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

6304

I N S E N A T E

January 24, 2012

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to providing mandate relief to local school districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph d of subdivision 4 of section 4402 of the education law, as amended by chapter 646 of the laws of 1992, is amended to read as follows:

d. Notwithstanding any other provision of law, such board shall provide suitable transportation up to a distance of [fifty] TWENTY-FIVE miles to and from a nonpublic school which a child with a handicapping condition attends OR FIFTY MILES FROM A NONPUBLIC SCHOOL FOR SCHOOL DISTRICTS LOCATED ENTIRELY OR PARTIALLY IN ANY COUNTY WITH LESS THAN TWO HUNDRED THOUSAND POPULATION OR ANY TOWN WHICH HAS A POPULATION OF LESS THAN ONE HUNDRED FIFTY PERSONS PER SQUARE MILE if such child has been so identified by the local committee on special education and such child attends such school for the purpose of receiving services or programs similar to special educational programs recommended for such child by the local committee on special education.

S 2. Subdivision 8 of section 4410 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

8. Transportation. The municipality in which a preschool child resides shall, beginning with the first day of service, provide either directly or by contract for suitable transportation, as determined by the board, to and from special services or programs; provided, however, that if the municipality is a city with a population of one million or more persons the municipality may delegate the authority to provide such transportation to the board; and provided further, that prior to providing such transportation directly or contracting with another entity to provide such transportation, such municipality or board shall request and encourage the parents to transport their children at public expense, where cost-effective, at a rate per mile or a public service fare established by the municipality and approved by the commissioner. Except as

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

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otherwise provided in this section, the parents' inability or declination to transport their child shall in no way [effect] AFFECT the municipality's or board's responsibility to provide recommended services. Such transportation shall be provided once daily from the child care location to the special service or program and once daily from the special service or program to the child care location up to [fifty] TWENTY-FIVE miles from the child care location, OR FIFTY MILES FROM THE CHILD CARE LOCATION FOR SCHOOL DISTRICTS LOCATED ENTIRELY OR PARTIALLY IN ANY COUNTY WITH LESS THAN TWO HUNDRED THOUSAND POPULATION OR ANY TOWN WHICH HAS A POPULATION OF LESS THAN ONE HUNDRED FIFTY PERSONS PER SQUARE MILE. If the board determines that a child must receive special services and programs at a location greater than [fifty miles] THE ALLOWED DISTANCE from the child care location, it shall request approval of the commissioner. For the purposes of this subdivision, the term "child care location" shall mean a child's home or a place where care for less than twenty-four hours a day is provided on a regular basis and includes, but is not limited to, a variety of child care services such as day care centers, family day care homes and in-home care by persons other than parents. All transportation of such children shall be provided pursuant to the procedures set forth in section two hundred thirty-six of the family court act using the date called for in the written notice of determination of the board or the date of the written notice of determination of the board, whichever comes later, in lieu of the date the court order was issued.

S 3. This act shall take effect immediately.