

# STATE OF NEW YORK

402

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. LANZA -- 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 certain contracts regarding bus drivers and bus drivers' 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 of this chapter, by vote of the inhabitants of the district enti-  
8 tled to vote, or to contract for the operation, maintenance and garaging  
9 of motor vehicles owned by the district, in accordance with such rules  
10 and regulations as such trustees may establish, consistent with the  
11 regulations of the commissioner of education. Upon authorization by a  
12 school district meeting, every such contract of transportation may be  
13 made for a period not exceeding five years, notwithstanding any  
14 provision of any other law inconsistent herewith. With respect to any  
15 contract entered into under this subdivision, the district shall abide  
16 by the terms contained in any collectively bargained agreement applica-  
17 ble to bus drivers and drivers' assistants entered into by the contract-  
18 ing entity governing disciplinary actions against bus drivers and driv-  
19 ers' assistants employed by such contracting entity prior to the  
20 district imposing or implementing an adverse disciplinary action against  
21 such driver or drivers' assistant.

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

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

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1 27. To contract with any person, corporation or other school district  
2 for the conveyance of pupils residing within the district, when author-  
3 ized to do so under subdivision nineteen of section two thousand twen-  
4 ty-one of this chapter, by vote of the inhabitants of the district enti-  
5 tled to vote, or to contract for the operation, maintenance and garaging  
6 of motor vehicles owned by the district, in accordance with such rules  
7 and regulations as such board of education may establish, consistent  
8 with the regulations of the commissioner. Upon authorization by a school  
9 district meeting, every such contract of transportation may be made for  
10 a period not exceeding five years, notwithstanding any provision of any  
11 other law inconsistent herewith. With respect to any contract entered  
12 into under this subdivision, the district shall abide by the terms  
13 contained in any collectively bargained agreement applicable to bus  
14 drivers and drivers' assistants entered into by the contracting entity  
15 governing disciplinary actions against bus drivers and drivers' assist-  
16 ants employed by such contracting entity, prior to the district imposing  
17 or implementing an adverse disciplinary action against such driver or  
18 drivers' assistant.

19 § 3. Subdivision 12 of section 2503 of the education law, as amended  
20 by chapter 171 of the laws of 1996, is amended to read as follows:

21 12. Shall provide by contract or otherwise for the transportation of  
22 children to and from any school or institution of learning whenever in  
23 its judgment such transportation is required because of the remoteness  
24 of the school to the pupil or for the promotion of the best interests of  
25 such children; and, in the case of an enlarged city school district,  
26 shall provide such transportation to children residing outside the city  
27 limits and may, in its discretion, provide transportation for children  
28 residing within the city limits. Any such contract may be made for a  
29 period of not exceeding five years, notwithstanding any provision of any  
30 charter or other provision of law inconsistent herewith, provided, that  
31 for the city school district of the city of White Plains, if transporta-  
32 tion is provided by such district, pursuant to other provisions of this  
33 chapter, the district shall abide by the terms contained in any collec-  
34 tively bargained agreement applicable to bus drivers and drivers'  
35 assistants entered into by the contracting entity governing disciplinary  
36 actions against bus drivers and drivers' assistants employed by such  
37 contracting entity, prior to the district imposing or implementing an  
38 adverse disciplinary action against such driver or drivers' assistant.

39 Provided further that the cost of such transportation:

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

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

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

55 19. To provide by contract for the transportation of children to and  
56 from any school or institution of learning whenever in its judgment such

1 transportation is required because of the remoteness of the school to  
2 the pupil or for the promotion of the best interests of such children.  
3 Any such contract may be made for a period not exceeding five years,  
4 notwithstanding any provision of any charter or other provision of law  
5 inconsistent herewith, provided, that for the city school district of  
6 the city of Yonkers, if transportation is provided by such district,  
7 pursuant to other provisions of this chapter, the district shall abide  
8 by the terms contained in any collectively bargained agreement applica-  
9 ble to bus drivers and drivers' assistants entered into by the contract-  
10 ing entity governing disciplinary actions against bus drivers and driv-  
11 ers' assistants employed by such contracting entity, prior to the  
12 district imposing or implementing an adverse disciplinary action against  
13 such driver or drivers' assistant.

14 § 5. This act shall take effect immediately.