

STATE OF NEW YORK

10458

IN ASSEMBLY

May 18, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Perry) --
read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to payment under
contracts for transportation services during a declared state of emer-
gency

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

1 Section 1. Subdivision 14 of section 305 of the education law is
2 amended by adding a new paragraph h to read as follows:

3 h. Notwithstanding any law, rule, or regulation to the contrary, if a
4 school district is closed due to a properly executed declaration of a
5 state or local emergency pursuant to article two-B of the executive law,
6 such district shall continue to make payments of benefits, compensation
7 and emoluments pursuant to the terms of any contract for transportation
8 of school children entered into pursuant to this subdivision that were
9 in effect on the date of the closure as if the services for such bene-
10 fits, compensation, and emoluments had been provided, and as if the
11 school district had remained open. Payments received pursuant to this
12 paragraph by a contractor providing pupil transportation services shall
13 be used to meet payroll and fixed cost obligations of the contractor. A
14 school district shall make all reasonable efforts to renegotiate a
15 contract in good faith subject to this paragraph and may direct contrac-
16 tors providing pupil transportation services who are a party to a
17 contract and receive payments from the school district under this para-
18 graph, to provide services on behalf of the school district which may
19 reasonably be provided and are within the general expertise or service
20 provisions of the original contract. Negotiations shall not include
21 indirect costs such as fuel or tolls. As a condition of negotiations, a
22 contractor for pupil transportation services shall reveal to the school
23 district whether the entity has insurance coverage for the payment of
24 benefits, compensation, and emoluments pursuant to the terms of a
25 contract with a contractor for pupil transportation services under this
26 paragraph for services which otherwise would not have been provided had
27 the school facilities remained open. Nothing in this paragraph shall be

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

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1 construed to require a school district to make payments to a party in
2 material breach of a contract with a contractor for pupil transportation
3 services if the breach was not due to a closure resulting from a
4 declared state of emergency, declared public health emergency, or a
5 directive by an appropriate health agency or officer.

6 § 2. This act shall take effect immediately and shall apply to any
7 contracts or collective bargaining agreements in effect beginning with
8 the 2019-2020 academic year.