

# STATE OF NEW YORK

397

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HELMING -- 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 schools for transportation for wellness checks, the delivery of meals and homework, and other activities utilizing the school's transportation network of buses

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

1 Section 1. Section 3622-a of the education law is amended by adding a  
2 new subdivision 8 to read as follows:

3 8. Notwithstanding any other provision of law to the contrary, costs  
4 associated with transportation for wellness checks, pre-existing trans-  
5 portation contracts, general operation of district owned or district  
6 leased school buses, the provision of Wi-Fi hotspots, or the delivery of  
7 meals, educational materials, and any other school-related materials for  
8 the period that began with the declaration of the state of emergency  
9 declared as a result of the COVID-19 pandemic that was executed in exec-  
10 utive order two hundred two that began on March seventh, two thousand  
11 twenty. For the purposes of this section, the general operation of  
12 school buses shall include: (a) salaries and retirement benefits related  
13 to transportation, except salaries and retirement benefits for assistant  
14 drivers on buses transporting nondisabled pupils; (b) employers' social  
15 security contributions for transportation personnel for whom salaries  
16 are allowable; (c) health, life and other insurance premiums for trans-  
17 portation personnel for whom salaries are allowable; (d) premiums for  
18 collision and other insurance coverage for school buses; (e) uniforms  
19 for transportation personnel for whom salaries are allowable; (f) costs  
20 incurred by the employer for qualifying criminal history, driver's  
21 license, or other required testing attributable to special requirements  
22 for drivers of school buses pursuant to state or federal law including

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

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1 pre-employment and random drug and alcohol testing as required under  
2 subdivision six of section five hundred nine-g of the vehicle and traf-  
3 fic law.

4 § 2. Subparagraphs 10 and 11 of paragraph e of subdivision 1 of  
5 section 3623-a of the education law, as added by chapter 474 of the laws  
6 of 1996, are amended and a new subparagraph 12 is added to read as  
7 follows:

8 (10) the consideration for the contract or contracts made for the  
9 purpose of providing transportation by horse-drawn vehicle or vehicles,  
10 if any school district shall be required to provide such transportation;  
11 [~~and~~]

12 (11) other expenses for district operated transportation systems, as  
13 approved pursuant to regulations of the commissioner[]; and

14 (12) notwithstanding any other provision of law to the contrary, costs  
15 associated with transportation for wellness checks, pre-existing trans-  
16 portation contracts, general operation of district owned or district  
17 leased school buses, the provision of Wi-Fi hotspots, or the delivery of  
18 meals, educational materials, and any other school-related materials for  
19 the period that began with the declaration of the state of emergency  
20 declared as a result of the COVID-19 pandemic that was executed in exec-  
21 utive order two hundred two that began on March seventh, two thousand  
22 twenty. For the purposes of this section, the general operation of  
23 school buses shall include: (a) salaries and retirement benefits related  
24 to transportation, except salaries and retirement benefits for assistant  
25 drivers on buses transporting nondisabled pupils; (b) employers' social  
26 security contributions for transportation personnel for whom salaries  
27 are allowable; (c) health, life and other insurance premiums for trans-  
28 portation personnel for whom salaries are allowable; (d) premiums for  
29 collision and other insurance coverage for school buses; (e) uniforms  
30 for transportation personnel for whom salaries are allowable; (f) costs  
31 incurred by the employer for qualifying criminal history, driver's  
32 license, or other required testing attributable to special requirements  
33 for drivers of school buses pursuant to state or federal law including  
34 pre-employment and random drug and alcohol testing as required under  
35 subdivision six of section five hundred nine-g of the vehicle and traf-  
36 fic law.

37 § 3. Section 3625 of the education law is amended by adding a new  
38 subdivision 3-a to read as follows:

39 3-a. Notwithstanding any other provision of law to the contrary, costs  
40 incurred from transportation contracts in the furtherance of transporta-  
41 tion for wellness checks, the provision of Wi-Fi access points, or the  
42 delivery of meals, educational materials, and any other school-related  
43 materials for the period that began with the declaration of the state of  
44 emergency declared as a result of the COVID-19 pandemic that was  
45 executed in executive order two hundred two that began on March seventh,  
46 two thousand twenty shall be deemed allowable expenses for transporta-  
47 tion contracts.

48 § 4. This act shall take effect immediately.