

# STATE OF NEW YORK

---

447

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

---

Introduced by M. of A. PAULIN, JAFFEE, BUCHWALD -- read once and referred 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-

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

LBD03690-01-9

1 nary contingent expense of the district. Transportation for a lesser  
2 distance than two miles in the case of children attending grades kinder-  
3 garten through eight or three miles in the case of children attending  
4 grades nine through twelve and for a greater distance than seven or  
5 fifteen miles, as the case may be, may be provided by the district with  
6 the approval of the qualified voters, and, if provided, shall be offered  
7 equally to all children in like circumstances residing in the district;  
8 provided, however, that this requirement shall not apply to transporta-  
9 tion offered pursuant to section thirty-six hundred thirty-five-b of  
10 this ~~article~~ part.

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

25 (ii) A board of education may, at its discretion, provide transporta-  
26 tion for pupils residing within the district to a nonpublic school  
27 located more than fifteen miles from the home of any such pupil provided  
28 that such transportation has been provided to such nonpublic school  
29 pursuant to this subdivision in at least one of the immediately preced-  
30 ing three school years and such transportation is provided from one or  
31 more centralized pick-up points designated pursuant to this paragraph  
32 and that the distance from such pick-up points to the nonpublic school  
33 is not more than fifteen miles. Provided, however, that in a school  
34 district that has adopted a resolution providing that the maximum  
35 distance for transportation is seven miles, pursuant to paragraph a of  
36 this subdivision, the board of education may, at its discretion, provide  
37 transportation for pupils residing within the district to a nonpublic  
38 school located more than seven miles from the home of any such pupil  
39 provided that such transportation has been provided to such nonpublic  
40 school pursuant to this subdivision in at least one of the immediately  
41 preceding three school years and such transportation is provided from  
42 one or more centralized pick-up points designated pursuant to this para-  
43 graph and that distance from such pick-up points to the nonpublic school  
44 is not more than seven miles. The district shall not be responsible for  
45 the provision of transportation for pupils between pupils homes and such  
46 pick-up points. The cost of providing transportation between such pick-  
47 up points and such nonpublic schools shall be an ordinary contingent  
48 expense.

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

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

1 § 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 § 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.