

# STATE OF NEW YORK

10158

## IN SENATE

May 1, 2026

Introduced by Sen. SALAZAR -- 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 attending grades kindergarten through twelve

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  
6 the 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,  
17 the distances in each case being measured by the nearest available route  
18 from home to school, and shall be provided for each such child [~~up to a~~  
19 ~~distance of~~] within a fifteen [~~miles, the distances in each case being~~  
20 ~~measured by the nearest available route from home to school~~] mile  
21 radius. The cost of providing such transportation between two or three  
22 miles, as the case may be, and within a fifteen [~~miles~~] mile radius  
23 shall be considered for the purposes of this chapter to be a charge upon  
24 the district and an ordinary contingent expense of the district. Trans-  
25 portation for a lesser distance than two miles in the case of children  
26 attending grades kindergarten through eight or three miles in the case  
27 of children attending grades nine through twelve and for a greater  
28 distance than a fifteen [~~miles~~] mile radius may be provided by the

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

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1 district with the approval of the qualified voters, and, if provided,  
2 shall be offered equally to all children in like circumstances residing  
3 in the district; provided, however, that this requirement shall not  
4 apply to transportation offered pursuant to section thirty-six hundred  
5 thirty-five-b of this ~~[article]~~ part.

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

20 (ii) A board of education may, at its discretion, provide transporta-  
21 tion for pupils residing within the district to a nonpublic school  
22 located more than a fifteen ~~[miles]~~ mile radius from the home of any  
23 such pupil provided that such transportation has been provided to such  
24 nonpublic school pursuant to this subdivision in at least one of the  
25 immediately preceding three school years and such transportation is  
26 provided from one or more centralized pick-up points designated pursuant  
27 to this paragraph and that the distance from such pick-up points to the  
28 nonpublic school is not more than a fifteen ~~[miles]~~ mile radius. The  
29 district shall not be responsible for the provision of transportation  
30 for pupils between pupils homes and such pick-up points. The cost of  
31 providing transportation between such pick-up points and such nonpublic  
32 schools shall be an ordinary contingent expense.

33 e. In lieu of the transportation provided pursuant to the foregoing  
34 provisions of this subdivision, a board of education may, at its  
35 discretion, provide transportation to any child attending grades kinder-  
36 garten through eight between the school such child legally attends and  
37 before-and/or-after-school child care locations. For the purposes of  
38 this subdivision, a before-and/or-after-school child care location shall  
39 mean a place, other than the child's home, where care for less than  
40 twenty-four hours a day is provided on a regular basis for a child who  
41 attends school within the school district, provided that such place is  
42 situated within the school district. This definition includes, but is  
43 not limited to, a variety of child care services such as day care  
44 centers, family day care homes and in-home care by non-relatives. Such  
45 transportation may be provided for children attending grades kindergar-  
46 ten through eight where the distance between the school they legally  
47 attend and before-and/or-after-school child care locations is more than  
48 two miles, the distance being measured by the nearest available route  
49 from before-and/or-after-school child care locations to the school they  
50 legally attend, and may be provided ~~[for up to a distance of fifteen~~  
51 ~~miles, the distance in each case being measured by the nearest available~~  
52 ~~route from before-and/or-after school child care locations to the school~~  
53 ~~they legally attend]~~ within a fifteen mile radius, except that transpor-  
54 tation for a lesser distance than two miles or a greater distance than a  
55 fifteen ~~[miles]~~ mile radius may be provided if transportation for such  
56 distances is provided to students between home and school. Where a child

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

41 § 2. This act shall take effect immediately.