

248--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. MARTINS, VENDITTO -- read twice and ordered printed, and when printed to be committed 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 authorizing boards of education to provide certain children transportation to school

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; PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION OR
17 TRUSTEES OF ANY SCHOOL DISTRICT SHALL, UPON WRITTEN PETITION OF A PARENT
18 OR OTHER PERSON IN PARENTAL RELATION OF A CHILD RESIDING WITHIN SUCH
19 DISTRICT OR OF ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR OTHER
20 PERSON IN PARENTAL RELATION, MAKE AN INVESTIGATION TO DETERMINE WHETHER
21 A CHILD RESIDING WITHIN THE TWO OR THREE MILE DESIGNATED AREA SHOULD,
22 FOR SAFETY REASONS, USE AN ALREADY ESTABLISHED PICK UP/DROP OFF LOCATION

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

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1 OUTSIDE OF SUCH TWO OR THREE MILE DESIGNATED AREA. THE PETITION MUST
2 DEMONSTRATE THAT THE CHILD'S PARENT OR OTHER PERSON IN PARENTAL RELATION
3 OF A CHILD HAS A PHYSICALLY LIMITING IMPAIRMENT, AS CERTIFIED BY TWO
4 PHYSICIANS, WHICH PROHIBITS THEM FROM ACCOMPANYING THEIR CHILD TO OR
5 FROM SCHOOL. SUCH PETITIONS SHALL BE SUBMITTED NO LATER THAN THE FIRST
6 DAY OF MARCH PRECEDING THE SCHOOL YEAR FOR WHICH TRANSPORTATION IS
7 REQUESTED. THE BOARD OF EDUCATION SHALL MAKE ITS DETERMINATION BY A
8 RESOLUTION ADOPTED BY THE BOARD OF EDUCATION OR TRUSTEES BEFORE SUCH
9 BOARD PRESENTS THE BUDGET FOR THE SCHOOL YEAR FOR WHICH TRANSPORTATION
10 IS REQUESTED. The cost of providing such transportation between two or
11 three miles, as the case may be, and fifteen miles shall be considered
12 for the purposes of this chapter to be a charge upon the district and an
13 ordinary contingent expense of the district. Transportation for a lesser
14 distance than two miles in the case of children attending grades kinder-
15 garten through eight or three miles in the case of children attending
16 grades nine through twelve and for a greater distance than fifteen miles
17 may be provided by the district with the approval of the qualified
18 voters, and, if provided, shall be offered equally to all children in
19 like circumstances residing in the district; provided, however, that
20 this requirement shall not apply to transportation offered pursuant to
21 section thirty-six hundred thirty-five-b of this article.

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