STATE OF NEW YORK

8135

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

Introduced by M. of A. SMULLEN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to permitting local boards of education to enter into contracts with a drive-sharing network of persons for reimbursement of transportation expenses

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

Section 1. Legislative findings and intent. The legislature recognizes that the high costs associated with purchasing zero-emission school buses and providing pupil transportation services are a concern for many school districts and parents. In New York state, parents, family members, teachers and neighbors of students have expressed interest in helping to transport students to and from school to help reduce the costs of pupil transportation services. However, currently only legal parents or guardians are permitted to transport children under a parent contract, which allows a school district to compensate the legal parent or guardian for transporting their own children.

This act proposes to amend the education law to allow local boards of education to expand parent contracts so schools can contract with an approved network of parents, family members, neighbors, and teachers for the purpose of providing pupil transportation. These individuals would be reimbursed based on either the approved mileage rate for staff or the IRS mileage rate, plus tolls, whichever is greater.

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

27. *a.* To contract with any person, corporation or other school district for the conveyance of pupils residing within the district, when authorized to do so under subdivision nineteen of section two thousand twenty-one of this chapter, by vote of the inhabitants of the district entitled to vote, or to contract for the operation, maintenance and garaging of motor vehicles owned by the district, in accordance with

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

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such rules and regulations as such board of education may establish, consistent with the regulations of the commissioner. Upon authorization by a school district meeting, every such contract of transportation may be made for a period not exceeding five years, notwithstanding any provision of any other law inconsistent herewith.

b. To contract with an approved drive-sharing network of persons for the conveyance of pupils residing within the district, in which such persons are compensated based upon the approved milage rate for staff or the IRS mileage rate, plus tolls, whichever is greater, when authorized to do so under subdivision nineteen of section two thousand twenty-one of this chapter. The commissioner shall promulgate any rules and regulations necessary to implement the provisions of this paragraph, including requiring all such persons to meet or exceed the safety regulations set forth in 8 NYCRR 156.3. Upon authorization by a school district meeting, every such contract of transportation may be made for a period not exceeding one year, notwithstanding any provision of any other law inconsistent herewith. Reimbursement provided for under this paragraph shall be subject to the following conditions:

(i) The local board of education shall require proof of the transportation expenses, such as receipts, mileage logs or any other document deemed acceptable by the board;

(ii) The local board of education shall establish policies and procedures to ensure the safety and security of the students being transported; and

(iii) The local board of education shall establish policies and procedures to prevent conflicts of interest or the appearance of impropriety.

§ 3. This act shall take effect immediately.