between the school the child legally attends and  
25 before-and/or-after-school child care locations upon written request of  
26 the parent or legal guardian submitted not later than the first day of  
27 April preceding the next school year, provided, however, a parent or  
28 guardian of a child not residing in the district on such date shall  
29 submit a written request within thirty days after establishing residence  
30 in the district and provided further that in order to be considered  
31 eligible for such transportation in the nineteen hundred eighty-seven--  
32 eighty-eight school year, such request must be submitted by August  
33 first, nineteen hundred eighty-seven. The provision of transportation to  
34 or from before-and/or-after-school child care locations, if provided,  
35 shall be offered equally to all children in like circumstances residing  
36 in the district, provided that a board of education furnishing transpor-  
37 tation pursuant to this paragraph may limit the provision of such trans-  
38 portation to child care locations located within the attendance zone of  
39 the school the child attends, and to child day care centers and school  
40 age child care programs licensed or registered pursuant to section three  
41 hundred ninety of the social services law located anywhere within the  
42 school district. The cost of providing such transportation between two  
43 or three miles, as the case may be, and SEVEN OR fifteen miles, AS THE  
44 CASE MAY BE, shall be considered for the purposes of this chapter to be  
45 a charge upon the district. Such substitute transportation expense shall  
46 be eligible for state aid in accordance with [clause] SUBPARAGRAPH one  
47 of paragraph b of subdivision seven of section thirty-six hundred two of  
48 this chapter. Nothing in this subdivision shall be construed to impose a  
49 duty upon boards of education to provide transportation to or from  
50 before-and/or-after-school child care locations. Nothing in this subdi-  
51 vision shall be construed to authorize boards of education to provide to  
52 any child transportation between a before-and/or-after-school day care  
53 location and that child's home.

54 S 2. This act shall take effect on the first of July next succeeding  
55 the date on which it shall have become a law.