

4194

2013-2014 Regular Sessions

I N S E N A T E

March 14, 2013

Introduced by Sen. LATIMER -- 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 the transportation of children residing in a school district in the village of Tuckahoe

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 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 IN THE
20 VILLAGE OF TUCKAHOE, the distances in each case being measured by the
21 nearest available route from home to school. The cost of providing such
22 transportation between two or three miles, as the case may be, and SEVEN
23 OR fifteen miles, AS THE CASE MAY BE, shall be considered for the
24 purposes of this chapter to be a charge upon the district and an ordi-
25 nary contingent expense of the district. Transportation for a lesser

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

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1 distance than two miles in the case of children attending grades kinder-
2 garten through eight or three miles in the case of children attending
3 grades nine through twelve and for a greater distance than SEVEN OR
4 fifteen miles, AS THE CASE MAY BE, may be provided by the district with
5 the approval of the qualified voters, and, if provided, shall be offered
6 equally to all children in like circumstances residing in the district;
7 provided, however, that this requirement shall not apply to transporta-
8 tion offered pursuant to section thirty-six hundred thirty-five-b of
9 this [article] PART.

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

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

48 e. In lieu of the transportation provided pursuant to the foregoing
49 provisions of this subdivision, a board of education may, at its
50 discretion, provide transportation to any child attending grades kinder-
51 garten through eight between the school such child legally attends and
52 before-and/or-after-school child care locations. For the purposes of
53 this subdivision, a before-and/or-after-school child care location shall
54 mean a place, other than the child's home, where care for less than
55 twenty-four hours a day is provided on a regular basis for a child who
56 attends school within the school district, provided that such place is

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

1 S 2. Paragraph a of subdivision 1 of section 3635 of the education
2 law, as amended by chapter 69 of the laws of 1992, is amended to read as
3 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 attending grades kindergarten through
11 eight who live more than two miles from the school which they legally
12 attend and for all children attending grades nine through twelve who
13 live more than three miles from the school which they legally attend and
14 shall be provided for each such child up to a distance of fifteen miles,
15 EXCEPT UPON THE ADOPTION OF A RESOLUTION, LIMITING SUCH TRANSPORTATION
16 TO SEVEN MILES, BY THE BOARD OF EDUCATION OF A SCHOOL DISTRICT IN THE
17 VILLAGE OF TUCKAHOE, the distances in each case being measured by the
18 nearest available route from home to school. The cost of providing such
19 transportation between two or three miles, as the case may be, and SEVEN
20 OR fifteen miles, AS THE CASE MAY BE, shall be considered for the
21 purposes of this chapter to be a charge upon the district and an ordi-
22 nary contingent expense of the district. Transportation for a lesser
23 distance than two miles in the case of children attending grades kinder-
24 garten through eight or three miles in the case of children attending
25 grades nine through twelve and for a greater distance than SEVEN OR
26 fifteen miles, AS THE CASE MAY BE, may be provided by the district, and,
27 if provided, shall be offered equally to all children in like circum-
28 stances residing in the district; provided, however, that this require-
29 ment shall not apply to transportation offered pursuant to section thir-
30 ty-six hundred thirty-five-b of this [article] PART.

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