

5848

2013-2014 Regular Sessions

I N S E N A T E

June 18, 2013

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law and the vehicle and traffic law, in relation to requiring comprehensive training for school bus drivers and school bus attendants for safe and appropriate transportation of children with disabilities; and to amend the family court act and the education law, in relation to school district contracts for transportation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 3650 of the education law, as
2 added by chapter 181 of the laws of 2007, is amended to read as follows:
3 2. (A) The commissioner, in consultation with the state commission on
4 quality care and advocacy for persons with disabilities, shall promul-
5 gate rules and regulations requiring every school bus driver operating a
6 school bus which has or will have one or more students with a disability
7 as passengers to receive COMPREHENSIVE training and instruction relating
8 to the understanding of, and attention to, the special needs of such
9 students. [Such training and instruction may be included with the train-
10 ing and instruction required pursuant to paragraph a of subdivision one
11 of this section and shall be provided at least once per year or more
12 frequently as determined by the commissioner in consultation with the
13 state comprehensive school bus driver safety training council.] TRAINING
14 WILL PROVIDE SCHOOL BUS DRIVERS AND SCHOOL BUS ATTENDANTS WITH THE KNOW-
15 LEDGE, SKILLS, AND ATTITUDES NECESSARY TO SAFELY AND APPROPRIATELY
16 TRANSPORT AND SUPERVISE A CHILD WITH A DISABILITY AS DEFINED BY THE
17 FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT. THIS TRAINING WILL
18 INCLUDE, AT A MINIMUM, AN INTRODUCTION TO THE CHARACTERISTICS AND NEEDS
19 OF CHILDREN AND YOUTH WITH DISABILITIES INCLUDING DISABILITIES AFFECTING
20 INTELLECTUAL, COMMUNICATION, SOCIAL/EMOTIONAL, SENSORY PROCESSING ABILI-
21 TIES, MOTOR SKILLS, AND MEDICAL/HEALTH NEEDS. IN ADDITION, TRAINING

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

LBD11521-03-3

1 DEVELOPED BY INDEPENDENT DISABILITY SPECIALISTS WILL INCLUDE MODULES ON
2 DISABILITY AWARENESS AND SENSITIVITY, EFFECTIVE STRATEGIES TO PROMOTE
3 POSITIVE BEHAVIOR, AND COMMUNICATION WITH PARENTS. For the purposes of
4 this subdivision, the term "student with a disability" shall have the
5 same meaning as such term is defined in subdivision one of section
6 forty-four hundred one of this chapter. [Any person employed as a school
7 bus driver on January first, two thousand nine who is subject to the
8 provisions of this subdivision shall comply with the requirements of
9 this subdivision by July first, two thousand nine. Any school bus driver
10 hired after January first, two thousand nine who is subject to the
11 requirements of this subdivision shall complete such training and
12 instruction prior to assuming his or her duties.] THE TRAINING AND
13 INSTRUCTION REQUIRED BY THIS SUBDIVISION MAY BE INCLUDED WITH THE TRAIN-
14 ING AND INSTRUCTION REQUIRED PURSUANT TO PARAGRAPH A OF SUBDIVISION ONE
15 OF THIS SECTION AND THIS SUBDIVISION AND SHALL BE PROVIDED AT LEAST ONCE
16 PER YEAR OR MORE FREQUENTLY AS DETERMINED BY THE COMMISSIONER IN CONSUL-
17 TATION WITH THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING
18 COUNCIL.

19 (B) ANY PERSON EMPLOYED AS A SCHOOL BUS DRIVER OR SCHOOL BUS ATTENDANT
20 SHALL RECEIVE NOT LESS THAN TEN HOURS OF TRAINING TO EQUIP THEM TO SAFE-
21 LY AND APPROPRIATELY TRANSPORT AND SUPERVISE CHILDREN WITH DISABILITIES.
22 INCLUDED IN THIS TEN HOURS WILL BE NOT FEWER THAN TWO HOURS OF TRAINING
23 IN POSITIVE BEHAVIOR SUPPORT, INCLUDING PREVENTION OF BULLYING. ANNUAL-
24 LY, SUCH PERSONNEL WILL RECEIVE FOUR HOURS OF INSERVICE TRAINING WHICH
25 WILL INCLUDE AT LEAST ONE HOUR ON POSITIVE BEHAVIORAL INTERVENTIONS
26 SUPPORT.

27 S 2. Subdivision 2 of section 3650 of the education law, as amended by
28 section 5 of part E of chapter 501 of the laws of 2012, is amended to
29 read as follows:

30 2. (A) The commissioner, in consultation with the justice center for
31 the protection of people with special needs, shall promulgate rules and
32 regulations requiring every school bus driver operating a school bus
33 which has or will have one or more students with a disability as passen-
34 gers to receive COMPREHENSIVE training and instruction relating to the
35 understanding of, and attention to, the special needs of such students.
36 [Such training and instruction may be included with the training and
37 instruction required pursuant to paragraph a of subdivision one of this
38 section and shall be provided at least once per year or more frequently
39 as determined by the commissioner in consultation with the state compre-
40 hensive school bus driver safety training council.] TRAINING WILL
41 PROVIDE SCHOOL BUS DRIVERS AND SCHOOL BUS ATTENDANTS WITH THE KNOWLEDGE,
42 SKILLS, AND ATTITUDES NECESSARY TO SAFELY AND APPROPRIATELY TRANSPORT
43 AND SUPERVISE A CHILD WITH A DISABILITY AS DEFINED BY THE FEDERAL INDI-
44 VIDUALS WITH DISABILITIES EDUCATION ACT. THIS TRAINING WILL INCLUDE, AT
45 A MINIMUM, AN INTRODUCTION TO THE CHARACTERISTICS AND NEEDS OF CHILDREN
46 AND YOUTH WITH DISABILITIES INCLUDING DISABILITIES AFFECTING INTELLECTU-
47 AL, COMMUNICATION, SOCIAL/EMOTIONAL, SENSORY PROCESSING ABILITIES, MOTOR
48 SKILLS, AND MEDICAL/HEALTH NEEDS. IN ADDITION, TRAINING DEVELOPED BY
49 INDEPENDENT DISABILITY SPECIALISTS WILL INCLUDE MODULES ON DISABILITY
50 AWARENESS AND SENSITIVITY, EFFECTIVE STRATEGIES TO PROMOTE POSITIVE
51 BEHAVIOR, AND COMMUNICATION WITH PARENTS. For the purposes of this
52 subdivision, the term "student with a disability" shall have the same
53 meaning as such term is defined in subdivision one of section forty-four
54 hundred one of this chapter. [Any person employed as a school bus driver
55 on January first, two thousand nine who is subject to the provisions of
56 this subdivision shall comply with the requirements of this subdivision

1 by July first, two thousand nine. Any school bus driver hired after
2 January first, two thousand nine who is subject to the requirements of
3 this subdivision shall complete such training and instruction prior to
4 assuming his or her duties.] THE TRAINING AND INSTRUCTION REQUIRED BY
5 THIS SUBDIVISION MAY BE INCLUDED WITH THE TRAINING AND INSTRUCTION
6 REQUIRED PURSUANT TO PARAGRAPH A OF SUBDIVISION ONE OF THIS SECTION AND
7 THIS SUBDIVISION AND SHALL BE PROVIDED AT LEAST ONCE PER YEAR OR MORE
8 FREQUENTLY AS DETERMINED BY THE COMMISSIONER IN CONSULTATION WITH THE
9 STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL.

10 (B) ANY PERSON EMPLOYED AS A SCHOOL BUS DRIVER OR SCHOOL BUS ATTENDANT
11 SHALL RECEIVE NOT LESS THAN TEN HOURS OF TRAINING TO EQUIP THEM TO SAFE-
12 LY AND APPROPRIATELY TRANSPORT AND SUPERVISE CHILDREN WITH DISABILITIES.
13 INCLUDED IN THIS TEN HOURS WILL BE NOT FEWER THAN TWO HOURS OF TRAINING
14 IN POSITIVE BEHAVIOR SUPPORT, INCLUDING PREVENTION OF BULLYING. ANNUAL-
15 LY, SUCH PERSONNEL WILL RECEIVE FOUR HOURS OF INSERVICE TRAINING WHICH
16 WILL INCLUDE AT LEAST ONE HOUR ON POSITIVE BEHAVIORAL INTERVENTIONS
17 SUPPORT.

18 S 3. Section 3650 of the education law is amended by adding a new
19 subdivision 3 to read as follows:

20 3. ANY PERSON, FIRM OR CORPORATION WHO EMPLOYS A SCHOOL BUS DRIVER,
21 WHO FAILS TO COMPLETE THE TRAINING REQUIREMENTS SET FORTH IN THIS
22 SECTION SHALL BE SUBJECT TO A FINE OF FIVE THOUSAND DOLLARS FOR A FIRST
23 VIOLATION AND TEN THOUSAND DOLLARS FOR A SECOND VIOLATION. A THIRD
24 VIOLATION OF FAILING TO COMPLETE THE TRAINING REQUIREMENTS OF THIS
25 SECTION SHALL BE DEEMED A MATERIAL BREACH OF ANY CONTRACT FOR TRANSPOR-
26 TATION SERVICES AND SUCH CONTRACT SHALL BE DEEMED NULL AND VOID. A
27 SCHOOL DISTRICT MAY NOT ENTER INTO A CONTRACT, OR EXTEND AN EXISTING
28 CONTRACT, FOR TRANSPORTATION SERVICES UNTIL THE TRAINING REQUIREMENTS OF
29 THIS SECTION HAVE BEEN MET.

30 S 4. Subdivision 4 of section 1229-d of the vehicle and traffic law,
31 as added by chapter 181 of the laws of 2007, is amended to read as
32 follows:

33 (4) (A) The commissioner of education, in consultation with the state
34 commission on quality care and advocacy for persons with disabilities,
35 shall promulgate rules and regulations requiring that every school bus
36 attendant serving a student or students with a disability receive
37 COMPREHENSIVE training and instruction relating to the understanding of
38 and attention to the special needs of such students. [Such training and
39 instruction may be included with the training and instruction required
40 pursuant to subdivision three of this section and shall be provided at
41 least once per year or more frequently as determined by the commissioner
42 of education in consultation with the state comprehensive school bus
43 driver safety training council.] TRAINING WILL PROVIDE SCHOOL BUS DRIV-
44 ERS AND SCHOOL BUS ATTENDANTS WITH THE KNOWLEDGE, SKILLS, AND ATTITUDES
45 NECESSARY TO SAFELY AND APPROPRIATELY TRANSPORT AND SUPERVISE A CHILD
46 WITH A DISABILITY AS DEFINED BY THE FEDERAL INDIVIDUALS WITH DISABILI-
47 TIES EDUCATION ACT. THIS TRAINING WILL INCLUDE, AT A MINIMUM, AN INTRO-
48 Duction TO THE CHARACTERISTICS AND NEEDS OF CHILDREN AND YOUTH WITH
49 DISABILITIES INCLUDING DISABILITIES AFFECTING INTELLECTUAL, COMMUNI-
50 CATION, SOCIAL/EMOTIONAL, SENSORY PROCESSING ABILITIES, MOTOR SKILLS,
51 AND MEDICAL/HEALTH NEEDS. IN ADDITION, TRAINING DEVELOPED BY INDEPENDENT
52 DISABILITY SPECIALISTS WILL INCLUDE MODULES ON DISABILITY AWARENESS AND
53 SENSITIVITY, EFFECTIVE STRATEGIES TO PROMOTE POSITIVE BEHAVIOR, AND
54 COMMUNICATION WITH PARENTS. For the purposes of this subdivision, the
55 term "student with a disability" shall have the same meaning as such
56 term is defined in subdivision one of section forty-four hundred one of

1 the education law. [Any person employed as a school bus attendant serv-
2 ing a student or students with a disability on January first, two thou-
3 sand nine shall comply with the requirements of this subdivision by July
4 first, two thousand nine. Any person hired after January first, two
5 thousand nine shall complete such training, instruction and testing
6 prior to assuming his or her duties as a school bus attendant serving a
7 student or students with a disability.] THE TRAINING AND INSTRUCTION
8 REQUIRED BY THIS SUBDIVISION MAY BE INCLUDED WITH THE TRAINING AND
9 INSTRUCTION REQUIRED PURSUANT TO SUBDIVISION THREE OF THIS SECTION AND
10 SHALL BE PROVIDED AT LEAST ONCE PER YEAR OR MORE FREQUENTLY AS DETER-
11 MINED BY THE COMMISSIONER IN CONSULTATION WITH THE STATE COMPREHENSIVE
12 SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL.

13 (B) ANY PERSON EMPLOYED AS A SCHOOL BUS DRIVER OR SCHOOL BUS ATTENDANT
14 SHALL RECEIVE NOT LESS THAN TEN HOURS OF TRAINING TO EQUIP THEM TO SAFE-
15 LY AND APPROPRIATELY TRANSPORT AND SUPERVISE CHILDREN WITH DISABILITIES.
16 INCLUDED IN THIS TEN HOURS WILL BE NOT FEWER THAN TWO HOURS OF TRAINING
17 IN POSITIVE BEHAVIOR SUPPORT, INCLUDING PREVENTION OF BULLYING. ANNUAL-
18 LY, SUCH PERSONNEL WILL RECEIVE FOUR HOURS OF INSERVICE TRAINING WHICH
19 WILL INCLUDE AT LEAST ONE HOUR ON POSITIVE BEHAVIORAL INTERVENTIONS
20 SUPPORT.

21 S 5. Subdivision 4 of section 1229-d of the vehicle and traffic law,
22 as amended by section 6 of part E of chapter 501 of the laws of 2012, is
23 amended to read as follows:

24 (4) (A) The commissioner of education, in consultation with the
25 justice center for the protection of people with special needs, shall
26 promulgate rules and regulations requiring that every school bus attend-
27 ant serving a student or students with a disability receive COMPREHEN-
28 SIVE training and instruction relating to the understanding of and
29 attention to the special needs of such students. [Such training and
30 instruction may be included with the training and instruction required
31 pursuant to subdivision three of this section and shall be provided at
32 least once per year or more frequently as determined by the commissioner
33 of education in consultation with the state comprehensive school bus
34 driver safety training council.] TRAINING WILL PROVIDE SCHOOL BUS DRIV-
35 ERS AND SCHOOL BUS ATTENDANTS WITH THE KNOWLEDGE, SKILLS, AND ATTITUDES
36 NECESSARY TO SAFELY AND APPROPRIATELY TRANSPORT AND SUPERVISE A CHILD
37 WITH A DISABILITY AS DEFINED BY THE FEDERAL INDIVIDUALS WITH DISABILI-
38 TIES EDUCATION ACT. THIS TRAINING WILL INCLUDE, AT A MINIMUM, AN INTRO-
39 Duction TO THE CHARACTERISTICS AND NEEDS OF CHILDREN AND YOUTH WITH
40 DISABILITIES INCLUDING DISABILITIES AFFECTING INTELLECTUAL, COMMUNI-
41 CATION, SOCIAL/EMOTIONAL, SENSORY PROCESSING ABILITIES, MOTOR SKILLS,
42 AND MEDICAL/HEALTH NEEDS. IN ADDITION, TRAINING DEVELOPED BY INDEPENDENT
43 DISABILITY SPECIALISTS WILL INCLUDE MODULES ON DISABILITY AWARENESS AND
44 SENSITIVITY, EFFECTIVE STRATEGIES TO PROMOTE POSITIVE BEHAVIOR, AND
45 COMMUNICATION WITH PARENTS. For the purposes of this subdivision, the
46 term "student with a disability" shall have the same meaning as such
47 term is defined in subdivision one of section forty-four hundred one of
48 the education law. [Any person employed as a school bus attendant serv-
49 ing a student or students with a disability on January first, two thou-
50 sand nine shall comply with the requirements of this subdivision by July
51 first, two thousand nine. Any person hired after January first, two
52 thousand nine shall complete such training, instruction and testing
53 prior to assuming his or her duties as a school bus attendant serving a
54 student or students with a disability.] THE TRAINING AND INSTRUCTION
55 REQUIRED BY THIS SUBDIVISION MAY BE INCLUDED WITH THE TRAINING AND
56 INSTRUCTION REQUIRED PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF

THIS SECTION AND SHALL BE PROVIDED AT LEAST ONCE PER YEAR OR MORE FREQUENTLY AS DETERMINED BY THE COMMISSIONER IN CONSULTATION WITH THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL.

(B) ANY PERSON EMPLOYED AS A SCHOOL BUS DRIVER OR SCHOOL BUS ATTENDANT SHALL RECEIVE NOT LESS THAN TEN HOURS OF TRAINING TO EQUIP THEM TO SAFELY AND APPROPRIATELY TRANSPORT AND SUPERVISE CHILDREN WITH DISABILITIES. INCLUDED IN THIS TEN HOURS WILL BE NOT FEWER THAN TWO HOURS OF TRAINING IN POSITIVE BEHAVIOR SUPPORT, INCLUDING PREVENTION OF BULLYING. ANNUALLY, SUCH PERSONNEL WILL RECEIVE FOUR HOURS OF INSERVICE TRAINING WHICH WILL INCLUDE AT LEAST ONE HOUR ON POSITIVE BEHAVIORAL INTERVENTIONS SUPPORT.

S 6. Section 1229-d of the vehicle and traffic law is amended by adding a new subdivision 5 to read as follows:

(5) ANY PERSON, FIRM OR CORPORATION WHO EMPLOYS A SCHOOL BUS ATTENDANT, WHO FAILS TO COMPLETE THE TRAINING REQUIREMENTS SET FORTH IN THIS SECTION SHALL BE SUBJECT TO A FINE OF FIVE THOUSAND DOLLARS FOR A FIRST VIOLATION AND TEN THOUSAND DOLLARS FOR A SECOND VIOLATION. A THIRD VIOLATION OF FAILING TO COMPLETE THE TRAINING REQUIREMENTS OF THIS SECTION SHALL BE DEEMED A MATERIAL BREACH OF ANY CONTRACT FOR TRANSPORTATION SERVICES AND SUCH CONTRACT SHALL BE DEEMED NULL AND VOID. A SCHOOL DISTRICT MAY NOT ENTER INTO A CONTRACT, OR EXTEND AN EXISTING CONTRACT, FOR TRANSPORTATION SERVICES UNTIL THE TRAINING REQUIREMENTS OF THIS SECTION HAVE BEEN MET.

S 7. Section 3635 of the education law is amended by adding a new subdivision 9 to read as follows:

9. ANY STUDENT WITH A DISABILITY WHO REQUIRES AN INDEPENDENT EDUCATION PROGRAM WHICH REQUIRES SPECIALIZED TRANSPORTATION SHALL BE SEPARATELY TRANSPORTED.

S 8. Paragraph (b) of subdivision 3 of section 236 of the family court act, as amended by chapter 424 of the laws of 2012, is amended to read as follows:

(b) Such order shall further require that such transportation shall be provided within thirty days of the issuance of such order, and, shall be provided as part of a municipal cooperation agreement, as part of a contract awarded to the lowest responsible bidder in accordance with the provisions of section one hundred three of the general municipal law, or as part of a contract awarded pursuant to an evaluation of proposals to the extent authorized by paragraphs e and f of subdivision fourteen of section three hundred five of the education law and otherwise consistent with the provisions of this subdivision, and that buses and vehicles utilized in the performance of such contract shall meet the minimum requirements for school age children as established by the commissioner of transportation. WHEN, IN THE CITY OF NEW YORK, THE BOARD OF EDUCATION OR THE CITY SCHOOL DISTRICT AWARDS A CONTRACT OR CONTRACTS FOR TRANSPORTATION, THE BOARD OR CITY SCHOOL DISTRICT SHALL INCLUDE EMPLOYEE PROTECTION PROVISIONS RATIONALLY RELATING TO THE PROMOTION OF A POOL OF QUALIFIED WORKERS AND THE AVOIDANCE OF LABOR DISPUTES, INCLUDING BUT NOT LIMITED TO PROVISIONS FOR THE PREFERENCE IN HIRING OF EMPLOYEES PERFORMING WORK FOR EMPLOYERS UNDER CONTRACTS WITH THE BOARD OF EDUCATION OR THE CITY SCHOOL DISTRICT, THE PRESERVATION OF WAGES, BENEFITS AND SENIORITY FOR SUCH EMPLOYEES, AND OTHER PROVISIONS RELATING TO THE HIRING, COMPENSATION, AND RETENTION OF EMPLOYEES.

S 9. Paragraph a of subdivision 14 of section 305 of the education law, as amended by section 1 of chapter 273 of the laws of 1999, is amended to read as follows:

1 a. All contracts for the transportation of school children, all
2 contracts to maintain school buses owned or leased by a school district
3 that are used for the transportation of school children, all contracts
4 for mobile instructional units, and all contracts to provide, maintain
5 and operate cafeteria or restaurant service by a private food service
6 management company shall be subject to the approval of the commissioner,
7 who may disapprove a proposed contract if, in his opinion, the best
8 interests of the district will be promoted thereby. Except as provided
9 in paragraph e of this subdivision, all such contracts involving an
10 annual expenditure in excess of the amount specified for purchase
11 contracts in the bidding requirements of the general municipal law shall
12 be awarded to the lowest responsible bidder, which responsibility shall
13 be determined by the board of education or the trustee of a district,
14 with power hereby vested in the commissioner to reject any or all bids
15 if, in his opinion, the best interests of the district will be promoted
16 thereby and, upon such rejection of all bids, the commissioner shall
17 order the board of education or trustee of the district to seek, obtain
18 and consider new proposals. PROVIDED, FURTHER, THAT ALL CONTRACTS FOR
19 CITIES WITH A POPULATION OF ONE MILLION OR MORE SHALL INCLUDE EMPLOYEE
20 PROTECTION PROVISIONS RATIONALLY RELATING TO THE PROMOTION OF A POOL OF
21 QUALIFIED WORKERS AND THE AVOIDANCE OF LABOR DISPUTES, INCLUDING BUT NOT
22 LIMITED TO PROVISIONS FOR THE PREFERENCE IN HIRING OF EMPLOYEES PERFORM-
23 ING WORK FOR EMPLOYERS UNDER CONTRACTS WITH THE BOARD OF EDUCATION OR
24 THE CITY SCHOOL DISTRICT, THE PRESERVATION OF WAGES, BENEFITS AND
25 SENIORITY FOR SUCH EMPLOYEES, AND OTHER PROVISIONS RELATING TO THE
26 HIRING, COMPENSATION, AND RETENTION OF EMPLOYEES. All proposals for such
27 transportation, maintenance, mobile instructional units, or cafeteria
28 and restaurant service shall be in such form as the commissioner may
29 prescribe. Advertisement for bids shall be published in a newspaper or
30 newspapers designated by the board of education or trustee of the
31 district having general circulation within the district for such
32 purpose. Such advertisement shall contain a statement of the time when
33 and place where all bids received pursuant to such advertisement will be
34 publicly opened and read either by the school authorities or by a person
35 or persons designated by them. All bids received shall be publicly
36 opened and read at the time and place so specified. At least five days
37 shall elapse between the first publication of such advertisement and the
38 date so specified for the opening and reading of bids. The requirement
39 for competitive bidding shall not apply to an award of a contract for
40 the transportation of pupils or a contract for mobile instructional
41 units, if such award is based on an evaluation of proposals in response
42 to a request for proposals pursuant to paragraph e of this subdivision.
43 The requirement for competitive bidding shall not apply to annual, bien-
44 nial, or triennial extensions of a contract nor shall the requirement
45 for competitive bidding apply to quadrennial or quinquennial year exten-
46 sions of a contract involving transportation of pupils, maintenance of
47 school buses or mobile instructional units secured either through
48 competitive bidding or through evaluation of proposals in response to a
49 request for proposals pursuant to paragraph e of this subdivision, when
50 such extensions (1) are made by the board of education or the trustee of
51 a district, under rules and regulations prescribed by the commissioner,
52 and, (2) do not extend the original contract period beyond five years
53 from the date cafeteria and restaurant service commenced thereunder and
54 in the case of contracts for the transportation of pupils, for the main-
55 tenance of school buses or for mobile instructional units, that such
56 contracts may be extended, except that power is hereby vested in the

1 commissioner, in addition to his existing statutory authority to approve
2 or disapprove transportation or maintenance contracts, (i) to reject any
3 extension of a contract beyond the initial term thereof if he finds that
4 amount to be paid by the district to the contractor in any year of such
5 proposed extension fails to reflect any decrease in the regional consum-
6 er price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon
7 the index for all urban consumers (CPI-U) during the preceding twelve
8 month period; and (ii) to reject any extension of a contract after ten
9 years from the date transportation or maintenance service commenced
10 thereunder, or mobile instructional units were first provided, if in his
11 opinion, the best interests of the district will be promoted thereby.
12 Upon such rejection of any proposed extension, the commissioner may
13 order the board of education or trustee of the district to seek, obtain
14 and consider bids pursuant to the provisions of this section. The board
15 of education or the trustee of a school district electing to extend a
16 contract as provided herein, may, in its discretion, increase the amount
17 to be paid in each year of the contract extension by an amount not to
18 exceed the regional consumer price index increase for the N.Y.,
19 N.Y.-Northeastern, N.J. area, based upon the index for all urban consum-
20 ers (CPI-U), during the preceding twelve month period, provided it has
21 been satisfactorily established by the contractor that there has been at
22 least an equivalent increase in the amount of his cost of operation,
23 during the period of the contract.

24 S 10. Paragraph a of subdivision 14 of section 305 of the education
25 law, as amended by section 2 of chapter 273 of the laws of 1999, is
26 amended to read as follows:

27 a. All contracts for the transportation of school children, all
28 contracts to maintain school buses owned or leased by a school district
29 that are used for the transportation of school children, all contracts
30 for mobile instructional units, and all contracts to provide, maintain
31 and operate cafeteria or restaurant service by a private food service
32 management company shall be subject to the approval of the commissioner,
33 who may disapprove a proposed contract if, in his opinion, the best
34 interests of the district will be promoted thereby. All such contracts
35 involving an annual expenditure in excess of the amount specified for
36 purchase contracts in the bidding requirements of the general municipal
37 law shall be awarded to the lowest responsible bidder, which responsi-
38 bility shall be determined by the board of education or the trustee of a
39 district, with power hereby vested in the commissioner to reject any or
40 all bids if, in his opinion, the best interests of the district will be
41 promoted thereby and, upon such rejection of all bids, the commissioner
42 shall order the board of education or trustee of the district to seek,
43 obtain and consider new proposals. PROVIDED, FURTHER, THAT ALL
44 CONTRACTS FOR CITIES WITH A POPULATION OF ONE MILLION OR MORE SHALL
45 INCLUDE EMPLOYEE PROTECTION PROVISIONS RATIONALLY RELATING TO THE
46 PROMOTION OF A POOL OF QUALIFIED WORKERS AND THE AVOIDANCE OF LABOR
47 DISPUTES, INCLUDING BUT NOT LIMITED TO PROVISIONS FOR THE PREFERENCE IN
48 HIRING OF EMPLOYEES PERFORMING WORK FOR EMPLOYERS UNDER CONTRACTS WITH
49 THE BOARD OF EDUCATION OR THE CITY SCHOOL DISTRICT, THE PRESERVATION OF
50 WAGES, BENEFITS AND SENIORITY FOR SUCH EMPLOYEES, AND OTHER PROVISIONS
51 RELATING TO THE HIRING, COMPENSATION, AND RETENTION OF EMPLOYEES. All
52 proposals for such transportation, maintenance, mobile instructional
53 units, or cafeteria and restaurant service shall be in such form as the
54 commissioner may prescribe. Advertisement for bids shall be published in
55 a newspaper or newspapers designated by the board of education or trus-
56 tee of the district having general circulation within the district for

1 such purpose. Such advertisement shall contain a statement of the time
2 when and place where all bids received pursuant to such advertisement
3 will be publicly opened and read either by the school authorities or by
4 a person or persons designated by them. All bids received shall be
5 publicly opened and read at the time and place so specified. At least
6 five days shall elapse between the first publication of such advertise-
7 ment and the date so specified for the opening and reading of bids. The
8 requirement for competitive bidding shall not apply to annual, biennial,
9 or triennial extensions of a contract nor shall the requirement for
10 competitive bidding apply to quadrennial or quinquennial year extensions
11 of a contract involving transportation of pupils, maintenance of school
12 buses or mobile instructional units secured through competitive bidding
13 when such extensions (1) are made by the board of education or the trus-
14 tee of a district, under rules and regulations prescribed by the commis-
15 sioner, and, (2) do not extend the original contract period beyond five
16 years from the date cafeteria and restaurant service commenced there-
17 under and in the case of contracts for the transportation of pupils, for
18 the maintenance of school buses or for mobile instructional units, that
19 such contracts may be extended, except that power is hereby vested in
20 the commissioner, in addition to his existing statutory authority to
21 approve or disapprove transportation or maintenance contracts, (i) to
22 reject any extension of a contract beyond the initial term thereof if he
23 finds that amount to be paid by the district to the contractor in any
24 year of such proposed extension fails to reflect any decrease in the
25 regional consumer price index for the N.Y., N.Y.-Northeastern, N.J.
26 area, based upon the index for all urban consumers (CPI-U) during the
27 preceding twelve month period; and (ii) to reject any extension of a
28 contract after ten years from the date transportation or maintenance
29 service commenced thereunder, or mobile instructional units were first
30 provided, if in his opinion, the best interests of the district will be
31 promoted thereby. Upon such rejection of any proposed extension, the
32 commissioner may order the board of education or trustee of the district
33 to seek, obtain and consider bids pursuant to the provisions of this
34 section. The board of education or the trustee of a school district
35 electing to extend a contract as provided herein, may, in its
36 discretion, increase the amount to be paid in each year of the contract
37 extension by an amount not to exceed the regional consumer price index
38 increase for the N.Y., N.Y.-Northeastern, N.J. area, based upon the
39 index for all urban consumers (CPI-U), during the preceding twelve month
40 period, provided it has been satisfactorily established by the contrac-
41 tor that there has been at least an equivalent increase in the amount of
42 his cost of operation, during the period of the contract.

43 S 11. This act shall take effect immediately, provided, however, that
44 any rules and regulations necessary for the implementation of this act
45 shall be promulgated within ninety days; provided, further, that the
46 amendments to subdivision 2 of section 3650 of the education law made by
47 section two of this act shall take effect on the same date and the same
48 manner as section 5 of part E of chapter 501 of the laws of 2012, takes
49 effect; and provided, further, that the amendments to subdivision 4 of
50 section 1229-d of the vehicle and traffic law made by section five of
51 this act shall take effect on the same date and the same manner as
52 section 6 of part E of chapter 501 of the laws of 2012, takes effect;
53 provided, further that the amendments to paragraph a of subdivision 14
54 of section 305 of the education law made by section nine of this act
55 shall be subject to the expiration and reversion of such paragraph
56 pursuant to section 4 of chapter 698 of the laws of 1996, as amended,

1 when upon such date the provisions of section ten of this act shall take
2 effect.