

4961

2013-2014 Regular Sessions

I N S E N A T E

May 1, 2013

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

AN ACT to amend the education law, in relation to an incentive for school districts to lower their transportation costs

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

1 Section 1. Subdivision 3 of section 3623-a of the education law is
2 amended by adding a new paragraph d to read as follows:
3 D. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHERE A SCHOOL
4 DISTRICT PROVIDING TRANSPORTATION FOR SOME OR ALL OF ITS DISTRICT PUPILS
5 THROUGH A DISTRICT OPERATED TRANSPORTATION SYSTEM AS OF THE FIRST DAY OF
6 SEPTEMBER TWO THOUSAND THIRTEEN CONTRACTS FOR THE TRANSPORTATION OF ITS
7 PUPILS WITH A CONTRACTOR AND SUCH CONTRACT RESULTS IN A LOWER ALLOWABLE
8 TRANSPORTATION EXPENSE PURSUANT TO THIS SECTION THAN THE DISTRICT OPER-
9 ATED TRANSPORTATION SYSTEM SUCH DISTRICT MAY COMPUTE ITS TRANSPORTATION
10 AID PURSUANT TO THIS SECTION BASED UPON THE HIGHER DISTRICT OPERATED
11 TRANSPORTATION SYSTEM COSTS; PROVIDED, HOWEVER, THAT SUCH SCHOOL
12 DISTRICT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH TWO OF THIS
13 PARAGRAPH.
14 (2) A SCHOOL DISTRICT WHICH COMPUTES ITS TRANSPORTATION AID PURSUANT
15 TO SUBPARAGRAPH ONE OF THIS PARAGRAPH SHALL MEET THE FOLLOWING REQUIRE-
16 MENTS:
17 (I) CALCULATE ITS ALLOWABLE TRANSPORTATION EXPENSES PURSUANT TO THIS
18 SECTION FOR A DISTRICT OPERATED TRANSPORTATION SYSTEM FOR THE TWO THOU-
19 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. SUCH CALCULATION SHALL
20 BE BASED ON THAT PORTION OF THE TRANSPORTATION SYSTEM THAT IS DISTRICT
21 OPERATED AND PROPOSED TO BE CONTRACTED TO A QUALIFIED PUPIL TRANSPORTA-
22 TION CONTRACTOR;
23 (II) IF A SCHOOL DISTRICT PRESENTLY PROVIDES FOR TRANSPORTATION FOR
24 ITS PUPILS THROUGH A COMBINATION OF A DISTRICT OPERATED TRANSPORTATION
25 SYSTEM AND A CONTRACTOR TRANSPORTATION SYSTEM, ONLY THAT PORTION OF THE

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

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1 TRANSPORTATION SYSTEM WHICH IS DISTRICT OPERATED IS ELIGIBLE FOR TREAT-
2 MENT UNDER THIS PARAGRAPH;

3 (III) ISSUE A REQUEST FOR PROPOSAL FOR SUCH DISTRICT OPERATED TRANS-
4 PORTATION SERVICES; AND

5 (IV) AWARD A CONTRACT FOR SUCH DISTRICT OPERATED TRANSPORTATION
6 SERVICES TO A QUALIFIED PUPIL TRANSPORTATION CONTRACTOR.

7 (3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A SCHOOL DISTRICT SWITCH-
8 ING FROM A DISTRICT OPERATED TRANSPORTATION SYSTEM TO A CONTRACTOR
9 TRANSPORTATION SYSTEM MAY SELL OR LEASE EQUIPMENT PURCHASED IN SUPPORT
10 OF THE DISTRICT OPERATED TRANSPORTATION SYSTEM AND RETAIN ANY PROCEEDS
11 AND AMORTIZED TRANSPORTATION AID.

12 (4) A SCHOOL DISTRICT SHALL BE INELIGIBLE FOR RETENTION OF TRANSPORTA-
13 TION AID PURSUANT TO THIS PARAGRAPH UPON EXPIRATION OF THE INITIAL
14 CONTRACT ENTERED INTO BETWEEN THE SCHOOL DISTRICT AND THE PUPIL TRANS-
15 PORTATION CONTRACTOR.

16 (5) A SCHOOL DISTRICT SHALL BE ELIGIBLE FOR RETENTION OF TRANSPORTA-
17 TION AID PURSUANT TO THIS PARAGRAPH FOR NO MORE THAN FIVE YEARS.

18 S 2. This act shall take effect immediately.