



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

EXECUTIVE DEPUTY COMMISSIONER
(518) 473-8381
E-mail: vgrey@mail.nysed.gov

September 5, 2012

Ms. Wendy Saunders
Director of State Legislative Affairs
Office of the Mayor
119 Washington Avenue
Albany, NY 12210

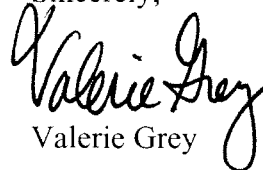
Dear Ms. Saunders,

As we discussed, SED reviewed legislation passed earlier this year (Chapter 42 of the Laws of 2012) and it is clear that the intent of the Legislature was to restore service to 7th and 8th Grade students in those areas of New York City where variances would have been granted in the 2009-2010 school year, without applying the "like circumstances" rule beyond those specific areas.

SED has reviewed the legislation and the memo in support clearly identifies the Staten Island area as one of the areas in which such variances were in effect at that time, saying that: "[a]n exemption would allow the city to restore the yellow bus service on Staten Island to its pre-September 2010 status." The actual bill language does not reference Staten Island, so it would apply equally to other areas in which such a variance policy was in place and transportation services provided in 2009-2010, which we understand would involve the following specific areas in Queens County: College Point and Far Rockaways; and the following specific areas in Kings County: Bay Ridge, Coney Island, Dyker Heights, and Sheepshead Bay.

Accordingly, if the New York City Department of Education were to provide service, as intended, to include schools which may not have existed in the past but which are within the intended service areas, SED would not interpret the statute as resulting in an extension of the mandate to other areas of the city or state unless, of course, there was new legislation that was enacted to that effect. Our Counsel's office is happy to discuss further with NYC DOE.

Sincerely,


Valerie Grey

C: Richard Trautwein