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

9625--A

I N A S S E M B L Y

March 21, 2012

Introduced by M. of A. WEINSTEIN, HIKIND, SILVER, LENTOL, GOLDFEDER, CYMBROWITZ, ABBATE, LANCMAN, MENG, NOLAN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring certain school districts to provide transportation to students who remain at the school until five pm or later

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 9 to read as follows:

9. A. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION TO THE CONTRARY, A CITY SCHOOL DISTRICT LOCATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE PROVIDING TRANSPORTATION PURSUANT TO THIS CHAPTER SHALL BE RESPONSIBLE FOR (I) PROVIDING TRANSPORTATION AFTER FIVE O'CLOCK IN THE AFTERNOON FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FIVE O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO OR (II) REIMBURSING THE COST INCURRED BY LICENSED TRANSPORTATION CARRIERS PURSUANT TO CONTRACTS WITH SUCH SCHOOL DISTRICT FOR PROVIDING TRANSPORTATION FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FIVE O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO. NOTHING HEREIN SHALL PROHIBIT THE SCHOOL DISTRICT FROM REIMBURSING FOR COSTS INCURRED FOR SUCH CONTRACTS BETWEEN THE SCHOOL DISTRICT AND ANY ENTITY PROVIDING OR CONTRACTING FOR SUCH

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

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TRANSPORTATION SERVICE. A DISTRICT DOES NOT SATISFY ITS OBLIGATION UNDER THIS SECTION BY PROVIDING PUBLIC SERVICE TRANSPORTATION.

B. THE COST TO THE SCHOOL DISTRICT OF PROVIDING SUCH REIMBURSEMENT FOR TRANSPORTATION EXPENSES SHALL BE CONSIDERED ALLOWABLE COSTS ELIGIBLE FOR TRANSPORTATION AID TO THE SAME EXTENT AS COSTS INCURRED DURING THE REGULAR SCHOOL DAY.

C. THE CHANCELLOR OF SUCH SCHOOL DISTRICT, IN CONSULTATION WITH THE COMMISSIONER, SHALL PRESCRIBE THE MOST COST EFFECTIVE SYSTEM FOR IMPLEMENTING THE REQUIREMENTS OF THIS SECTION, TAKING INTO CONSIDERATION THE COSTS ASSOCIATED WITH SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH A OF THIS SUBDIVISION, WHILE AT THE SAME TIME ATTEMPTING TO MAXIMIZE STUDENT SAFETY WITH CONSIDERATION OF THE AGE OF THE STUDENT TO BE TRANSPORTED.

D. 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 WITH NO OPTION TO REQUEST TRANSPORTATION AT A LATER DATE PROVIDED THAT A REQUEST FOR SUCH TRANSPORTATION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR MAY BE SUBMITTED WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

S 2. This act shall take effect July 1, 2012.