

Pupil Transportation

NYSED / P-12: EMSC / SOMS / Pupil Transportation Services / Parents Information / Late Requests

Late Requests For Transportation To A Nonpublic School

- Education Law § 3635-2. Requires that parents submit a written request to their public school district, for transportation to a nonpublic school, by April 1, or when not residing in the district on April 1, within 30 days after establishing residency. The purpose of this deadline is to enable school districts to budget funds and make necessary arrangements to provide reasonable and economical transportation. No late request shall be denied where a reasonable explanation is provided for the delay or where there is no additional cost to provide the transportation.
- It is the responsibility of district officials, in the first instance, to determine whether the explanation is reasonable, and that determination would not be set aside by the Commissioner of Education unless it constitutes an abuse of discretion.
- The Commissioner of Education has determined previously that mailing a written request for transportation prior to April 1 will be considered timely, even if the papers are received by the school district after April 1st or not received at all. However, there must be credible proof that the request was properly addressed, stamped and indeed mailed before April 1.
- The following explanations for a late request have generally been held by the Commissioner of Education **NOT** to be reasonable explanations:
 - A belated decision to enroll a student in a nonpublic school.
 - The parent did not know there was an April 1 deadline.
 - The parent requested transportation before April 1 to a particular nonpublic school and then after April 1, changed the request to a different nonpublic school.
 - The parent learned of their child's difficulties in the public school after April 1.

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