

8060

2013-2014 Regular Sessions

I N A S S E M B L Y

June 17, 2013

Introduced by M. of A. KELLNER -- Multi-Sponsored by -- M. of A.
O'DONNELL -- read once and referred to the Committee on Education

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
22 DEVELOPED BY INDEPENDENT DISABILITY SPECIALISTS WILL INCLUDE MODULES ON
23 DISABILITY AWARENESS AND SENSITIVITY, EFFECTIVE STRATEGIES TO PROMOTE
24 POSITIVE BEHAVIOR, AND COMMUNICATION WITH PARENTS. For the purposes of

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

LBD11521-03-3

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

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

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

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

1 assuming his or her duties.] THE TRAINING AND INSTRUCTION REQUIRED BY
2 THIS SUBDIVISION MAY BE INCLUDED WITH THE TRAINING AND INSTRUCTION
3 REQUIRED PURSUANT TO PARAGRAPH A OF SUBDIVISION ONE OF THIS SECTION AND
4 THIS SUBDIVISION AND SHALL BE PROVIDED AT LEAST ONCE PER YEAR OR MORE
5 FREQUENTLY AS DETERMINED BY THE COMMISSIONER IN CONSULTATION WITH THE
6 STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL.

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

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

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

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

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

1 first, two thousand nine. Any person hired after January first, two
2 thousand nine shall complete such training, instruction and testing
3 prior to assuming his or her duties as a school bus attendant serving a
4 student or students with a disability.] THE TRAINING AND INSTRUCTION
5 REQUIRED BY THIS SUBDIVISION MAY BE INCLUDED WITH THE TRAINING AND
6 INSTRUCTION REQUIRED PURSUANT TO SUBDIVISION THREE OF THIS SECTION AND
7 SHALL BE PROVIDED AT LEAST ONCE PER YEAR OR MORE FREQUENTLY AS DETER-
8 MINED BY THE COMMISSIONER IN CONSULTATION WITH THE STATE COMPREHENSIVE
9 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 5. Subdivision 4 of section 1229-d of the vehicle and traffic law,
19 as amended by section 6 of part E of chapter 501 of the laws of 2012, is
20 amended to read as follows:

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

a. All contracts for the transportation of school children, all contracts to maintain school buses owned or leased by a school district that are used for the transportation of school children, all contracts for mobile instructional units, and all contracts to provide, maintain

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

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

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

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

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

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