

7286

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 10, 2013

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Introduced by M. of A. RABBITT -- 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 ASSEMBLY, 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]  
18    TWENTY-FIVE miles, the distances in each case being measured by the  
19    nearest available route from home to school. The cost of providing such  
20    transportation between two or three miles, as the case may be, and  
21    [fifteen] TWENTY-FIVE miles shall be considered for the purposes of this  
22    chapter to be a charge upon the district and an ordinary contingent  
23    expense of the district. Transportation for a lesser distance than two  
24    miles in the case of children attending grades kindergarten through  
25    eight or three miles in the case of children attending grades nine

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

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1 through twelve and for a greater distance than [fifteen] TWENTY-FIVE  
2 miles may be provided by the district with the approval of the qualified  
3 voters, and, if provided, shall be offered equally to all children in  
4 like circumstances residing in the district; provided, however, that  
5 this requirement shall not apply to transportation offered pursuant to  
6 section thirty-six hundred thirty-five-b of this article.

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

21 (ii) A board of education may, at its discretion, provide transporta-  
22 tion for pupils residing within the district to a nonpublic school  
23 located more than [fifteen] TWENTY-FIVE miles from the home of any such  
24 pupil provided that such transportation has been provided to such  
25 nonpublic school pursuant to this subdivision in at least one of the  
26 immediately preceding three school years and such transportation is  
27 provided from one or more centralized pick-up points designated pursuant  
28 to this paragraph and that the distance from such pick-up points to the  
29 nonpublic school is not more than [fifteen] TWENTY-FIVE miles. The  
30 district shall not be responsible for the provision of transportation  
31 for pupils between pupils homes and such pick-up points. The cost of  
32 providing transportation between such pick-up points and such nonpublic  
33 schools shall be an ordinary contingent expense.

34 (III) A BOARD OF EDUCATION SHALL PROVIDE TRANSPORTATION FOR PUPILS  
35 RESIDING WITHIN THE DISTRICT WHO ARE NOT ENTITLED TO TRANSPORTATION  
36 PURSUANT TO SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH OR ANY OTHER  
37 PROVISION OF THIS CHAPTER TO A NONPUBLIC SCHOOL FROM THE HOME OF SUCH  
38 PUPIL, REGARDLESS OF WHETHER SUCH NONPUBLIC SCHOOL IS WITHIN OR WITHOUT  
39 SUCH DISTRICT.

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

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

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

47 a. Sufficient transportation facilities (including the operation and  
48 maintenance of motor vehicles) shall be provided by the school district  
49 for all the children residing within the school district to and from the  
50 school they legally attend, who are in need of such transportation  
51 because of the remoteness of the school to the child or for the  
52 promotion of the best interest of such children. Such transportation  
53 shall be provided for all children attending grades kindergarten through  
54 eight who live more than two miles from the school which they legally  
55 attend and for all children attending grades nine through twelve who  
56 live more than three miles from the school which they legally attend and

1 shall be provided for each such child up to a distance of [fifteen]  
2 TWENTY-FIVE miles, the distances in each case being measured by the  
3 nearest available route from home to school. The cost of providing such  
4 transportation between two or three miles, as the case may be, and  
5 [fifteen] TWENTY-FIVE miles shall be considered for the purposes of this  
6 chapter to be a charge upon the district and an ordinary contingent  
7 expense of the district. Transportation for a lesser distance than two  
8 miles in the case of children attending grades kindergarten through  
9 eight or three miles in the case of children attending grades nine  
10 through twelve and for a greater distance than [fifteen] TWENTY-FIVE  
11 miles may be provided by the district, and, if provided, shall be  
12 offered equally to all children in like circumstances residing in the  
13 district; provided, however, that this requirement shall not apply to  
14 transportation offered pursuant to section thirty-six hundred thirty-  
15 five-b of this article.

16 S 3. This act shall take effect on the first of July next succeeding  
17 the date on which it shall have become a law; provided, that the amend-  
18 ments to paragraph a of subdivision 1 of section 3635 of the education  
19 law, made by section one of this act, shall not affect the expiration  
20 and reversion of such paragraph and shall be deemed repealed therewith,  
21 when upon such date section two of this act shall take effect.