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I N   S E N A T E

January 21, 2014

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Introduced by Sen. MARTINS -- 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  
26    THREE MILE DESIGNATED AREA. PETITIONS SHALL SPECIFY THE GEOGRAPHIC BOUN-  
27    DARIES DETAILING POTENTIAL HAZARDS TO CHILD SAFETY. PETITIONS AND/OR  
28    ADDITIONAL WRITTEN REQUESTS FROM INDIVIDUAL PARENTS OR PERSONS IN

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

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1 PARENTAL RELATION REQUESTING TRANSPORTATION MAY BE SUBMITTED PROVIDED  
2 THAT SUCH PETITIONS AND/OR REQUESTS SHALL NOT BE SUBMITTED LATER THAN  
3 THE FIRST DAY OF MARCH PRECEDING THE SCHOOL YEAR FOR WHICH TRANSPORTA-  
4 TION IS REQUESTED. THE BOARD OF EDUCATION SHALL MAKE ITS DETERMINATION  
5 BEFORE SUCH BOARD PRESENTS THE BUDGET FOR THE SCHOOL YEAR FOR WHICH  
6 TRANSPORTATION IS REQUESTED. THE PARENT OR OTHER PERSON IN PARENTAL  
7 RELATION OF A CHILD NOT RESIDING IN THE DISTRICT ON THE FIRST DAY OF  
8 MARCH MAY SUBMIT A REQUEST WITHIN THIRTY DAYS AFTER ESTABLISHING RESI-  
9 DENCE IN THE DISTRICT, BUT IN NO EVENT LATER THAN THE FIRST DAY OF JULY  
10 OF THE SCHOOL YEAR FOR WHICH TRANSPORTATION IS REQUESTED AND THE BOARD  
11 OF EDUCATION SHALL MAKE ITS DETERMINATION WITHIN THIRTY DAYS OF RECEIPT  
12 OF SUCH REQUEST. The cost of providing such transportation between two  
13 or three miles, as the case may be, and fifteen miles shall be consid-  
14 ered for the purposes of this chapter to be a charge upon the district  
15 and an ordinary contingent expense of the district. Transportation for a  
16 lesser distance than two miles in the case of children attending grades  
17 kindergarten through eight or three miles in the case of children  
18 attending grades nine through twelve and for a greater distance than  
19 fifteen miles may be provided by the district with the approval of the  
20 qualified voters, and, if provided, shall be offered equally to all  
21 children in like circumstances residing in the district; provided,  
22 however, that this requirement shall not apply to transportation offered  
23 pursuant to section thirty-six hundred thirty-five-b of this article.  
24 S 2. This act shall take effect on the first of July next succeeding  
25 the date on which it shall have become a law; provided that the amend-  
26 ments to paragraph a of subdivision 1 of section 3635 of the education  
27 law made by section one of this act shall not affect the expiration of  
28 such paragraph and shall be deemed to expire therewith.