

STATE OF NEW YORK

6893--B

2025-2026 Regular Sessions

IN SENATE

March 26, 2025

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to transition feasibility analysis for zero-emission school buses; and to amend part A of chapter 56 of the laws of 2023 amending the education law relating to contracts for excellence, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature finds that feasibility
2 issues related to the pace of technological advances, the capacity
3 of the state's power grid, and the impacts of weather and other route
4 conditions on zero-emission school buses (ZEBs) operated throughout the
5 state present significant challenges to school districts working to
6 transition their fleets in accordance with the department of education's
7 (SED) first transition deadline of July 1, 2027. For that reason, this
8 legislation addresses two separate concerns with current law. First, it
9 examines the feasibility of each district's transition process. Second,
10 for those districts deemed to have the most feasible paths to transi-
11 tion, the legislation directs SED, in conjunction with the New York
12 state energy research and development authority (NYSERDA) and the
13 department of health (DOH), to assess a defined group of district char-
14 acteristics to determine which districts shall receive prioritized
15 transportation and building aid for the purchase of additional trans-
16 mission capacity and/or ZEBs and the design and construction of related
17 infrastructure.

18 With respect to an individual district's ability to comply with the
19 existing mandate, the legislation directs SED to require all school
20 districts to complete a baseline transition feasibility analysis and to

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

LBD09808-09-5

1 repeat that process every five years. If a district's analysis deter-
2 mines that more than 50% of the district's regular bus routes are not
3 deemed feasible for service by zero-emission school buses, then the
4 district may maintain its existing fleet status quo until its next tran-
5 sition feasibility analysis. On the other hand, if a district's analy-
6 sis determines that more than 50% of the district's regular bus routes
7 are serviceable by zero-emission buses, then the district must comply
8 with the existing transition timeline for the percentage of regular
9 routes deemed feasible and may maintain the status quo for the
10 district's remaining non-feasible regular routes until the district
11 completes its next transition feasibility analysis. The outer deadline
12 for districts with substantial feasibility challenges to transition
13 their fleets will be 2040.

14 Despite the multi-faceted transition challenges faced by some
15 districts, e.g., average low temperatures, topography and route distance
16 vary widely across the state and substantially impact manufacturer's
17 specifications and ZEB reliability, voters tend to focus exclusively on
18 the variable of cost. Unfortunately, while there have been steady price
19 declines in consumer electric vehicles since the transition deadlines
20 were set in 2022, ZEBs still cost two to four times more than tradi-
21 tional internal combustion engine (ICE) buses, and the average cost of a
22 ZEB has increased by 8.7%. In addition, three years ago experts forecast
23 parity between the total cost of ownership for ZEBs and ICEs to occur by
24 2027, but now the forecast has extended to 2030 or beyond. Because the
25 high cost for adding transmission and charging infrastructure to accom-
26 modate ZEBs falls predominantly on individual school districts, public
27 support for the transition frequently wanes when voters must choose
28 between spending limited budget dollars on educational expenses or for
29 reducing local tailpipe emissions. There is no real debate for many
30 voters in such a scenario, particularly for rural school districts that
31 have low pupil populations and lots of fresh air, but few resources and
32 high educational needs.

33 To promote a more effective transition with a greater impact sooner,
34 the legislature finds that the state must initially concentrate the
35 funding allocated to the transition on school districts with more than
36 two thousand pupils. Within such group of school districts, the state
37 shall then assess which districts, based on their county's childhood
38 asthma ER visit rate, their transition feasibility analysis, SED's
39 need/resource capacity index rating and per pupil spending, shall be
40 prioritized to receive transportation and building aid relief for the
41 purchase of additional transmission capacity and/or ZEBs and the design
42 and construction of related infrastructure. Data indicates that, to
43 date, only thirty-one of New York state's seven hundred thirty-one
44 school districts have sought voter approval to purchase ZEBs. Voters in
45 eight of the thirty-one districts voted "no".

46 Upon review of all thirty-one school districts which voted, certain
47 patterns have emerged:

48 1. Districts with fewer than 2000 pupils voted "no" to ZEBs more
49 frequently. Of the eight school districts which voted "no" to ZEBs, six
50 have fewer than 2000 pupils and five of those six districts are rural
51 districts.

52 2. Rural districts with a "high" need/resource capacity index voted
53 "no" more frequently. Of the five rural school districts that voted
54 "no", SED categorizes four of those districts as "high" on its
55 need/resource capacity index, with the fifth district categorized as
56 "average".

1 3. DOH does not quantify childhood asthma ER visit rates as "high"
2 concern in the counties of most rural districts. Four of the five rural
3 school districts which voted "no" to ZEBs (with the exception of
4 Edwards-Knox Central School District in St. Lawrence County) are located
5 in counties of "low" concern for childhood asthma ER visit rates. (Per
6 DOH, St. Lawrence County is of "moderate" concern.) Of the six school
7 districts with less than 2000 pupils that voted "no", Mexico Central
8 School - located east of SUNY Oswego along Lake Ontario - was the only
9 suburban school district, however, it is located in a county with "low"
10 concern for childhood asthma ER visit rates.

11 Further patterns emerge when one contrasts the "no" votes with the
12 "yes" votes.

13 4. Districts with 2000 or more pupils voted "yes" to ZEBs more
14 frequently. Fourteen of the sixteen school districts with 2000 or more
15 pupils voted "yes" to ZEBs. In contrast, only nine of the fifteen school
16 districts with less than 2000 pupils voted "yes". When examining the two
17 districts with 2000 or more pupils which voted "no" - Churchville-Chili
18 Central School District, a suburban district southwest of the City of
19 Rochester, and Baldwinsville Central School District, a suburban
20 district northwest of the city of Syracuse - the votes initially appear
21 to be outliers, as each district has large pupil populations (of 3,688
22 and 5,444, respectively) and is located in a county with "moderate" to
23 "high" concern for childhood asthma ER visit rates. However, as noted
24 below, another characteristic of each of those two districts undoubtedly
25 plays a pivotal role in their voting results.

26 5. Districts with an "average" need/resource capacity index rating and
27 per pupil spending below \$19,500 voted "no" to ZEBs. Each of the four-
28 teen districts with more than 2000 pupils which voted "yes" to ZEBs have
29 "low" or "average" need/resource capacity index ratings and spend more
30 than \$19,500 per pupil. In contrast, the two large districts which voted
31 "no" - Churchville-Chili and Baldwinsville - each with "average"
32 need/resource capacity index ratings and high childhood asthma ER visit
33 rates, both spend less than \$19,500 per pupil. Moreover, unlike small
34 districts which voted "yes" but which have "average" need/resource
35 capacity index ratings with per pupil spending exceeding \$19,500, Bemus
36 Point central school district, a small district with an "average"
37 need/resource capacity index rating and less than \$19,500 per pupil
38 spending, voted "no" to ZEBs.

39 While most school district administrators support the transition to
40 ZEBs, the practical mechanics of the transition are challenging and
41 costly. Administrators and voters alike feel the limitations of their
42 local school district budgets, and as demonstrated by ZEB votes across
43 the state, when put "between a rock and a hard place", voters will
44 consistently prioritize educational spending over transportation spend-
45 ing, even when the community's asthma health risks are high. Large
46 districts with low per pupil spending need financial assistance to help
47 them accomplish the transition. The state can achieve the largest
48 advances in public health in the shortest amount of time if it initially
49 prioritizes allocated funds to districts with 2000 or more pupils, no
50 more than an "average" need/resource capacity index rating, and per
51 pupil spending of less than \$19,500. As a result of such policy priori-
52 ties, large districts with demonstrated feasibility challenges and small
53 districts with less than 2000 pupils will be given additional time to
54 complete their transitions in accordance with their current transition
55 feasibility analysis.

1 § 2. Subdivision 1 of section 3638 of the education law, as added by
2 section 1 of subpart A of part B of chapter 56 of the laws of 2022, is
3 amended to read as follows:

4 1. For the purposes of this section "zero-emission school bus" shall
5 mean a school bus that: is propelled by an electric motor and associated
6 power electronics which provide acceleration torque to the drive wheels
7 during normal vehicle operations and draws electricity from a hydrogen
8 fuel cell or battery; or otherwise operates without direct emission of
9 atmospheric pollutants, provided however that, notwithstanding the fore-
10 going, for the purposes of this section such term shall include a hybrid
11 battery electric bus with a second source of energy for propulsion.

12 § 3. Section 3638 of the education law is amended by adding two new
13 subdivisions 1-a and 1-b to read as follows:

14 1-a. The department shall require every school district to complete a
15 transition feasibility analysis before the end of the next succeeding
16 full school year, or within fifteen months, as of the effective date of
17 this subdivision, whichever is sooner, and every five years thereafter,
18 to determine which if any regular routes can feasibly be serviced by
19 zero-emission school buses, provided that existing feasibility studies
20 completed within the two years preceding the adoption of this subdivi-
21 sion shall meet the requirements of this subdivision. The analysis shall
22 assess each district's transportation needs, current bus routes and
23 alternative routes based on distance, topography, bridge and road
24 infrastructure, average low temperatures, and a minimum end-of-route
25 charge requirement of no less than twenty percent, consider the suffi-
26 ciency of the school district's electric transmission capacity and
27 infrastructure and assess the availability of and accessibility to state
28 and/or federal funding for the purchase of zero-emission school buses
29 and construction of associated infrastructure. For purposes of categor-
30 izing schools pursuant to this section, the pupil population of a school
31 district shall be the number most recently reported to the department or
32 the number used in the district's current transition feasibility analy-
33 sis, whichever is lower, and such number shall be deemed to remain
34 unchanged until updated in the school district's next succeeding transi-
35 tion feasibility analysis.

36 1-b. Within six months of the effective date of this subdivision and
37 annually thereafter, the department, in consultation with the New York
38 state energy research and development authority and department of
39 health, shall develop a list of school districts with two thousand or
40 more pupils and rank their need for transportation and building aid for
41 the purchase of zero-emission buses and transmission capacity and the
42 design and construction of related infrastructure based on an assessment
43 of each such district's current transition feasibility analysis, average
44 per pupil spending, the most recent department of health data regarding
45 the rate of emergency room visits for asthma per ten thousand persons
46 aged zero to seventeen in the county in which such school district is
47 located, and the needs/resource capacity group to which the commissioner
48 has assigned such school district. To maximize the effectiveness of the
49 state's limited pool of aid funding for the transition to zero-emission
50 school buses, the commissioner shall prioritize the award of such allo-
51 cated transportation and building aid to the high need school districts
52 whose transition will likely have the highest positive health impact on
53 the highest number of students.

54 § 4. Subdivision 2 of section 3638 of the education law, as added by
55 section 1 of subpart A of part B of chapter 56 of the laws of 2022, is
56 amended to read as follows:

1 2. (a) [~~No later than July first, two thousand twenty-seven, every~~]
2 Every school district with two thousand or more pupils shall, by no
3 later than July first, two thousand thirty, abide by the findings of the
4 district's current transition feasibility analysis, completed in accord-
5 ance with subdivision one-a of this section, as set forth in this subdivi-
6 vision. If the findings of a school district's transition feasibility
7 analysis indicate that:

8 (i) [~~only purchase or lease zero-emission school buses when purchasing~~
9 ~~or leasing new buses;~~

10 (ii) [~~include requirements in any procurement for school transportation~~
11 ~~services that any contractors providing transportation services for the~~
12 ~~school district must only purchase or lease zero-emission school buses~~
13 ~~when purchasing or leasing new school buses; and~~

14 (iii) fifty percent or more of all regular routes are not deemed
15 feasible for service by zero-emission school buses, then the school
16 district may continue to operate, maintain or contract for non-zero-em-
17 ission school buses and receive transportation aid for non-zero-emission
18 school buses purchased or leased to make required transportation runs;
19 or

20 (ii) less than fifty percent of all regular routes are not deemed
21 feasible for service by zero-emission school buses, then the school
22 district (A) shall operate, maintain or contract for zero-emission
23 school buses and receive transportation aid for zero-emission school
24 buses purchased or leased for such regular routes as are deemed feasibly
25 serviceable by a zero-emission school bus or for an equivalent percent-
26 age of regular routes deemed feasible for service by such buses and (B)
27 may operate, maintain or contract for non-zero-emission school buses for
28 the remaining regular routes and receive transportation aid for non-
29 zero-emission school buses purchased or leased to make required trans-
30 portation runs for such remaining regular routes.

31 (a-1) With respect to any zero-emission school buses operated or main-
32 tained by a school district in accordance with the findings of the
33 district's current transition feasibility analysis as set forth in para-
34 graph (a) of this subdivision, such school district shall include
35 requirements in any procurement for the manufacturing or retrofitting of
36 a zero-emission school bus and charging or fueling infrastructure that
37 the components and parts used or supplied in the performance of the
38 contract or any subcontract thereto shall be produced or made in whole
39 or substantial part in the United States, its territories or possessions
40 and that final assembly of the zero-emission school bus and charging or
41 fueling infrastructure shall occur in the United States, its territories
42 or possessions.

43 (a-2) Every school district with less than two thousand pupils shall,
44 by no later than July first, two thousand thirty-seven:

45 (i) only purchase or lease zero-emission school buses when purchasing
46 or leasing new buses;

47 (ii) include requirements in any procurement for school transportation
48 services that any contractors providing transportation services for the
49 school district must only purchase or lease zero-emission school buses
50 when purchasing or leasing new school buses; and

51 (iii) include requirements in any procurement for the manufacturing or
52 retrofitting of a zero-emission school bus and charging or fueling
53 infrastructure that the components and parts used or supplied in the
54 performance of the contract or any subcontract thereto shall be produced
55 or made in whole or substantial part in the United States, its territo-
56 ries or possessions and that final assembly of the zero-emission school

1 bus and charging or fueling infrastructure shall occur in the United
2 States, its territories or possessions.

3 (b) The commissioner, in consultation with the New York state energy
 4 research and development authority and office of general services, may
 5 waive the contracting requirements set forth in [~~subparagraph (iii) of~~]
 6 paragraph [~~(a)~~] (a-1) of this subdivision if the commissioner determines
 7 that the requirements would not be in the public interest, would result
 8 in unreasonable costs, or that obtaining such zero-emission school buses
 9 and charging or fueling infrastructure components and parts in the
 10 United States would increase the cost of a school district's contract
 11 for zero-emission school buses and charging or fueling infrastructure by
 12 an unreasonable amount, or such zero-emission school busses and charging
 13 or fueling infrastructure components and parts cannot be produced, made,
 14 or assembled in the United States in sufficient and reasonably available
 15 quantities or of satisfactory quality. Such determination must be made
 16 on an annual basis no later than December thirty-first, after providing
 17 notice and an opportunity for public comment, and be made publicly
 18 available, in writing, on the department's website with a detailed
 19 explanation of the findings leading to such determination. If the
 20 commissioner has issued determinations for three consecutive years that
 21 no such waiver is warranted pursuant to this paragraph, then the commis-
 22 sioner shall no longer be required to provide the annual determinations
 23 required by this paragraph.

24 (c) Any school district which encumbers funds and places an order for
25 a zero-emission school bus prior to July first, two thousand thirty, but
26 which does not receive delivery of such bus before such date, shall be
27 deemed in compliance with the provisions of this subdivision.

28 (d) For the purpose of this subdivision, "regular routes" are defined
29 as daily runs to and from a student's home, child care or bus stop to
30 the district school. Routes to transport students off the primary
31 school campus for boards of cooperative educational services (BOCES)
32 programs, special education placements at a distance greater than thirty
33 miles from the district school and to transport homeless students and
34 students to and from extracurricular activities shall be deemed "non
35 regular" routes and exempted from any zero-emission school bus require-
36 ment pursuant to this chapter.

37 § 5. Subdivision 3 of section 3638 of the education law, as added by
 38 section 1 of subpart A of part B of chapter 56 of the laws of 2022, is
 39 amended to read as follows:

40 3. [~~No later than July first, two thousand thirty-five, every~~] (a)
 41 Every school district with two thousand or more pupils shall, by no
 42 later than July first, two thousand thirty-seven:

43 [~~(a)~~] (i) only operate and maintain zero-emission school buses; and
 44 [~~(b)~~] (ii) include requirements in any procurement for school trans-
 45 portation services that any contractors providing transportation
 46 services for the school district must only operate zero-emission school
 47 buses when providing such transportation services to the school
 48 district.

49 (b) Every school district with less than two thousand pupils shall, by
50 no later than July first, two thousand forty:

51 (i) only operate and maintain zero-emission school buses; and
52 (ii) include requirements in any procurement for school transportation
53 services that any contractors providing transportation services for the
54 school district must only operate zero-emission school buses when
55 providing such transportation services to the school district.

1 § 6. Subdivision 4 of section 3638 of the education law, as added by
2 section 1 of subpart A of part B of chapter 56 of the laws of 2022, is
3 amended to read as follows:

4 4. A school district may apply to the commissioner, and the department
5 may grant a one-time extension of up to twenty-four months to comply
6 with the requirements of subdivision [~~two~~] three of this section. The
7 commissioner shall consider a school district's effort to meet the
8 requirements of subdivision [~~two~~] three of this section when granting an
9 extension, including but not limited to, procurement efforts made by the
10 school district, applications for state or federal funds, changes needed
11 to school district operations to meet the requirements of this section,
12 employee training, and receipt of technical assistance, if any. Upon a
13 school district receiving an extension, the New York state energy
14 research and development authority, in consultation with the department,
15 shall provide any additional technical assistance necessary to the
16 district to meet the requirements of subdivision [~~two~~] three of this
17 section.

18 § 7. Subdivision 1 of section 3623-a of the education law is amended
19 by adding a new paragraph a-1 to read as follows:

20 a-1. Zero-emission bus transition feasibility analysis, conducted
21 pursuant to subdivision one-a of section thirty-six hundred thirty-eight
22 of this article;

23 § 8. Paragraph e of subdivision 1 of section 3623-a of the education
24 law is amended by adding two new subparagraphs 1-a and 7-a to read as
25 follows:

26 (1-a) salary for a zero-emission transportation transition planner;
27 (7-a) costs incurred to transport an out-of-service zero-emission bus
28 for storage and repairs;

29 § 9. Subdivision 3 of section 35 of part A of chapter 56 of the laws
30 of 2023 amending the education law relating to contracts for excellence,
31 is amended to read as follows:

32 3. Section nineteen of this act shall expire and be deemed repealed
33 June 30, [~~2036~~] 2041; and

34 § 10. This act shall take effect immediately.