

STATE OF NEW YORK

2266

2021-2022 Regular Sessions

IN SENATE

January 20, 2021

Introduced by Sen. GALLIVAN -- 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 transportation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph e of subdivision 1 of section 3635 of the educa-
2 tion law, as amended by chapter 665 of the laws of 1990, is amended to
3 read as follows:

4 e. In lieu of the transportation provided pursuant to the foregoing
5 provisions of this subdivision, a board of education may, at its
6 discretion, provide transportation to any child attending grades kinder-
7 garten through eight between the school such child legally attends and
8 before-and/or-after-school child care locations. For the purposes of
9 this subdivision, a before-and/or-after-school child care location shall
10 mean a place, other than the child's home, where care for less than
11 twenty-four hours a day is provided on a regular basis [~~for a child who~~
12 ~~attends school within the school district~~], provided that such place is
13 situated within the school district. This definition includes, but is
14 not limited to, a variety of child care services such as day care
15 centers, family day care homes and in-home care by non-relatives. Such
16 transportation may be provided for children attending grades kindergar-
17 ten through eight where the distance between the school they legally
18 attend and before-and/or-after-school child care locations is more than
19 two miles, and may be provided for up to a distance of fifteen miles,
20 the distance in each case being measured by the nearest available route
21 from before-and/or-after-school child care locations to the school they
22 legally attend, except that transportation for a lesser distance than
23 two miles or a greater distance than fifteen miles may be provided if
24 transportation for such distances is provided to students between home
25 and school. Where a child receives transportation from a before-school
26 child care location to the school he or she legally attends, such child

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

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1 shall be entitled to receive transportation from the school he or she
2 legally attends to his or her home or to an after-school child care
3 location in accordance with this subdivision. Where a child receives
4 transportation from the school he or she legally attends to an after-
5 school child care location, such child shall be entitled to receive
6 transportation from home to the school he or she legally attends in
7 accordance with this subdivision. Transportation may be provided to any
8 child attending grades kindergarten through eight between the school the
9 child legally attends and before-and/or-after-school child care
10 locations upon written request of the parent or legal guardian submitted
11 not later than the first day of April preceding the next school year,
12 provided, however, a parent or guardian of a child not residing in the
13 district on such date shall submit a written request within thirty days
14 after establishing residence in the district and provided further that
15 in order to be considered eligible for such transportation in the nine-
16 teen hundred eighty-seven--eighty-eight school year, such request must
17 be submitted by August first, nineteen hundred eighty-seven. The
18 provision of transportation to or from before-and/or-after-school child
19 care locations, if provided, shall be offered equally to all children in
20 like circumstances residing in the district, provided that a board of
21 education furnishing transportation pursuant to this paragraph may limit
22 the provision of such transportation to child care locations located
23 within the attendance zone of the school the child attends, and to child
24 day care centers and school age child care programs licensed or regis-
25 tered pursuant to section three hundred ninety of the social services
26 law located anywhere within the school district. The cost of providing
27 such transportation between two or three miles, as the case may be, and
28 fifteen miles shall be considered for the purposes of this chapter to be
29 a charge upon the district. Such substitute transportation expense shall
30 be eligible for state aid in accordance with [~~clause~~] subparagraph one
31 of paragraph b of subdivision seven of section thirty-six hundred two of
32 this chapter. Nothing in this subdivision shall be construed to impose a
33 duty upon boards of education to provide transportation to or from
34 before-and/or-after-school child care locations. Nothing in this subdi-
35 vision shall be construed to authorize boards of education to provide to
36 any child transportation between a before-and/or-after-school day care
37 location and that child's home.

38 § 2. This act shall take effect on the first of July next succeeding
39 the date on which it shall have become a law.