STATE OF NEW YORK

7122--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 11, 2023

Introduced by M. of A. JEAN-PIERRE, MAGNARELLI -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to contract cost adjustments in the middle of contract terms for school districts transportation contracts

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

Section 1. Paragraph d of subdivision 14 of section 305 of the education law, as added by chapter 552 of the laws of 1995, is amended to read as follows:

d. Notwithstanding the provisions of paragraphs a, b and c of this subdivision, the board of education or the trustee of a district and a contractor providing pupil transportation services to such district may amend a contract for pupil transportation services upon a finding that such amendment is necessary to comply with any federal, state or local law, rule or regulation imposed after the execution of such contract, or to enhance the safety of pupil transportation, as determined by the board or trustee subject to the approval of the commissioner pursuant to regulations which shall require demonstrable enhancements in pupil safety and/or increased savings consistent with maintaining pupil safety. Such amendment shall cause no additional cost to the state, locality or school district **unless such amendment is necessary to comply with the statewide transition to zero-emission buses pursuant to section thirty-six hundred thirty-eight of this chapter and provided that it has been established by the contractor that there has been at least an equivalent increase in the amount of such contractor's cost of operation**. The commissioner shall not approve such an amendment if the commissioner finds that it circumvents the competitive bidding requirements contained

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

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in paragraph a of this subdivision, or otherwise violates this section or any other provision of law, or fails to increase or maintain the safety of pupil transportation.

§ 2. This act shall take effect immediately; provided, however, that the amendments to paragraph d of subdivision 14 of section 305 of the education law made by section one of this act shall not affect the expiration and repeal of such paragraph and shall be deemed repealed therewith.