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I N A S S E M B L Y

April 13, 2012

Introduced by M. of A. PAULIN, CASTRO, JAFFEE, ROBERTS, ROBINSON,
ZEBROWSKI -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to transportation of
children by school districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 section 11 of part A of
3 chapter 97 of the laws of 2011, paragraph b as amended by chapter 718 of
4 the laws of 1990, subparagraph (i) of paragraph b as amended by chapter
5 571 of the laws of 1994 and paragraph e as amended by chapter 665 of the
6 laws of 1990, are 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 miles,
18 EXCEPT UPON THE ADOPTION OF A RESOLUTION, LIMITING SUCH TRANSPORTATION
19 TO SEVEN MILES, BY THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, the
20 distances in each case being measured by the nearest available route
21 from home to school. The cost of providing such transportation between
22 two or three miles, as the case may be, and SEVEN OR fifteen miles, AS
23 THE CASE MAY BE, shall be considered for the purposes of this chapter to
24 be a charge upon the district and an ordinary contingent expense of the
25 district. Transportation for a lesser distance than two miles in the
26 case of children attending grades kindergarten through eight or three
27 miles in the case of children attending grades nine through twelve and
28 for a greater distance than SEVEN OR fifteen miles, AS THE CASE MAY BE,

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

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1 may be provided by the district with the approval of the qualified
2 voters, and, if provided, shall be offered equally to all children in
3 like circumstances residing in the district; provided, however, that
4 this requirement shall not apply to transportation offered pursuant to
5 section thirty-six hundred thirty-five-b of this [article] PART.

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

20 (ii) A board of education may, at its discretion, provide transporta-
21 tion for pupils residing within the district to a nonpublic school
22 located more than fifteen miles from the home of any such pupil provided
23 that such transportation has been provided to such nonpublic school
24 pursuant to this subdivision in at least one of the immediately preced-
25 ing three school years and such transportation is provided from one or
26 more centralized pick-up points designated pursuant to this paragraph
27 and that the distance from such pick-up points to the nonpublic school
28 is not more than fifteen miles. PROVIDED, HOWEVER, THAT IN A SCHOOL
29 DISTRICT THAT HAS ADOPTED A RESOLUTION PROVIDING THAT THE MAXIMUM
30 DISTANCE FOR TRANSPORTATION IS SEVEN MILES, PURSUANT TO PARAGRAPH A OF
31 THIS SUBDIVISION, THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, PROVIDE
32 TRANSPORTATION FOR PUPILS RESIDING WITHIN THE DISTRICT TO A NONPUBLIC
33 SCHOOL LOCATED MORE THAN SEVEN MILES FROM THE HOME OF ANY SUCH PUPIL
34 PROVIDED THAT SUCH TRANSPORTATION HAS BEEN PROVIDED TO SUCH NONPUBLIC
35 SCHOOL PURSUANT TO THIS SUBDIVISION IN AT LEAST ONE OF THE IMMEDIATELY
36 PRECEDING THREE SCHOOL YEARS AND SUCH TRANSPORTATION IS PROVIDED FROM
37 ONE OR MORE CENTRALIZED PICK-UP POINTS DESIGNATED PURSUANT TO THIS PARA-
38 GRAPH AND THAT DISTANCE FROM SUCH PICK-UP POINTS TO THE NONPUBLIC SCHOOL
39 IS NOT MORE THAN SEVEN MILES. The district shall not be responsible for
40 the provision of transportation for pupils between pupils homes and such
41 pick-up points. The cost of providing transportation between such pick-
42 up points and such nonpublic schools shall be an ordinary contingent
43 expense.

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

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

51 S 2. Paragraph a of subdivision 1 of section 3635 of the education
52 law, as amended by chapter 69 of the laws of 1992, is amended to read
53 as follows:

54 a. Sufficient transportation facilities (including the operation and
55 maintenance of motor vehicles) shall be provided by the school district
56 for all the children residing within the school district to and from the

1 school they legally attend, who are in need of such transportation
2 because of the remoteness of the school to the child or for the
3 promotion of the best interest of such children. Such transportation
4 shall be provided for all children attending grades kindergarten through
5 eight who live more than two miles from the school which they legally
6 attend and for all children attending grades nine through twelve who
7 live more than three miles from the school which they legally attend and
8 shall be provided for each such child up to a distance of fifteen miles,
9 EXCEPT UPON THE ADOPTION OF A RESOLUTION, LIMITING SUCH TRANSPORTATION
10 TO SEVEN MILES, BY THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, the
11 distances in each case being measured by the nearest available route
12 from home to school. The cost of providing such transportation between
13 two or three miles, as the case may be, and SEVEN OR fifteen miles, AS
14 THE CASE MAY BE, shall be considered for the purposes of this chapter to
15 be a charge upon the district and an ordinary contingent expense of the
16 district. Transportation for a lesser distance than two miles in the
17 case of children attending grades kindergarten through eight or three
18 miles in the case of children attending grades nine through twelve and
19 for a greater distance than SEVEN OR fifteen miles, AS THE CASE MAY BE,
20 may be provided by the district, and, if provided, shall be offered
21 equally to all children in like circumstances residing in the district;
22 provided, however, that this requirement shall not apply to transporta-
23 tion offered pursuant to section thirty-six hundred thirty-five-b of
24 this [article] PART.

25 S 3. This act shall take effect on the first of July next succeeding
26 the date on which it shall have become a law; provided that the amend-
27 ments to paragraph a of subdivision 1 of section 3635 of the education
28 law made by section one of this act shall be subject to the expiration
29 and reversion of such paragraph pursuant to section 13 of part A of
30 chapter 97 of the laws of 2011, when upon such date the provisions of
31 section two of this act shall take effect.