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

1781

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

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

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

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 chapter 69 of the laws of 1992, 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 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, and, if provided, shall be offered equally to all children in like circumstances residing in the district AND MAY, UPON A RESOLUTION ADOPTED BY THE BOARD

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

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OF EDUCATION AND FOR A PERIOD OF TIME AS APPROVED BY THE BOARD OF EDUCATION, BE PROVIDED FOR THESE LESSER DISTANCES OR BETWEEN THE STUDENT'S HOME AND THE SCHOOL HE OR SHE ATTENDS OR BETWEEN THE STUDENT'S HOME AND A REGULARLY SCHEDULED PICK-UP POINT BASED UPON THE BOARD OF EDUCATION'S DETERMINATION THAT THE PARENT OR GUARDIAN OF A CHILD REQUIRED TO WALK A SPECIFIC DISTANCE TO SCHOOL OR TO A REGULARLY SCHEDULED PICK-UP POINT, IS PRECLUDED BY REASON OF AN EXISTING MEDICAL CONDITION FROM ACCOMPANYING THE CHILD TO OR FROM THE SCHOOL OR BUS STOP AND THE ROUTE THE CHILD MUST WALK IS DETERMINED BY THE BOARD OF EDUCATION TO BE UNSAFE BASED ON SUCH FACTORS AS THE CHILD'S AGE OR EXISTING CONDITION OF THE ROUTE TO BE WALKED; provided, however, that this requirement shall not apply to transportation offered pursuant to section thirty-six hundred thirty-five-b of this [article] PART.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.