

5394

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. FUSCHILLO -- 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 authorizing boards of education to provide certain children transportation to school

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; PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION OF
17 ANY SCHOOL DISTRICT SHALL, UPON WRITTEN PETITION OF A PARENT OR OTHER
18 PERSON IN PARENTAL RELATION OF A CHILD RESIDING WITHIN SUCH DISTRICT OR
19 OF ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR OTHER PERSON IN
20 PARENTAL RELATION, SIGNED BY TWENTY-FIVE QUALIFIED VOTERS OF THE
21 DISTRICT OR FIVE PERCENT OF THE NUMBER OF VOTERS WHO VOTED IN THE PREVI-
22 OUS ANNUAL ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION, WHICHEVER
23 IS GREATER, MAKE AN INVESTIGATION TO DETERMINE WHETHER CHILDREN RESIDING
24 WITHIN THE TWO OR THREE MILE DESIGNATED AREA MAY FOR SAFETY REASONS USE
25 AN ALREADY ESTABLISHED PICK UP/DROP OFF LOCATION OUTSIDE OF SUCH TWO OR

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

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1 THREE MILE DESIGNATED AREA. PETITIONS SHALL SPECIFY THE GEOGRAPHIC BOUN-
2 DRIES DETAILING POTENTIAL HAZARDS TO CHILD SAFETY. PETITIONS AND/OR
3 ADDITIONAL WRITTEN REQUESTS FROM INDIVIDUAL PARENTS OR PERSONS IN
4 PARENTAL RELATION REQUESTING TRANSPORTATION MAY BE SUBMITTED PROVIDED
5 THAT SUCH PETITIONS AND/OR REQUESTS SHALL NOT BE SUBMITTED LATER THAN
6 THE FIRST DAY OF MARCH PRECEDING THE SCHOOL YEAR FOR WHICH TRANSPORTA-
7 TION IS REQUESTED. THE BOARD OF EDUCATION SHALL MAKE ITS DETERMINATION
8 BEFORE SUCH BOARD PRESENTS THE BUDGET FOR THE SCHOOL YEAR FOR WHICH
9 TRANSPORTATION IS REQUESTED. THE PARENT OR OTHER PERSON IN PARENTAL
10 RELATION OF A CHILD NOT RESIDING IN THE DISTRICT ON THE FIRST DAY OF
11 MARCH MAY SUBMIT A REQUEST WITHIN THIRTY DAYS AFTER ESTABLISHING RESI-
12 DENCE IN THE DISTRICT, BUT IN NO EVENT LATER THAN THE FIRST DAY OF JULY
13 OF THE SCHOOL YEAR FOR WHICH TRANSPORTATION IS REQUESTED AND THE BOARD
14 OF EDUCATION SHALL MAKE ITS DETERMINATION WITHIN THIRTY DAYS OF RECEIPT
15 OF SUCH REQUEST. The cost of providing such transportation between two
16 or three miles, as the case may be, and fifteen miles shall be consid-
17 ered for the purposes of this chapter to be a charge upon the district
18 and an ordinary contingent expense of the district. Transportation for a
19 lesser distance than two miles in the case of children attending grades
20 kindergarten through eight or three miles in the case of children
21 attending grades nine through twelve and for a greater distance than
22 fifteen miles may be provided by the district with the approval of the
23 qualified voters, and, if provided, shall be offered equally to all
24 children in like circumstances residing in the district; provided,
25 however, that this requirement shall not apply to transportation offered
26 pursuant to section thirty-six hundred thirty-five-b of this article.

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