

3474--A

2015-2016 Regular Sessions

I N S E N A T E

February 10, 2015

Introduced by Sens. LANZA, ADDABBO, AVELLA, COMRIE, ESPAILLAT, HAMILTON, HASSELL-THOMPSON, HOYLMAN, KRUEGER, LATIMER, MURPHY, PANEPINTO, PARKER, PERALTA, PERKINS, RIVERA, SANDERS, SAVINO, SERRANO, SQUADRON -- 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

AN ACT to amend the education law, in relation to certain contracts regarding bus drivers and bus driver's assistants

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

1 Section 1. Subdivision 23 of section 1604 of the education law, as
2 amended by chapter 269 of the laws of 1974, is amended to read as
3 follows:
4 23. To contract with any person, corporation or other school district
5 for the conveyance of pupils residing within the district, when author-
6 ized to do so under subdivision nineteen of section two thousand twen-
7 ty-one, by vote of the inhabitants of the district entitled to vote, or
8 to contract for the operation, maintenance and garaging of motor vehi-
9 cles owned by the district, in accordance with such rules and regu-
10 lations as such trustees may establish, consistent with the regulations
11 of the commissioner of education. Upon authorization by a school
12 district meeting, every such contract of transportation may be made for
13 a period not exceeding five years, notwithstanding any provision of any
14 other law inconsistent herewith. WITH RESPECT TO ANY CONTRACT ENTERED
15 INTO UNDER THIS SUBDIVISION, THE DISTRICT SHALL ABIDE BY THE TERMS
16 CONTAINED IN ANY COLLECTIVELY BARGAINED AGREEMENT APPLICABLE TO BUS
17 DRIVERS AND DRIVERS' ASSISTANTS ENTERED INTO BY THE CONTRACTING ENTITY
18 GOVERNING DISCIPLINARY ACTIONS AGAINST BUS DRIVERS AND DRIVERS' ASSIST-
19 ANTS EMPLOYED BY SUCH CONTRACTING ENTITY PRIOR TO THE DISTRICT IMPOSING
20 OR IMPLEMENTING AN ADVERSE DISCIPLINARY ACTION AGAINST SUCH DRIVER OR
21 DRIVERS' ASSISTANT.

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

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1 S 2. Subdivision 27 of section 1709 of the education law, as amended
2 by chapter 737 of the laws of 1992, is amended to read as follows:

3 27. To contract with any person, corporation or other school district
4 for the conveyance of pupils residing within the district, when author-
5 ized to do so under subdivision nineteen of section two thousand twen-
6 ty-one of this chapter, by vote of the inhabitants of the district enti-
7 tled to vote, or to contract for the operation, maintenance and garaging
8 of motor vehicles owned by the district, in accordance with such rules
9 and regulations as such board of education may establish, consistent
10 with the regulations of the commissioner. Upon authorization by a school
11 district meeting, every such contract of transportation may be made for
12 a period not exceeding five years, notwithstanding any provision of any
13 other law inconsistent herewith. WITH RESPECT TO ANY CONTRACT ENTERED
14 INTO UNDER THIS SUBDIVISION, THE DISTRICT SHALL ABIDE BY THE TERMS
15 CONTAINED IN ANY COLLECTIVELY BARGAINED AGREEMENT APPLICABLE TO BUS
16 DRIVERS AND DRIVERS' ASSISTANTS ENTERED INTO BY THE CONTRACTING ENTITY
17 GOVERNING DISCIPLINARY ACTIONS AGAINST BUS DRIVERS AND DRIVERS' ASSIST-
18 ANTS EMPLOYED BY SUCH CONTRACTING ENTITY, PRIOR TO THE DISTRICT IMPOSING
19 OR IMPLEMENTING AN ADVERSE DISCIPLINARY ACTION AGAINST SUCH DRIVER OR
20 DRIVERS' ASSISTANT.

21 S 3. Subdivision 12 of section 2503 of the education law, as amended
22 by chapter 171 of the laws of 1996, is amended to read as follows:

23 12. Shall provide by contract or otherwise for the transportation of
24 children to and from any school or institution of learning whenever in
25 its judgment such transportation is required because of the remoteness
26 of the school to the pupil or for the promotion of the best interests of
27 such children; and, in the case of an enlarged city school district,
28 shall provide such transportation to children residing outside the city
29 limits and may, in its discretion, provide transportation for children
30 residing within the city limits. Any such contract may be made for a
31 period of not exceeding five years, notwithstanding any provision of any
32 charter or other provision of law inconsistent herewith, PROVIDED, THAT
33 FOR THE CITY SCHOOL DISTRICT OF THE CITY OF WHITE PLAINS, IF TRANSPORTA-
34 TION IS PROVIDED BY SUCH DISTRICT, PURSUANT TO OTHER PROVISIONS OF THIS
35 CHAPTER, THE DISTRICT SHALL ABIDE BY THE TERMS CONTAINED IN ANY COLLEC-
36 TIVELY BARGAINED AGREEMENT APPLICABLE TO BUS DRIVERS AND DRIVERS'
37 ASSISTANTS ENTERED INTO BY THE CONTRACTING ENTITY GOVERNING DISCIPLINARY
38 ACTIONS AGAINST BUS DRIVERS AND DRIVERS' ASSISTANTS EMPLOYED BY SUCH
39 CONTRACTING ENTITY, PRIOR TO THE DISTRICT IMPOSING OR IMPLEMENTING AN
40 ADVERSE DISCIPLINARY ACTION AGAINST SUCH DRIVER OR DRIVERS' ASSISTANT.
41 Provided FURTHER that the cost of such transportation:

42 a. to and from schools within the school district for distances
43 greater than two or three miles, as applicable, and to and from schools
44 outside the district within the mileage limitations prescribed in para-
45 graph a of subdivision one of section thirty-six hundred thirty-five of
46 this chapter shall always be an ordinary contingent expense, and

47 b. for distances less than two or three miles, as applicable, or for
48 greater than fifteen miles to and from schools outside the district
49 shall be an ordinary contingent expense if: (i) such transportation was
50 provided during the preceding school year and the qualified voters have
51 not passed a special proposition constricting the mileage limitations
52 for the current school year from those in effect in the prior year, or
53 (ii) the qualified voters have passed a special proposition expanding
54 the mileage limitations in effect in the prior year.

55 S 4. Subdivision 19 of section 2554 of the education law, as renum-
56 bered by chapter 762 of the laws of 1950, is amended to read as follows:

1 19. To provide by contract for the transportation of children to and
2 from any school or institution of learning whenever in its judgment such
3 transportation is required because of the remoteness of the school to
4 the pupil or for the promotion of the best interests of such children.
5 Any such contract may be made for a period not exceeding five years,
6 notwithstanding any provision of any charter or other provision of law
7 inconsistent herewith, PROVIDED, THAT FOR THE CITY SCHOOL DISTRICT OF
8 THE CITY OF YONKERS, IF TRANSPORTATION IS PROVIDED BY SUCH DISTRICT,
9 PURSUANT TO OTHER PROVISIONS OF THIS CHAPTER, THE DISTRICT SHALL ABIDE
10 BY THE TERMS CONTAINED IN ANY COLLECTIVELY BARGAINED AGREEMENT APPLICA-
11 BLE TO BUS DRIVERS AND DRIVERS' ASSISTANTS ENTERED INTO BY THE CONTRACT-
12 ING ENTITY GOVERNING DISCIPLINARY ACTIONS AGAINST BUS DRIVERS AND DRIV-
13 ERS' ASSISTANTS EMPLOYED BY SUCH CONTRACTING ENTITY, PRIOR TO THE
14 DISTRICT IMPOSING OR IMPLEMENTING AN ADVERSE DISCIPLINARY ACTION AGAINST
15 SUCH DRIVER OR DRIVERS' ASSISTANT.
16 S 5. This act shall take effect immediately.