

6172

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. PHEFFER,
J. RIVERA, ZEBROWSKI -- 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph a of subdivision 1 of section 3635 of the educa-
2 tion law, as amended by chapter 69 of the laws of 1992, is amended to
3 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. The cost of providing such transportation between
17 two or three miles, as the case may be, and fifteen miles shall be
18 considered for the purposes of this chapter to be a charge upon the
19 district and an ordinary contingent expense of the district. Transporta-
20 tion for a lesser distance than two miles in the case of children
21 attending grades kindergarten through eight or three miles in the case
22 of children attending grades nine through twelve and for a greater
23 distance than fifteen miles may be provided by the district, and, if
24 provided, shall be offered equally to all children in like circumstances

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

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1 residing in the district AND MAY, UPON A RESOLUTION ADOPTED BY THE BOARD
2 OF EDUCATION AND FOR A PERIOD OF TIME AS APPROVED BY THE BOARD OF EDUCA-
3 TION, BE PROVIDED FOR SUCH LESSER DISTANCES BASED UPON SUCH BOARD'S
4 DETERMINATION THAT THE PARENT OR GUARDIAN OF A CHILD IS NONAMBULATORY
5 AND UNABLE TO ACCOMPANY THE CHILD TO OR FROM SCHOOL; provided, however,
6 that this requirement shall not apply to transportation offered pursuant
7 to section thirty-six hundred thirty-five-b of this article.
8 S 2. This act shall take effect on the first of July next succeeding
9 the date on which it shall have become a law.