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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. FUSCHILLO, GOLDEN, HANNON, LARKIN -- 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 permitting boards of education to grant parents or guardians, physically limited by a disability, the ability to obtain bus services for their children

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

1 Section 1. Paragraph a of subdivision 1 of section 3635 of the educa-
2 tion law, as amended by chapter 69 of the laws of 1992, is amended to
3 read as follows:
4 a. (I) Sufficient transportation facilities (including the operation
5 and maintenance of motor vehicles) shall be provided by the school
6 district for all the children residing within the school district to and
7 from the school they legally attend, who are in need of such transporta-
8 tion because of the remoteness of the school to the child or for the
9 promotion of the best interest of such children. Such transportation
10 shall be provided for all children attending grades kindergarten through
11 eight who live more than two miles from the school which they legally
12 attend and for all children attending grades nine through twelve who
13 live more than three miles from the school which they legally attend and
14 shall be provided for each such child up to a distance of fifteen miles,
15 the distances in each case being measured by the nearest available route
16 from home to school. The cost of providing such transportation between
17 two or three miles, as the case may be, and fifteen miles shall be
18 considered for the purposes of this chapter to be a charge upon the
19 district and an ordinary contingent expense of the district. Transporta-
20 tion for a lesser distance than two miles in the case of children
21 attending grades kindergarten through eight or three miles in the case
22 of children attending grades nine through twelve and for a greater

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

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1 distance than fifteen miles may be provided by the district, and, if
2 provided, shall be offered equally to all children in like circumstances
3 residing in the district AND MAY, UPON A RESOLUTION ADOPTED BY THE BOARD
4 OF EDUCATION AND FOR A PERIOD OF TIME AS APPROVED BY THE BOARD OF EDUCA-
5 TION, BE PROVIDED FOR SUCH LESSER DISTANCES BASED UPON SUCH BOARD'S
6 DETERMINATION THAT THE PARENT OR GUARDIAN OF A CHILD HAS A PHYSICALLY
7 LIMITING DISABILITY WHICH RENDERS HIM OR HER UNABLE TO ACCOMPANY THE
8 CHILD TO OR FROM SCHOOL; provided, however, that this requirement shall
9 not apply to transportation offered pursuant to section thirty-six
10 hundred thirty-five-b of this article.

11 (II) PROOF OF A PHYSICALLY LIMITING DISABILITY WHICH RENDERS A PARENT
12 OR GUARDIAN OF A CHILD UNABLE TO ACCOMPANY THE CHILD TO OR FROM SCHOOL
13 SHALL BE CERTIFIED BY A DOCTOR IN A FORM TO BE PRESCRIBED BY THE DEPART-
14 MENT.

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