

248--B

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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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 -- 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. Subdivision 1 of section 3635 of the education law is  
2     amended by adding a new paragraph h to read as follows:  
3     H. (I) A BOARD OF EDUCATION OF ANY SCHOOL DISTRICT SHALL, UPON WRITTEN  
4     REQUEST OF A PARENT OR GUARDIAN OF A CHILD ATTENDING GRADES KINDERGARTEN  
5     THROUGH EIGHT WHO LIVES WITHIN TWO MILES FROM THE SCHOOL THAT THEY  
6     LEGALLY ATTEND OR A PARENT OR GUARDIAN OF A CHILD ATTENDING GRADES NINE  
7     THROUGH TWELVE WHO LIVES WITHIN THREE MILES FROM THE SCHOOL THAT THEY  
8     LEGALLY ATTEND, MAKE A DETERMINATION AS TO WHETHER A CHILD RESIDING  
9     WITHIN THE TWO OR THREE MILE DISTANCE LIMITATION MAY FOR REASONS RELATED  
10    TO SAFETY OR OTHER EXTRAORDINARY CIRCUMSTANCES USE AN ALREADY ESTAB-  
11    LISHED PICK-UP AND/OR DROP-OFF POINT ON AN ALREADY ESTABLISHED ROUTE  
12    OUTSIDE OF SUCH TWO OR THREE MILE DISTANCE LIMITATION. WRITTEN REQUESTS  
13    SHALL SPECIFY EXPLANATIONS FOR THE REQUEST, INCLUDING BUT NOT LIMITED TO  
14    ANY POTENTIAL HARDSHIPS OR HAZARDS TO THE CHILD'S SAFETY DUE TO THE  
15    PARENT OR GUARDIAN'S INABILITY TO ACCOMPANY THEIR CHILD TO OR FROM  
16    SCHOOL AS WELL AS THE PICK-UP AND/OR DROP-OFF POINT CLOSEST TO THE  
17    CHILD'S PLACE OF RESIDENCE.  
18    (II) UPON RECEIPT OF SUCH WRITTEN REQUEST, THE BOARD OF EDUCATION  
19    SHALL DETERMINE WHETHER THE CHILD SHALL BE PERMITTED TO USE AN ALREADY  
20    ESTABLISHED PICK-UP AND/OR DROP-OFF POINT AND SHALL PROVIDE A WRITTEN  
21    EXPLANATION TO THE PARENT OR GUARDIAN MAKING SUCH REQUEST AS TO THE

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

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1 REASONS FOR APPROVAL OR DENIAL FOR SUCH REQUEST. BEFORE THE BOARD OF  
2 EDUCATION MAKES ITS DECISION, IT SHALL DETERMINE WHETHER PERMITTING THE  
3 CHILD TO USE AN ALREADY ESTABLISHED PICK-UP AND/OR DROP-OFF POINT WOULD  
4 INCUR ADDITIONAL COSTS TO THE SCHOOL DISTRICT THAT WOULD BE IN EXCESS OF  
5 THE AMOUNT APPROPRIATED IN THE SCHOOL DISTRICT BUDGET. IF IT IS DETER-  
6 MINED THAT SUCH REQUEST WOULD INCUR ADDITIONAL COSTS TO THE SCHOOL  
7 DISTRICT, THEN THE BOARD OF EDUCATION MUST IDENTIFY AND INCLUDE THE  
8 NATURE AND AMOUNT OF THE ADDITIONAL COSTS IN THE WRITTEN EXPLANATION TO  
9 THE PARENT OR GUARDIAN MAKING SUCH WRITTEN REQUEST AND RECEIVE APPROVAL  
10 OF THE QUALIFIED VOTERS OF THE DISTRICT AT THE ANNUAL MEETING BEFORE  
11 ALLOWING THE CHILD TO USE THE PICK-UP AND/OR DROP-OFF POINT FOR THE  
12 SCHOOL YEAR FOR WHICH TRANSPORTATION IS REQUESTED. IF SUCH WRITTEN  
13 REQUEST IS APPROVED BY THE BOARD OF EDUCATION, SUCH CHILD MAY BE PERMIT-  
14 TED TO USE THE PICK-UP AND/OR DROP-OFF POINT SPECIFIED IN THE REQUEST  
15 IMMEDIATELY. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO REQUIRE THE  
16 BOARD OF EDUCATION TO HOLD A SPECIAL MEETING OF THE DISTRICT IN ORDER TO  
17 APPROVE SUCH REQUEST BY A PARENT OR GUARDIAN.  
18 S 2. This act shall take effect immediately.