S T A T E O F N E W Y O R K

595--A

Cal. No. 513

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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:

Section 1. Paragraph a of subdivision 1 of section 3635 of the education law, as amended by section 11 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

a. Sufficient transportation facilities (including the operation and maintenance of motor vehicles) shall be provided by the school district for all the children residing within the school district to and from the school they legally attend, who are in need of such transportation because of the remoteness of the school to the child or for the promotion of the best interest of such children. Such transportation shall be provided for all children attending grades kindergarten through eight who live more than two miles from the school which they legally attend and for all children attending grades nine through twelve who live more than three miles from the school which they legally attend and shall be provided for each such child up to a distance of fifteen miles, the distances in each case being measured by the nearest available route from home to school. The cost of providing such transportation between two or three miles, as the case may be, and fifteen miles shall be 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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district and an ordinary contingent expense of the district. Transportation for a lesser distance than two miles in the case of children attending grades kindergarten through eight or three miles in the case of children attending grades nine through twelve and for a greater distance than fifteen miles may be provided by the district with the approval of the qualified voters, and, if provided, shall be offered equally to all children in like circumstances residing in the district; provided, however, that this requirement shall not apply to transportation offered pursuant to section thirty-six hundred thirty-five-b of this article; PROVIDED FURTHER THAT THIS REQUIREMENT SHALL NOT APPLY TO TRANSPORTATION THAT MAY, UPON A RESOLUTION ADOPTED BY THE BOARD OF EDUCATION OR TRUSTEES OF ANY SCHOOL DISTRICT, BE OFFERED ON AN EQUITABLE BASIS TO PROVIDE TRANSPORTATION FOR A LESSER DISTANCE THAN WHAT IS REQUIRED PURSUANT TO THIS SUBDIVISION TO CHILDREN WHO HAVE A PARENT OR LEGAL GUARDIAN WITH A PHYSICALLY LIMITING IMPAIRMENT WHICH PROHIBITS SUCH PARENT OR LEGAL GUARDIAN FROM ACCOMPANYING THEIR CHILD TO OR FROM SCHOOL, AS CERTIFIED BY THEIR PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided, that the amendments to paragraph a of subdivision 1 of section 3635 of the education law made by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith.