S T A T E O F N E W Y O R K

S. 1370 A. 3902

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 29, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Education

IN ASSEMBLY -- Introduced by M. of A. ALESSI -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to piggyback contracts for school district transportation services

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

Section 1. Paragraph h of subdivision 25 of section 1709 of the education law, as added by chapter 700 of the laws of 1993, is amended to read as follows:

h. (1) The board of education is authorized to enter into a contract with another school district, a county, municipality, or the state division for youth to provide transportation for children, provided that the contract cost is appropriate. In determining the appropriate transportation contract cost, the transportation service provider school district shall use a calculation consistent with regulations adopted by the commissioner for the purpose of assuring that charges reflect the true costs that would be incurred by a prudent person in the conduct of a competitive transportation business.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARD OF EDUCATION SHALL BE AUTHORIZED TO ENTER INTO A PIGGYBACK CONTRACT WITH ANOTHER SCHOOL DISTRICT THAT TRANSPORTS STUDENTS PURSUANT TO A CONTRACT WITH A PRIVATE TRANSPORTATION CONTRACTOR, PROVIDED THAT THE BOARD FINDS THAT THE CONTRACT COST IS APPROPRIATE AND ENTRY INTO A PIGGYBACK CONTRACT WILL RESULT IN A COST SAVINGS TO THE SCHOOL DISTRICT. FOR PURPOSES OF THIS PARAGRAPH, A "PIGGYBACK CONTRACT" MEANS A CONTRACT FOR THE TRANSPORTATION OF STUDENTS THAT: (A) PROVIDES TRANSPORTATION TO

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

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A LOCATION OUTSIDE THE STUDENTS' SCHOOL DISTRICT OF RESIDENCE TO WHICH ANOTHER SCHOOL DISTRICT IS ALREADY PROVIDING TRANSPORTATION TO ITS OWN STUDENTS THROUGH AN EXISTING CONTRACT WITH A PRIVATE TRANSPORTATION CONTRACTOR, OTHER THAN A COOPERATIVELY BID CONTRACT; (B) IS ENTERED INTO BY THE PRIVATE TRANSPORTATION CONTRACTOR AND EACH SCHOOL DISTRICT INVOLVED; AND (C) PROVIDES FOR TRANSPORTATION IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH EXISTING TRANSPORTATION CONTRACT.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2006.