

STATE OF NEW YORK

1495--A

2025-2026 Regular Sessions

IN SENATE

January 10, 2025

Introduced by Sens. FAHY, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to school aid for transportation of children attending a universal pre-kindergarten program; and to repeal paragraph g of subdivision 1 of section 3635 of the education law, relating thereto

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

1 Section 1. Subdivision 1 of section 3622-a of the education law, as
2 added by chapter 474 of the laws of 1996, is amended to read as follows:
3 1. Transportation of pupils to and from school once daily, including
4 children attending a universal pre-kindergarten program pursuant to
5 section thirty-six hundred two-e of this article, provided, however, in
6 no case shall there be any deduction made in determining aidable regular
7 transportation on the basis of bus mileage travelled in transporting
8 children as part of a regional or joint transportation system;
9 § 2. Paragraph a of subdivision 1 of section 3635 of the education
10 law, as amended by section 11 of part A of chapter 97 of the laws of
11 2011, is amended to read as follows:
12 a. Sufficient transportation facilities (including the operation and
13 maintenance of motor vehicles) shall be provided by the school district
14 for all the children residing within the school district to and from the
15 school they legally attend, who are in need of such transportation
16 because of the remoteness of the school to the child or for the
17 promotion of the best interest of such children. Such transportation
18 shall be provided for all children attending grades kindergarten through
19 eight who live more than two miles from the school which they legally
20 attend and for all children attending grades nine through twelve who

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

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1 live more than three miles from the school which they legally attend and
2 shall be provided for each such child up to a distance of fifteen miles,
3 the distances in each case being measured by the nearest available route
4 from home to school. Such transportation may be provided to children
5 attending a universal pre-kindergarten program pursuant to section thir-
6 ty-six hundred two-e of this article. The cost of providing such trans-
7 portation between two or three miles, as the case may be, and fifteen
8 miles shall be considered for the purposes of this chapter to be a
9 charge upon the district and an ordinary contingent expense of the
10 district. Transportation for a lesser distance than two miles in the
11 case of children attending a universal pre-kindergarten program pursuant
12 to section thirty-six hundred two-e of this article or grades kindergar-
13 ten through eight or three miles in the case of children attending
14 grades nine through twelve and for a greater distance than fifteen miles
15 may be provided by the district with the approval of the qualified
16 voters, and, if provided, shall be offered equally to all children in
17 like circumstances residing in the district; provided, however, that
18 this requirement shall not apply to transportation offered pursuant to
19 section thirty-six hundred thirty-five-b of this article.

20 § 3. Paragraph e of subdivision 1 of section 3635 of the education
21 law, as amended by chapter 665 of the laws of 1990, is amended to read
22 as follows:

23 e. In lieu of the transportation provided pursuant to the foregoing
24 provisions of this subdivision, a board of education may, at its
25 discretion, provide transportation to any child attending a universal
26 pre-kindergarten program pursuant to section thirty-six hundred two-e of
27 this article or grades kindergarten through eight between the school
28 such child legally attends and before-and/or-after-school child care
29 locations. For the purposes of this subdivision, a before-and/or-after-
30 school child care location shall mean a place, other than the child's
31 home, where care for less than twenty-four hours a day is provided on a
32 regular basis for a child who attends school within the school district,
33 provided that such place is situated within the school district. This
34 definition includes, but is not limited to, a variety of child care
35 services such as day care centers, family day care homes and in-home
36 care by non-relatives. Such transportation may be provided for children
37 attending a universal pre-kindergarten program pursuant to section thir-
38 ty-six hundred two-e of this article or grades kindergarten through
39 eight where the distance between the school they legally attend and
40 before-and/or-after-school child care locations is more than two miles,
41 and may be provided for up to a distance of fifteen miles, the distance
42 in each case being measured by the nearest available route from before-
43 and/or-after-school child care locations to the school they legally
44 attend, except that transportation for a lesser distance than two miles
45 or a greater distance than fifteen miles may be provided if transporta-
46 tion for such distances is provided to students between home and school.
47 Where a child receives transportation from a before-school child care
48 location to the school [~~he or she~~] such child legally attends, such
49 child shall be entitled to receive transportation from the school [~~he or~~
50 ~~she~~] such child legally attends to [~~his or her~~] such child's home or to
51 an after-school child care location in accordance with this subdivision.
52 Where a child receives transportation from the school [~~he or she~~] such
53 child legally attends to an after-school child care location, such child
54 shall be entitled to receive transportation from home to the school [~~he~~
55 ~~or she~~] such child legally attends in accordance with this subdivision.
56 Transportation may be provided to any child attending a universal pre-

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

32 § 4. Paragraph g of subdivision 1 of section 3635 of the education law
33 is REPEALED.

34 § 5. Subdivision 2 of section 3635-b of the education law, as amended
35 by chapter 422 of the laws of 2004, is amended to read as follows:

36 2. A board of education or board of trustees is authorized to adopt a
37 resolution providing for pupil transportation in child safety zones,
38 where applicable, of a proposition to expend money for such transporta-
39 tion presented pursuant to the provisions of subdivision nineteen of
40 section two thousand twenty-one and section two thousand twenty-two of
41 this chapter. Such transportation may be provided without regard to like
42 circumstances based solely upon the fact that the pupil resides within
43 two miles, in the case of a pupil in a universal pre-kindergarten
44 program pursuant to section thirty-six hundred two-e of this article or
45 grade kindergarten through eight, and within three miles, in the case of
46 a pupil in grade nine through twelve, from the school such pupil legally
47 attends, notwithstanding the provisions of section thirty-six hundred
48 thirty-five of this [~~article~~] part. Such transportation may be provided
49 upon the determination by the board that a hazardous zone exists which
50 in the opinion of the board would be reasonably alleviated by the estab-
51 lishment of a child safety zone. For purposes of this section, child
52 safety zone means a designated area of a school district, including at
53 least one personal residence, within which children who reside at a
54 lesser distance from the school they legally attend than the minimum
55 transportation limit of the district will be provided transportation on

1 the basis that their most direct walking route to school will traverse a
2 hazardous zone.

3 § 6. Paragraph a of subdivision 3 of section 3623-a of the education
4 law, as added by chapter 474 of the laws of 1996, is amended to read as
5 follows:

6 a. The transportation operating expense for any school district
7 furnishing transportation for pupils attending a school within such
8 district shall be reduced by any moneys received for transportation,
9 provided that universal pre-kindergarten program grants awarded pursuant
10 to section thirty-six hundred two-e of this article shall not be consid-
11 ered moneys received for transportation.

12 § 7. This act shall take effect on the first of July next succeeding
13 the date on which it shall have become a law.