

595--A

Cal. No. 513

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. FUSCHILLO, AVELLA, GOLDEN, HANNON, 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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. Paragraph a of subdivision 1 of section 3635 of the educa-  
2     tion law, as amended by section 11 of part A of chapter 97 of the laws  
3     of 2011, is amended to read as follows:  
4     a. Sufficient transportation facilities (including the operation and  
5     maintenance of motor vehicles) shall be provided by the school district  
6     for all the children residing within the school district to and from the  
7     school they legally attend, who are in need of such transportation  
8     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

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

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1 district and an ordinary contingent expense of the district. Transporta-  
2 tion for a lesser distance than two miles in the case of children  
3 attending grades kindergarten through eight or three miles in the case  
4 of children attending grades nine through twelve and for a greater  
5 distance than fifteen miles may be provided by the district with the  
6 approval of the qualified voters, and, if provided, shall be offered  
7 equally to all children in like circumstances residing in the district;  
8 provided, however, that this requirement shall not apply to transporta-  
9 tion offered pursuant to section thirty-six hundred thirty-five-b of  
10 this article; PROVIDED FURTHER THAT THIS REQUIREMENT SHALL NOT APPLY TO  
11 TRANSPORTATION THAT MAY, UPON A RESOLUTION ADOPTED BY THE BOARD OF  
12 EDUCATION OR TRUSTEES OF ANY SCHOOL DISTRICT, BE OFFERED ON AN EQUITABLE  
13 BASIS TO PROVIDE TRANSPORTATION FOR A LESSER DISTANCE THAN WHAT IS  
14 REQUIRED PURSUANT TO THIS SUBDIVISION TO CHILDREN WHO HAVE A PARENT OR  
15 LEGAL GUARDIAN WITH A PHYSICALLY LIMITING IMPAIRMENT WHICH PROHIBITS  
16 SUCH PARENT OR LEGAL GUARDIAN FROM ACCOMPANYING THEIR CHILD TO OR FROM  
17 SCHOOL, AS CERTIFIED BY THEIR PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE  
18 PRACTITIONER.

19 S 2. 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 of  
23 such paragraph and shall be deemed to expire therewith.