

# STATE OF NEW YORK

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7289

2023-2024 Regular Sessions

## IN ASSEMBLY

May 17, 2023

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

AN ACT to amend the education law, in relation to amendments to transportation contracts for the purpose of zero-emission school bus compliance

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

1 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  
2 read as follows:

3  
4 d. Notwithstanding the provisions of paragraphs a, b and c of this  
5 subdivision, the board of education or the trustee of a district and a  
6 contractor providing pupil transportation services to such district may  
7 amend a contract for pupil transportation services upon a finding that  
8 such amendment is necessary to comply with any federal, state or local  
9 law, rule or regulation imposed after the execution of such contract, or  
10 to enhance the safety of pupil transportation, as determined by the  
11 board or trustee subject to the approval of the commissioner pursuant to  
12 regulations which shall require demonstrable enhancements in pupil safety  
13 and/or increased savings consistent with maintaining pupil safety.  
14 Such amendment shall cause no additional cost to the state, locality or  
15 school district unless such amendment is necessary to comply with the  
16 statewide transition to zero-emission school buses pursuant to section  
17 thirty-six hundred thirty-eight of this chapter and the amendment  
18 results in a one-time contract modification that provides for a single  
19 year increase less than two times the rate of change in the consumer  
20 price index or the amendment results in a one-time contract modification  
21 that receives prior approval of the commissioner and provides for a  
22 single year increase less than three times the rate of change in the  
23 consumer price index. The additional contract cost shall cover only  
24 reasonable and necessary expenses for such transition. The commissioner

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

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1 shall promulgate regulations regarding the criteria for approving such  
2 contract. For purposes of this paragraph, consumer price index shall be  
3 calculated pursuant to regulations of the commissioner. The commissioner  
4 shall not approve such an amendment if the commissioner finds that it  
5 circumvents the competitive bidding requirements contained in paragraph  
6 a of this subdivision, or otherwise violates this section or any other  
7 provision of law, or fails to increase or maintain the safety of pupil  
8 transportation.

9 § 2. This act shall take effect July 1, 2023; provided, however, that  
10 the amendments to paragraph d of subdivision 14 of section 305 of the  
11 education law made by section one of this act shall not affect the expi-  
12 ration and repeal of such paragraph and shall be deemed repealed there-  
13 with. Effective immediately, the addition, amendment and/or repeal of  
14 any rule or regulation necessary for the implementation of this act on  
15 its effective date are authorized to be made and completed on or before  
16 such effective date.