

# 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:

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

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

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

19 27. a. To contract with any person, corporation or other school  
20 district for the conveyance of pupils residing within the district, when  
21 authorized to do so under subdivision nineteen of section two thousand  
22 twenty-one of this chapter, by vote of the inhabitants of the district  
23 entitled to vote, or to contract for the operation, maintenance and  
24 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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1 such rules and regulations as such board of education may establish,  
2 consistent with the regulations of the commissioner. Upon authorization  
3 by a school district meeting, every such contract of transportation may  
4 be made for a period not exceeding five years, notwithstanding any  
5 provision of any other law inconsistent herewith.

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

19 (i) The local board of education shall require proof of the transpor-  
20 tation expenses, such as receipts, mileage logs or any other document  
21 deemed acceptable by the board;

22 (ii) The local board of education shall establish policies and proce-  
23 dures to ensure the safety and security of the students being trans-  
24 ported; and

25 (iii) The local board of education shall establish policies and proce-  
26 dures to prevent conflicts of interest or the appearance of impropriety.

27 § 3. This act shall take effect immediately.