

738

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. FUSCHILLO, GOLDEN, LARKIN -- 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

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 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 the distances in each case being measured by the nearest available route
16 from home to school. The cost of providing such transportation between
17 two or three miles, as the case may be, and fifteen miles shall be
18 considered for the purposes of this chapter to be a charge upon the
19 district and an ordinary contingent expense of the district. Transporta-
20 tion for a lesser distance than two miles in the case of children
21 attending grades kindergarten through eight or three miles in the case
22 of children attending grades nine through twelve and for a greater
23 distance than fifteen miles may be provided by the district with the

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

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1 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; PROVIDED FURTHER THAT THIS REQUIREMENT SHALL NOT APPLY TO
6 TRANSPORTATION THAT MAY, UPON A RESOLUTION ADOPTED BY THE BOARD OF
7 EDUCATION OR TRUSTEES OF ANY SCHOOL DISTRICT, BE OFFERED ON AN EQUITABLE
8 BASIS TO PROVIDE TRANSPORTATION FOR A LESSER DISTANCE THAN WHAT IS
9 REQUIRED PURSUANT TO THIS SUBDIVISION TO CHILDREN WHO HAVE A PARENT OR
10 LEGAL GUARDIAN WITH A PHYSICALLY LIMITING IMPAIRMENT WHICH PROHIBITS
11 SUCH PARENT OR LEGAL GUARDIAN FROM ACCOMPANYING THEIR CHILD TO OR FROM
12 SCHOOL, AS CERTIFIED BY THEIR PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE
13 PRACTITIONER.

14 S 2. This act shall take effect on the first of July next succeeding
15 the date on which it shall have become a law; provided, that the amend-
16 ments to paragraph a of subdivision 1 of section 3635 of the education
17 law made by section one of this act shall not affect the expiration of
18 such paragraph and shall be deemed to expire therewith.