

2328

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, WEISENBERG, CLARK, P. RIVERA -- Multi-Sponsored by -- M. of A. COLTON, PHEFFER -- read once and referred to the Committee on Education

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:

1 Section 1. Paragraphs a, b and e of subdivision 1 of section 3635 of
2 the education law, paragraph a as amended by chapter 69 of the laws of
3 1992, paragraph b as amended by chapter 718 of the laws of 1990, subpar-
4 agraph (i) of paragraph b as amended by chapter 571 of the laws of 1994
5 and paragraph e as amended by chapter 665 of the laws of 1990, are
6 amended to read as follows:
7 a. Sufficient transportation facilities (including the operation and
8 maintenance of motor vehicles) shall be provided by the school district
9 for all the children residing within the school district to and from the
10 school they legally attend, who are in need of such transportation
11 because of the remoteness of the school to the child or for the
12 promotion of the best interest of such children. Such transportation
13 shall be provided for all children attending grades kindergarten through
14 eight who live more than two miles from the school which they legally
15 attend and for all children attending grades nine through twelve who
16 live more than three miles from the school which they legally attend and
17 shall be provided for each such child up to a distance of [fifteen]
18 TWENTY-FIVE miles, the distances in each case being measured by the
19 nearest available route from home to school. The cost of providing such
20 transportation between two or three miles, as the case may be, and
21 [fifteen] TWENTY-FIVE miles shall be considered for the purposes of this
22 chapter to be a charge upon the district and an ordinary contingent
23 expense of the district. Transportation for a lesser distance than two
24 miles in the case of children attending grades kindergarten through

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

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1 eight or three miles in the case of children attending grades nine
2 through twelve and for a greater distance than [fifteen] TWENTY-FIVE
3 miles may be provided by the district, and, if provided, shall be
4 offered equally to all children in like circumstances residing in the
5 district; provided, however, that this requirement shall not apply to
6 transportation offered pursuant to section thirty-six hundred thirty-
7 five-b of this article.

8 b. (i) School districts providing transportation to a nonpublic school
9 for pupils living within a specified distance from such school shall
10 designate one or more public schools as centralized pick-up points and
11 shall provide transportation between such points and such nonpublic
12 schools for students residing in the district who live too far from such
13 nonpublic schools to qualify for transportation between home and school.
14 The district shall not be responsible for the provision of transporta-
15 tion for pupils between their home and such pick-up points. The
16 district may provide school bus transportation to a pupil if the resi-
17 dence of the pupil is located on an established route for the transpor-
18 tation of pupils to the centralized pick-up point provided such trans-
19 portation does not result in additional costs to the district. The cost
20 of providing transportation between such pick-up points and such nonpub-
21 lic schools shall be an ordinary contingent expense.

22 (ii) A board of education may, at its discretion, provide transporta-
23 tion for pupils residing within the district to a nonpublic school
24 located more than [fifteen] TWENTY-FIVE miles from the home of any such
25 pupil provided that such transportation has been provided to such
26 nonpublic school pursuant to this subdivision in at least one of the
27 immediately preceding three school years and such transportation is
28 provided from one or more centralized pick-up points designated pursuant
29 to this paragraph and that the distance from such pick-up points to the
30 nonpublic school is not more than [fifteen] TWENTY-FIVE miles. The
31 district shall not be responsible for the provision of transportation
32 for pupils between pupils homes and such pick-up points. The cost of
33 providing transportation between such pick-up points and such nonpublic
34 schools shall be an ordinary contingent expense.

35 (III) A BOARD OF EDUCATION SHALL PROVIDE TRANSPORTATION FOR PUPILS
36 RESIDING WITHIN THE DISTRICT WHO ARE NOT ENTITLED TO TRANSPORTATION
37 PURSUANT TO SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH OR ANY OTHER
38 PROVISION OF THIS CHAPTER TO A NONPUBLIC SCHOOL FROM THE HOME OF SUCH
39 PUPIL, REGARDLESS OF WHETHER SUCH NONPUBLIC SCHOOL IS WITHIN OR WITHOUT
40 SUCH DISTRICT.

41 e. In lieu of the transportation provided pursuant to the foregoing
42 provisions of this subdivision, a board of education may, at its
43 discretion, provide transportation to any child attending grades kinder-
44 garten through eight between the school such child legally attends and
45 before-and/or-after-school child care locations. For the purposes of
46 this subdivision, a before-and/or-after-school child care location shall
47 mean a place, other than the child's home, where care for less than
48 twenty-four hours a day is provided on a regular basis for a child who
49 attends school within the school district, provided that such place is
50 situated within the school district. This definition includes, but is
51 not limited to, a variety of child care services such as day care
52 centers, family day care homes and in-home care by non-relatives. Such
53 transportation may be provided for children attending grades kindergar-
54 ten through eight where the distance between the school they legally
55 attend and before-and/or-after-school child care locations is more than
56 two miles, and may be provided for up to a distance of [fifteen] TWEN-

1 TY-FIVE miles, the distance in each case being measured by the nearest
2 available route from before-and/or-after-school child care locations to
3 the school they legally attend, except that transportation for a lesser
4 distance than two miles or a greater distance than [fifteen] TWENTY-FIVE
5 miles may be provided if transportation for such distances is provided
6 to students between home and school. Where a child receives transporta-
7 tion from a before-school child care location to the school he or she
8 legally attends, such child shall be entitled to receive transportation
9 from the school he or she legally attends to his or her home or to an
10 after-school child care location in accordance with this subdivision.
11 Where a child receives transportation from the school he or she legally
12 attends to an after-school child care location, such child shall be
13 entitled to receive transportation from home to the school he or she
14 legally attends in accordance with this subdivision. Transportation may
15 be provided to any child attending grades kindergarten through eight
16 between the school the child legally attends and before-and/or-after-
17 school child care locations upon written request of the parent or legal
18 guardian submitted not later than the first day of April preceding the
19 next school year, provided, however, a parent or guardian of a child not
20 residing in the district on such date shall submit a written request
21 within thirty days after establishing residence in the district and
22 provided further that in order to be considered eligible for such trans-
23 portation in the nineteen hundred eighty-seven--eighty-eight school
24 year, such request must be submitted by August first, nineteen hundred
25 eighty-seven. The provision of transportation to or from before-and/or-
26 after-school child care locations, if provided, shall be offered equally
27 to all children in like circumstances residing in the district, provided
28 that a board of education furnishing transportation pursuant to this
29 paragraph may limit the provision of such transportation to child care
30 locations located within the attendance zone of the school the child
31 attends, and to child day care centers and school age child care
32 programs licensed or registered pursuant to section three hundred ninety
33 of the social services law located anywhere within the school district.
34 The cost of providing such transportation between two or three miles, as
35 the case may be, and [fifteen] TWENTY-FIVE miles shall be considered for
36 the purposes of this chapter to be a charge upon the district. Such
37 substitute transportation expense shall be eligible for state aid in
38 accordance with clause one of paragraph b of subdivision seven of
39 section thirty-six hundred two of this chapter. Nothing in this subdivi-
40 sion shall be construed to impose a duty upon boards of education to
41 provide transportation to or from before-and/or-after-school child care
42 locations. Nothing in this subdivision shall be construed to authorize
43 boards of education to provide to any child transportation between a
44 before-and/or-after-school day care location and that child's home.

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