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:

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

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

LBD03986-01-1

pre-employment and random drug and alcohol testing as required under subdivision six of section five hundred nine-g of the vehicle and traffic law.

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

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

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

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

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

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

§ 4. This act shall take effect immediately.