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Top court rules against religious schools on busing

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A state Court of Appeals judge has upheld a 2022 ruling in the Appellate Division of State Supreme Court that found public school districts are not required to bus students to religious or other private schools on days when the public district is closed.

The ruling was a defeat for the United Jewish Community of Blooming Grove, which had sued the Washingtonville School District seeking such busing for children of its members.

The Blooming Grove area has seen a growing Hasidic population in recent years, and there are about 20 days in the average school year when the Hasidic schools their children attend are open, while the Washingtonville schools and other public schools are closed.

When United Jewish Community of Blooming Grove sued Washingtonville in 2021, they were initially victorious.

A state Supreme Court justice in Albany ruled in favor of the group.

But when the Washingtonville School District appealed the case to the Appellate Division of State Supreme Court, a panel of four justices there supported the district's policy of only busing nonpublic school students when its own schools are open. That ruling was in June 2022.

In a ruling dated Thursday, state Court of Appeals Justice Michael J. Garcia agreed with the appellate court's ruling. The other six justices on the court concurred.

Garcia wrote that interpreting the state law governing transportation as a mandate to provide transportation to non-public schools on days when they choose to open, except Saturdays and most legal holidays, 'would significantly increase the financial and administrative burdens on school districts.'

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