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

5488

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. HIKIND, CYMBROWITZ, JACOBS, PHEFFER, LENTOL, COLTON, COOK, BENEDETTO, CAMARA -- Multi-Sponsored by -- M. of A. BRENNAN, BROOK-KRASNY, MAISEL, MENG, TITONE, TOWNS, WEINSTEIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to reimbursement of certain transportation costs provided by parents 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. ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY NOTWITHSTANDING, THE PARENT OR GUARDIAN OF A CHILD OR CHILDREN MAY ELECT TO PROVIDE TRANSPORTATION OTHERWISE AUTHORIZED OR DIRECTED BY THIS CHAPTER, TO ONE OR MORE OF SUCH CHILDREN IN THE CASE WHERE ONE OR MORE CHILDREN IN GRADES KINDERGARTEN THROUGH SIXTH GRADE REMAIN AT SCHOOL FOR REGULARLY SCHEDULED ACADEMIC CLASSES, EXCLUDING ACADEMIC CLASSES GIVEN ON THE SCHOOL PREMISES BY AN ORGANIZATION INDEPENDENT FROM THE SCHOOL, UNTIL FIVE O'CLOCK IN THE AFTERNOON, OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO, AND AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX. IN SUCH A CASE, THE AVERAGE PER DIEM COST OF THE PARENTS PROVISION OF SUCH TRANSPORTATION SHALL BE CONSIDERED FOR THE PURPOSES OF THIS CHAPTER TO BE A CHARGE UPON THE DISTRICT AND AN ORDINARY CONTINGENT EXPENSE OF THE 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, AND SHALL COMMIT TO TRANSPORTING THE CHILD IN SUCH MANNER EVERY SCHOOL DAY OF THE SCHOOL WEEK, PROVIDED, HOWEVER, THAT

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

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THERE SHALL BE NO OPTION TO REQUEST TRANSPORTATION AT A LATER DATE AND FURTHER PROVIDED, HOWEVER, THAT THIS SUBDIVISION SHALL ONLY APPLY TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, AND FURTHER PROVIDED THAT TRANSPORTATION FOR A LESSER DISTANCE OR AN EARLIER TIME THAN SPECIFIED IN THIS SUBDIVISION MAY BE PROVIDED BY SUCH DISTRICT, AND, IF PROVIDED, SHALL BE OFFERED EQUALLY TO ALL CHILDREN IN LIKE CIRCUMSTANCES RESIDING IN THE DISTRICT. IF THE REQUIREMENTS OF THIS SUBDIVISION HAVE BEEN MET, THE SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR PAYING FOR SUCH TRANSPORTATION, AND SUCH EXPENSES SHALL BE DEEMED AN ACTUAL EXPENDITURE BY THE SCHOOL DISTRICT AND SUCH DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT FOR PUPIL TRANSPORTATION STATE AID PURSUANT TO THIS CHAPTER FOR SUCH CHILD OR CHILDREN IN THE SAME MANNER AND AT THE SAME RATE AS IF SUCH CHILD OR CHILDREN RECEIVED TRANSPORTATION SERVICES OTHERWISE AUTHORIZED BY THIS SECTION.

S 2. Any other provision of any other law to the contrary notwithstanding, the school district of the city of New York may implement a pilot program to provide transportation services as set forth in subdivision 8 of section 3635 of the education law as added by section one of this act, provided, however that the notification provisions contained in such subdivision shall not be applicable to such pilot program.

S 3. This act shall take effect immediately and shall apply to transportation expenses incurred in school years beginning on and after July 1, 2011.