

8482

I N A S S E M B L Y

January 17, 2014

Introduced by M. of A. FAHY, LUPARDO, CAMARA, SCARBOROUGH, JAFFEE, GUNTHER, MAGNARELLI, COLTON, STIRPE, OTIS, DUPREY, MONTESANO, RAI, GIGLIO, ABINANTI, CLARK -- Multi-Sponsored by -- M. of A. ABBATE, GALEF, GOTTFRIED, McLAUGHLIN, SKARTADOS, THIELE, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the transportation of children attending pre-kindergarten; and repealing certain provisions of such law relating thereto

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

1 Section 1. Paragraph a of subdivision 1 of section 3635 of the educa-  
2 tion law, as amended by section 11 of part A of chapter 97 of the laws  
3 of 2011, is amended to 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 FOUR YEARS OF AGE AND OLDER attending  
11 grades [kindergarten] PRE-KINDERGARTEN through eight who live more than  
12 two miles from the school which they legally attend and for all children  
13 attending grades nine through twelve who live more than three miles from  
14 the school which they legally attend and shall be provided for each such  
15 child up to a distance of fifteen miles, the distances in each case  
16 being measured by the nearest available route from home to school. The  
17 cost of providing such transportation between two or three miles, as the  
18 case may be, and fifteen miles shall be considered for the purposes of  
19 this chapter to be a charge upon the district and an ordinary contingent  
20 expense of the district. Transportation for a lesser distance than two  
21 miles in the case of children FOUR YEARS OF AGE AND OLDER attending  
22 grades [kindergarten] PRE-KINDERGARTEN through eight or three miles in  
23 the case of children attending grades nine through twelve and for a  
24 greater distance than fifteen miles may be provided by the district with

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

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

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

9 a. Sufficient transportation facilities (including the operation and  
10 maintenance of motor vehicles) shall be provided by the school district  
11 for all the children residing within the school district to and from the  
12 school they legally attend, who are in need of such transportation  
13 because of the remoteness of the school to the child or for the  
14 promotion of the best interest of such children. Such transportation  
15 shall be provided for all children FOUR YEARS OF AGE AND OLDER attending  
16 grades [kindergarten] PRE-KINDERGARTEN through eight who live more than  
17 two miles from the school which they legally attend and for all children  
18 attending grades nine through twelve who live more than three miles from  
19 the school which they legally attend and shall be provided for each such  
20 child up to a distance of fifteen miles, the distances in each case  
21 being measured by the nearest available route from home to school. The  
22 cost of providing such transportation between two or three miles, as the  
23 case may be, and fifteen miles shall be considered for the purposes of  
24 this chapter to be a charge upon the district and an ordinary contingent  
25 expense of the district. Transportation for a lesser distance than two  
26 miles in the case of children FOUR YEARS OF AGE AND OLDER attending  
27 grades [kindergarten] PRE-KINDERGARTEN through eight or three miles in  
28 the case of children attending grades nine through twelve and for a  
29 greater distance than fifteen miles may be provided by the district,  
30 and, if provided, shall be offered equally to all children in like  
31 circumstances residing in the district; provided, however, that this  
32 requirement shall not apply to transportation offered pursuant to  
33 section thirty-six hundred thirty-five-b of this article.

34 S 3. Paragraph g of subdivision 1 of section 3635 of the education law  
35 is REPEALED.

36 S 4. Paragraph e of subdivision 1 of section 3635 of the education  
37 law, as amended by chapter 665 of the laws of 1990, is amended to read  
38 as follows:

39 e. In lieu of the transportation provided pursuant to the foregoing  
40 provisions of this subdivision, a board of education may, at its  
41 discretion, provide transportation to any child FOUR YEARS OF AGE AND  
42 OLDER attending grades [kindergarten] PRE-KINDERGARTEN through eight  
43 between the school such child legally attends and before-and/or-after-  
44 school child care locations. For the purposes of this subdivision, a  
45 before-and/or-after-school child care location shall mean a place, other  
46 than the child's home, where care for less than twenty-four hours a day  
47 is provided on a regular basis for a child who attends school within the  
48 school district, provided that such place is situated within the school  
49 district. This definition includes, but is not limited to, a variety of  
50 child care services such as day care centers, family day care homes and  
51 in-home care by non-relatives. Such transportation may be provided for  
52 children FOUR YEARS OF AGE AND OLDER attending grades [kindergarten]  
53 PRE-KINDERGARTEN through eight where the distance between the school  
54 they legally attend and before-and/or-after-school child care locations  
55 is more than two miles, and may be provided for up to a distance of  
56 fifteen 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 miles may be  
4 provided if transportation for such distances is provided to students  
5 between home and school. Where a child receives transportation from a  
6 before-school child care location to the school he or she legally  
7 attends, such child shall be entitled to receive transportation from the  
8 school he or she legally attends to his or her home or to an after-  
9 school child care location in accordance with this subdivision. Where a  
10 child receives transportation from the school he or she legally attends  
11 to an after-school child care location, such child shall be entitled to  
12 receive transportation from home to the school he or she legally attends  
13 in accordance with this subdivision. Transportation may be provided to  
14 any child FOUR YEARS OF AGE OR OLDER attending grades] [kindergarten]  
15 PRE-KINDERGARTEN through eight between the school the child legally  
16 attends and before-and/or-after-school child care locations upon written  
17 request of the parent or legal guardian submitted not later than the  
18 first day of April preceding the next school year, provided, however, a  
19 parent or guardian of a child not residing in the district on such date  
20 shall submit a written request within thirty days after establishing  
21 residence in the district and provided further that in order to be  
22 considered eligible for such transportation in the nineteen hundred  
23 eighty-seven--eighty-eight school year, such request must be submitted  
24 by August first, nineteen hundred eighty-seven. The provision of trans-  
25 portation to or from before-and/or-after-school child care locations, if  
26 provided, shall be offered equally to all children in like circumstances  
27 residing in the district, provided that a board of education furnishing  
28 transportation pursuant to this paragraph may limit the provision of  
29 such transportation to child care locations located within the attend-  
30 ance zone of the school the child attends, and to child day care centers  
31 and school age child care programs licensed or registered pursuant to  
32 section three hundred ninety of the social services law located anywhere  
33 within the school district. The cost of providing such transportation  
34 between two or three miles, as the case may be, and fifteen miles shall  
35 be considered for the purposes of this chapter to be a charge upon the  
36 district. Such substitute transportation expense shall be eligible for  
37 state aid in accordance with clause one of paragraph b of subdivision  
38 seven of section thirty-six hundred two of this chapter. Nothing in this  
39 subdivision shall be construed to impose a duty upon boards of education  
40 to provide transportation to or from before-and/or-after-school child  
41 care locations. Nothing in this subdivision shall be construed to  
42 authorize boards of education to provide to any child transportation  
43 between a before-and/or-after-school day care location and that child's  
44 home.

45 S 5. This act shall take effect immediately, provided that the amend-  
46 ments to paragraph a of subdivision 1 of section 3635 of the education  
47 law made by section one of this act shall be subject to the expiration  
48 and reversion of such paragraph when upon such date the provisions of  
49 section two of this act shall take effect.