

SCHOOL LAW

INFORMATION MEMO

JUNE 25, 2024

Private and Charter School Students Not Entitled to Transportation on Days School Districts Not in Session

On June 20, 2024, New York's highest court confirmed that school districts (outside of New York City) are not required to provide transportation on days their schools are not in session.

In *United Jewish Community of Blooming Grove, Inc., v. Washingtonville Cent. Sch. Dist.*, 2024 N.Y. Slip. Op. 03377 (Ct. App., June 20, 2024), the Court of Appeals held Education Law § 3635(1)(a) does not entitle private school students to transportation on days the local district is not in session. This decision is consistent with the New York State Education Department's interpretation of the transportation statute. Districts that currently provide transportation only on days their schools are in session can continue to do so.

Though this case involved a private school, New York's charter schools are bound by the same transportation laws as private schools, and therefore the Court's ruling likely also applies to students attending charter schools.

In interpreting the applicable statute, the Court analyzed its legislative history. New York's legislature has periodically considered amendments to Education Law § 3635 that would have required districts provide transportation to students attending private schools on days districts are not in session, but those amendments did not pass. The legislature has also voted on amendments specific to New York City, and adopted only one amendment that mandates an additional five days (or, in certain circumstances 10 days) of transportation, while again rejecting the addition of days for non-New York City districts. Therefore, the Court reasoned, the legislature did not intend that districts be required to provide transportation to private school students beyond what they provide to students attending district schools.

If you have any questions regarding the material provided in this informational memo, please contact [Kirsten Barclay](#) or the attorney in Bond's [school law practice](#) group with whom you are regularly in contact.