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

11040

I N A S S E M B L Y

May 11, 2010

Introduced by M. of A. WEINSTEIN, HIKIND -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the reimbursement of school districts for the transportation of students

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

Section 1. Section 3635 of the education law is amended by adding a new subdivision 8 to read as follows:

8. A. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION TO THE CONTRARY, A CITY SCHOOL DISTRICT LOCATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE PROVIDING TRANSPORTATION PURSUANT TO THIS CHAPTER SHALL BE RESPONSIBLE FOR REIMBURSING THE COST INCURRED FOR PROVIDING TRANSPORTATION AFTER FIVE O'CLOCK IN THE AFTERNOON FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FIVE O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO. A DISTRICT DOES NOT SATISFY ITS OBLIGATION UNDER THIS SECTION BY PROVIDING FUNDING FOR PUBLIC TRANSPORTATION OF ANY CHILD WHOSE PARENTS OBJECT TO PUBLIC TRANSPORTATION.

B. THE COST TO THE SCHOOL DISTRICT OF PROVIDING SUCH REIMBURSEMENT FOR TRANSPORTATION EXPENSES SHALL BE CONSIDERED FOR THE PURPOSE OF THIS CHAPTER TO BE A CHARGE UPON THE SCHOOL DISTRICT AND AN ORDINARY CONTINGENT EXPENSE TO THE SCHOOL DISTRICT, SO LONG AS SUCH CHILD OR CHILDREN SHALL BE OTHERWISE ELIGIBLE FOR THE PROVISION OF TRANSPORTATION PURSUANT TO THIS SECTION, AND THE PARENT OR GUARDIAN OR ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR GUARDIAN SHALL HAVE NOTIFIED THE SCHOOL DISTRICT IN WRITING IN THE SAME MANNER AND UPON THE SAME DATES AS ARE REQUIRED FOR A REQUEST FOR TRANSPORTATION PURSUANT TO SUBDIVISION TWO OF THIS SECTION WITH NO OPTION TO REQUEST TRANSPORTATION AT A LATER DATE, AND SUCH DISTRICTS SHALL BE ENTITLED TO AN APPORTIONMENT FOR PUPIL

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

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TRANSPORTATION STATE AID PURSUANT TO THIS CHAPTER FOR SUCH CHILDREN IN THE SAME MANNER AND AT THE SAME DAILY RATE AS IF SUCH CHILDREN RECEIVED TRANSPORTATION SERVICES OTHERWISE AUTHORIZED BY THIS SECTION.

C. SUCH SCHOOL DISTRICT SHALL NOT BE REQUIRED TO EXPEND AN AMOUNT THAT EXCEEDS THE AMOUNT SUCH DISTRICT WOULD OTHERWISE EXPEND PER CHILD PER DAY TO PROVIDE TRANSPORTATION SERVICES FOR SUCH CHILDREN, INCLUDING CAPITAL EXPENSES, IF SUCH DISTRICT WERE PROVIDING TRANSPORTATION DIRECTLY.

D. THE CHANCELLOR OF SUCH SCHOOL DISTRICT SHALL PRESCRIBE A SYSTEM UNDER WHICH THE REQUIREMENTS OF THIS SECTION SHALL BE CARRIED OUT.

S 2. This act shall take effect July 1, 2010.