

Reference Guide to Transportation Aid

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INTRODUCTION

School districts receive Transportation Aid on bus purchase expenditures and operating expenditures. Expenses for operating district owned buses, contract buses and public service carriers and other transportation related expenses may be approved for aid. Districts report this information to SED for Transportation Aid on state aid claim forms (Form F, ST-3). Approved transportation expenses are aided based on the highest of three aid ratios with a minimum ratio of 6.5% and a maximum of 90%.

Statute of Limitations: Districts may be eligible for a prior year Transportation Aid adjustment for certain aid claims filed in a timely manner. Amended claims must be filed with SED within 1 year from the school year that such aid would have been payable (for example, 2007-08 eligible expenses for aid payable in 2008-09 must be on file by 6-30-10). Aid claims not meeting the filing statute of limitations period require special legislation to authorize payment.

**** Summer School Transportation Aid**

Aid is available for transportation to **approved district operated summer programs.** Aid will be based on prior year expenses. The Legislature appropriated \$5 million for 2008-2009 aid. Statewide claims in excess of \$5 million will result in prorated reductions in districts' Transportation Aid. Summer Transportation Aid will be claimed on Form F, entries 115b and 134.

For additional information, please check the following SED Website addresses:

<http://stateaid.nysed.gov/trans/> (frequently asked questions)

<http://stateaid.nysed.gov/trans/frames.html> (SED Transportation Guide) Includes ST-3 codes and schedules to record expenses)

TRANSPORTATION AID FORMULA

The 2008-09 Transportation Aid formula is:

$$\begin{array}{c} \text{APPROVED 2006-07 TRANSPORTATION EXPENSES} \\ \times \\ \text{TRANSPORTATION AID RATIO} \end{array}$$

Transportation Aid Ratio = Selected Transportation Aid Ratio + Sparsity Adjustment*

Selected Transportation Aid Ratio = Greater of: $1.01 - (0.46 \times \text{RWR})^{**}$

or

$1.263 \times \text{Selected State Sharing Ratio}^{***}$

or

$1.01 - (0.46 \times \text{EWR})^{****}$

Minimum Transportation Aid Ratio = 0.065, Maximum = 0.90

Sparsity Adjustment = $\frac{21 - 2005-06 \text{ Enrollment per Square Mile}^{}}{317.88}$**

****RWR = $\frac{2005 \text{ actual FV}/2006-07 \text{ RWADA}}{\text{State Avg. FV}/2006-07 \text{ RWADA}}$**
(\$570,500)

*****Selected State Share Aid Ratio=**
 $1.37 - (1.23 * \text{Combined Wealth Ratio (CWR)})$
 $1.00 - (0.64 * \text{CWR})$
 $0.80 - (0.39 * \text{CWR})$
 $0.51 - (0.22 * \text{CWR})$

******EWR = $\frac{2005 \text{ actual FV}/2005-06 \text{ Resident public \& non public enrollment}}{\text{State Avg. FV}/2006-07 \text{ Resident public \& non public enrollment}}$**
(\$503,000)

DISTRICT RECORD-KEEPING

Mileage

Legal Limits:

All non-city school districts must provide transportation for pupils in grades K-8 residing more than 2 miles from the school of attendance and for pupils in grades 9-12 who reside more than 3 miles from the school attended, up to a distance of 15 miles. However, a district is required to transport students to and from the regular program based on the mileage limitations previously adopted by the voters of the district, which may be more generous than mandated by law. These mileage limits may only be changed by a special proposition to the voters. This is not applicable to city school districts because city districts are not legally required to provide transportation. The minimum and maximum mile mandate is also non-applicable to pupils with disabilities for whom services are specified in the I.E.P. Pupils with disabilities may be transported up to 50 miles from the home to the school site.

If voters approve transportation outside the mandated limits, the voter approved transportation limits over 1 1/2 miles are eligible for Transportation Aid. Transportation either within the state-mandated mileage limitation or pursuant to the policy approved by the voters, if more generous, is a contingent expense.

Districts are required to report actual mileage for all purposes on district-owned buses for the school year period of July 1st to June 30th, based on odometer readings.

Districts must track other purpose mileage separately. Other Purpose mileage includes vehicle mileage on other than regularly scheduled routes such as noon trips home for lunch, field trips, athletic trips, excursions, regular summer school programs and any mileage related to staff or administrative use of vehicles. The accuracy of Other Purpose mileage is important. Other Purpose mileage is not aidable (except regular summer school to district operated programs), and the number reported is used to compute a deduction to Transportation Aid. You may wish to look at the district's historical ratio of Other Purpose mileage to total mileage to determine if the reported mileage is reasonable.

Also, make sure to include mileage of any vehicles that may have been disposed of during the school year.

Expenditures

The district should maintain detailed records of expenditures, and code the expenses in the proper codes in order to ensure that all eligible expenses are aided.

Accurate reporting of expenses for Transportation Aid requires organized record keeping and some knowledge of the expenses that are approved for aid. Since this is a vast area, it is impossible to include every eligible expense. Therefore, the eligible expenses listed here represent a sampling of the aidable expenses, and are not intended to be all-inclusive. If your district incurs a transportation expense for which aidability is uncertain, the district should contact SED to determine eligibility.

NONALLOWABLE PUPIL DECIMAL

The Nonallowable Pupil Decimal (NAPD) is applied to aidable transportation related capital expenses (bus purchases), district operating expenses and contract expenses to determine a nonallowable pupil deduction for Transportation Aid purposes. The lower the nonallowable pupil decimal, the lower the deduction to aidable expenses. A small change in routing can have a dramatic effect on NAPD and aid. In order to minimize the deduction in aid, a review of the calculation of NAPD is necessary.

The nonallowable pupil mile radius is measured by the nearest available route, not the route the bus actually travels. Eligibility is based on miles, and does not consider hazard zones.

A bus route that contains only nonallowable pupils must use the length of the bus route in determining NAPD. A district with a mix of allowable and nonallowable pupils will use the 1.5-mile multiplier in determining NAPD.

Definitions:

Allowable pupil or "quota pupil" = K-12 Pupil who resides greater than 1.5 miles from school. Students with disabilities are considered allowable if transportation is recommended as a related service by the Committee on Special Education (CSE).

Nonallowable pupil or "non-quota pupil" = Pupil who resides within 1.5 miles of school.

Example 1: Number of students on route 60
Number of quota students 0
Length of bus route 5 miles

NAPM: 60 (nonallowable pupils) x 5 (miles) = 300 NAPM

If the afternoon route is the same, the daily total is: 300 NAPM x 2 = 600 NAPM
Since this route contains no quota pupils, all 600-pupil miles are nonallowable.

Calculation:

Example 2: Number of students on route 60
Number of quota students 1
Length of bus route 5 Miles

Allowable Pupil Miles (APM): 1 (allowable pupils) x 5 (miles) = 5 Allowable Pupil Miles

Nonallowable Pupil Miles (NAPM): 59 (nonallowable pupils) x 1.5 = 88.5 NAPM

The addition of just one allowable pupil to this route reduces the round trip NAPM to 177 (88.5 x 2), a decrease of 423 NAPM, increasing the district's Transportation Aid.

Nonallowable Pupil Decimal (NAPD) is calculated as follows:

$$\frac{\text{Total NAPM}}{\text{Total Pupil Miles (APM + NAPM)}}$$

This ratio is then applied to transportation expenditures to calculate a nonallowable pupil mile deduction. For example, if the NAPD deduction ratio is 0.05, then 5% of the district transportation expenditures will not be eligible for aid.

A review of the Transportation Output Report (TRA) will assist the district in determining the impact of this change on Transportation Aid. Four nonallowable pupil deductions are computed when determining Transportation Aid. Deductions are made to capital expenses, operating expenses, contract expenses and public service expenses.

Districts are required to submit a Nonallowable Pupil Decimal Worksheet at least once every 3 years or any time the district experiences one of the following conditions:

- A) change in transportation eligibility policy
- B) school district reorganizes with other district(s)
- C) opening/closing of a school building
- D) an error made by either SED or the school district in the calculation of the nonallowable pupil decimal
- E) change in district policy to provide transportation of eligible universal pre-k pupils (only if such transportation results in additional bus routes, trips, vehicles or increase in expenses)

Please review the district listings in Appendix I to see when the district is required to file the NAPD worksheet.

TRANSPORTATION EXPENSES ELIGIBLE FOR TRANSPORTATION AID

- ☺ Expenses for the transportation of **allowable pupils** on regularly scheduled routes. This includes expenses for transporting regular pupils and pupils with disabilities to and from school once daily, including late trips.

Allowable pupils are pupils residing greater than 1.5 miles from the school attended.

- ☺ Expenses for transporting pupils to and from BOCES.
- ☺ Shuttle transportation within the school day for occupational and other approved academic programs (i.e. BOCES shuttle).
- ☺ Transportation to and from day care centers. (See Appendix G)
- ☺ Expenses for transporting pupils to and from approved shared programs in other school districts.
- ☺ Expenses for transporting pupils to and from occupational education programs operated within the district.
- ☺ Expenses for the transportation of an infant or child of an allowable pupil attending the district to child care service, nursery school, preschool or parent program.
- ☺ Expenses for transportation provided to a nonresident homeless pupil.
- ☺ Expenses for transporting pupils to nonpublic schools and charter schools.
 - Expenses for transportation of dual enrolled pupils. Pupils attending occupational, gifted and talented and special education programs may be transported from the nonpublic school attended to the public school or BOCES where the services are provided (if the distance between the nonpublic school and the public school or BOCES exceeds 1/4 of a mile). For nonpublic pupils with disabilities receiving special education services from either a public school or BOCES, there is no minimum distance.
- ☺ Expenses for transportation to approved, in-district, summer school programs (subject to a prorated reduction in 2008-09 based on state-wide \$5 million cap).

Transportation Services for Pupils with Disabilities

- ☺ All districts are required to provide transportation for resident pupils with disabilities who have transportation services listed on an IEP.
- ☺ A disabled pupil may be transported in accordance with the I.E.P., to and from special classes or programs up to 50 miles from the home of such pupil. The Commissioner may approve placement in excess of 50 miles if no appropriate nonresidential special service or program is available within 50 miles.
- ☺ Pupils with disabilities may be transported from home to a residential school and return 3 times per year in addition to the first and last trips.
- ☺ Expenses to and from the educational facility for pupils residing in facilities pursuant to Chapter 47, 66, 721 are eligible for aid.

Bus Purchases

- ☺ Districts must obtain voter approval for all bus purchases. District bus purchases must also be approved by SED in order to generate Transportation Aid. Bus purchases are approved by filing the SA-16, Application for Approval of Bus Purchase for Purposes of State Aid (See Appendix A). Approved bus purchase expenditures are limited to the State Contract Price, or the statewide median cost if there is no State Contract for a vehicle. If the district is trading a school bus in toward the purchase of a new bus, the net cost after trade-in may be claimed for aid.
- ☺ The net approved cost of each school bus is now aided according to an assumed amortization schedule established by the State Education Department. Aid will be paid based upon two equal assumed semi-annual payments of principal and interest using a statewide average interest rate. Aid begins twelve months after the purchase order date and will be calculated based upon the assumed debt service payments.

Prospective Bus Purchase Amortization

The net approved cost of **all** school buses, for which purchase orders are issued on or after July 1, 2005, will be amortized prospectively for a period of five years as indicated above. School districts project the cost of buses to be purchased in the first and second halves of the subsequent school year at Entries 164 and 165 of State Aid Claim Form F.

Retro Bus Purchase Amortization

For buses purchased prior to July 1, 2005, the State Education Department calculates aid based on the remaining useful life (outlined below) and the remaining unpaid principal balance of obligations (bonds or BANS) with an outstanding principal balance as of July 1, 2004.

SED Remaining Useful Life Calculations

In order to calculate the remaining life (for retro assumed amortization purposes) SED uses the following calculations:

For obligations with outstanding principal as of 7/01/04:

Assumed Remaining Life = [5 yrs. – (7/1/05 – Borrowing Date)]

For buses with the purchase order dates from 7/1/03 through 6/30/05:

Assumed Remaining Life = [5 yrs. – (7/1/05 – Purchase Order Date)]

NOTES:

- The time period between the borrowing date or purchase order date and 7/1/05 is rounded down for partial years of less than 6 mos. and rounded up for partial years of 6 mos. or more.
- For borrowings that have an approved remaining principal greater than zero (as of 7/1/04) but for which SED calculates a remaining life (after rounding) equal to zero, a remaining life of 1 year was used.
- The SED calculation will, in many instances, result in a remaining useful life less than the actual number of remaining payments due on obligations. Likewise, this calculation may result in the assumed amortization of the net approved cost of buses (with purchase orders on or after 7/1/03 but before 7/1/05) for a period of less than five years. In such cases, the payment of Transportation Aid will not align with the schedule for the repayment of obligations used to finance the purchase of school buses. Examples of hypothetical assumed remaining life calculations and their impact on the payment of Transportation Aid are shown on pages 9 and 10.

Buses With Purchase Orders From July 1, 2004 – June 30, 2005

A retro amortization schedule using the remaining life calculation outlined above is applied to all buses with purchase orders issued from July 1, 2004 through June 30, 2005.

NOTE: A link to the report outlining the assumed amortization of the net approved cost of such buses entitled ***“2008-09 ASSUMED DEBT SVC. FOR COST OF BUSES PURCHASED BETWEEN 7/1/04 AND 6/30/05”*** is embedded in the TRA State Aid

Output following Entry 35 and following Entry 15 of the TRA-EST State Aid Output Report.

Buses With Purchase Orders From July 1, 2003 – June 30, 2004

A retro amortization schedule using the remaining life calculation is also applied to the approved cost of buses purchased with borrowed funds that have purchase order dates between July 1, 2003 and June 30, 2004 and for which the first payment of principal and interest was made on or after 7/1/04.

NOTE: A link to the report outlining the assumed amortization of the net approved cost of such buses entitled **“2008-09 ASSUMED DEBT SVC. FOR 2003-04 BUS PURCHASES WITH PAYMENTS FIRST MADE IN 2004-05”** is embedded in the TRA State Aid Output following Entry 34 and following Entry 14 of the TRA-EST State Aid Output Report.

Example 1 - Bus Purchased Using Borrowed Funds and Purchase Order During the First Half of the 2004-05 School Year – Retro Amortization – Aid First Paid in the 2005-06 School Year

Net approved Cost of Bus	\$77,055
Number of Annual Debt Svc. Payments Actually Made before 7/1/05	0
<i>Actual Remaining Life or Remaining Term as of 7/1/05</i>	<i>5 years</i>
Purchase Order Date	9/27/2004
Difference Between 7/1/05 & Purchase Order Date	7.10 mos.
Assumed # of Debt Svc. Payments Made per SED Calculation Before 7/1/05	1
Calculated Remaining Life for Assumed Amortization	4 years
<i>Assigned Remaining Life for Assumed Amortization</i>	<i>4 years</i>
Assumed Principal Expense for 05-06 Transportation Aid	\$19,264 *
Impact –The net approved cost of this bus will be amortized for aid purposes over a period of four years at a statewide average interest rate, even though the district will be making principal and interest payments for five years on obligations issued to purchase this vehicle. Aid payments will not be aligned with the actual payment of debt service.	

* SED calculates an assumed interest expense of \$1,044 resulting in a total assumed debt service expense for 2005-06 Transportation Aid of \$20,308 (\$19,264 + \$1,044).

Obligations (BANS, Bonds) Amortized Retro

BANS and bonds used to finance the purchase of buses that had unpaid principal as of July 1, 2004, are subject to a retro assumed amortization of the aid eligible portion of the remaining unpaid principal. The amortization period is determined using the remaining useful life calculation outlined on the previous page.

NOTE: A link to the report outlining the assumed amortization of these obligations entitled ***“Report of Schedule F1 Bus Payments Associated With Schedule F2 Bus Borrowings on File With SED as of 11/1/04”*** is embedded in the TRA State Aid Output report for the current school year following Entry 33 and for the subsequent aid year following Entry 13 of the TRA-EST State Aid Output Report.

Example 2- Bonds With Unpaid Principal as of 7/1/04

Original Amount Borrowed for Bus Purchases	\$125,986
Original Term of Bond/BAN	5 years
Number of Annual Debt Svc. Payments Actually Made by 7/1/04	2
<i>Actual Remaining Life or Remaining Term as of 7/1/04</i>	<i>3 years</i>
Remaining Outstanding Principal as of 7/1/04	\$75,590
Borrowing Date	1/14/2002
Difference Between 7/1/05 & Borrowing Date	3 yrs. and 5.53 mos.
Assumed # of Debt Svc. Payments Made per SED Calculation	3
Calculated Remaining Life for Assumed Amortization	2 years
<i>Assigned Remaining Life for Assumed Amortization</i>	<i>2 years</i>
05-06 Assumed Principal Expense for 06-07 Transportation Aid	\$37,795 *
05-06 Actual Principal Payment	\$25,198
Impact – District receives all remaining Transportation Aid due on these obligations in the 2006-07 and 2006-07 school years based on this bond’s aid eligible outstanding principal as of 7/1/04. However, the district has three years of remaining principal and interest payments due on or after 7/1/04 on these bonds (in school years 2004-05, 2006-07 & 2006-07). Aid payments are no longer aligned with the actual debt service payments on these obligations.	

* SED calculates an assumed interest expense of \$1,336 resulting in total assumed 04-05 debt service of \$39,131 (\$37,795 + \$1,336) to be aided in 2005-06.

Bus Leases

- ☺ Districts are allowed to lease buses for up to 1 year without voter approval and for a term of 1-5 years with voter approval.
- ☺ Emergency leases of buses are aidable with prior approval of SED and are limited to 90 calendar days. (See appendix)
- ☺ No SA-16 is required for leased buses.
- ☺ Board of Education is not authorized to enter into a lease-purchase agreement for buses.
- ☺ Bus leases must be submitted to SED for approval.
- ☺ Project total costs for new bus leases on Form F entry 166 (for leases starting in the first half of the school year) or on Form F entry 167 (for leases starting in the second half of the school year).

Salaries and Fringe Benefits

- ☺ Salaries and fringe benefits for active transportation personnel are approved for aid. The cost of providing fringe benefits for persons other than transportation personnel is not aidable. For example, individual health insurance premiums are allowable, not the total cost of family coverage.
- ☺ Salaries and fringe benefits for bus drivers and mechanics.
- ☺ Salaries and fringe benefits for assistant drivers of buses transporting pupils with disabilities only if specified in the pupil's I.E.P.
- ☺ Salaries and fringe benefits for bus garage custodial staff.
- ☺ Fringe benefits may include workers' compensation and social security and retirement benefits for active employees whose salaries are aidable.
- ☺ If the district provides transportation through a private contractor, the salaries of any otherwise eligible district transportation personnel may be included in expenditures.
- ☺ Salaries and fringe benefits for transportation supervisors and their direct support staff are also aidable. The direct support staff may include the dispatcher, clerical or other support staff. In some cases, districts do not employ a transportation supervisor. Salaries and fringe benefits of other staff performing this function on a part-time basis may be aidable. Salaries should be prorated based on the amount of time spent by staff on transportation. Salaries of support staff involved in transportation-related activities can be included. However, in an audit, the amount of time claimed must be supported by each position's job description and duty statement. **The salaries of the Superintendent and the Superintendent's direct support staff are not eligible for Transportation Aid. The salary of a school**

not eligible for Transportation Aid. Prior to submitting claims for expenditures related to positions other than that of transportation supervisors and their staff, it is advisable to verify aidability with SED.

- ☺ The cost of contracting with an outside consultant to serve as the Transportation Supervisor.

Supplies and Materials

- ☺ This includes expenses such as fuel, antifreeze, oil, lubricants, tires, chains, maintenance and repair, contract repair, replacement parts, etc.

Insurance

- ☺ Aidable insurance expenses include insurance premiums for public liability, property damage, personal injury protection, uninsured motorist, bus fire, collision and the bus garage.
- ☺ Health, dental and life insurance for active transportation personnel only.
- ☺ The portion of umbrella liability coverage that is due to transportation is aidable. Appropriate documentation at this time includes a letter from the insurance agent stating the percentage of the premium that is due to transportation-related liability exposure. Districts may request an adjustment in Transportation Aid for the prior year due to failure to report such expense. The expense should be reported as a contractual transportation expense.

Bus Garage

- ☺ Expenses associated with a district-owned bus garage are aidable. This includes custodial supplies, water and sewer charges, uniforms, equipment, and garage repair and maintenance.
- ☺ Expenses for garage rental - up to \$10,000.
- ☺ The cost of utilities such as heat, light, electricity and telephone for related buildings is also aidable. The district may prorate a portion of the total cost of utilities relative to the building's transportation-related square footage. The district may benefit by metering separately those transportation-related buildings which are not energy-efficient.
- ☺ Snow removal in and around the bus garage, and the bus drop off points on school grounds.
- ☺ Portable bus garage equipment, approved on a case-by-case basis. (Oil-water

separator)

Note: Equipment purchased on or after July 1, 2004 will be aided based upon a five-year assumed amortization of the approved costs at a statewide average interest rate.

Other Aidable Expenses

- ☺ Bridge and highway tolls for regularly scheduled routes.
- ☺ Expenditures for computerized bus routing with prior approval from SED, where applicable (See Appendix B). This may include the costs for hardware, equipment, programming, software development, software acquisition and annual program licensing or service fees. If the district utilizes a computerized bus routing service to establish the routes for a private contractor, the costs incurred in the computerization are eligible for aid.
 - ✓ Prior approval is required for new equipment and hardware. Upgrades and modifications exceeding \$5,000 in total yearly costs also need approval. To gain approval for computer hardware, the district should submit the following to SED:
 1. Description of hardware
 2. Identify the software to be used
 3. Savings and justification
 4. Staff training
 5. Security of hardware
 - ✓ Districts are required to obtain SED approval for software over \$5,000. Annual service or upgrade fees for existing programs do not require SED approval. To gain approval for computer routing software, the district should:
 1. Describe software and plan for usage
 2. Indicate first year of use and year application is made
 3. Indicate savings, both projected and actual
- ☺ Non-fixed equipment items directly related to transportation. (Above ground bus lift)
- ☺ Bus driver training and physicals.
- ☺ Bus driver alcohol and drug testing.
- ☺ Reasonable expenses for in-state travel and conferences, if the salary of the person attending is transportation aidable.
- ☺ Publications and organization dues.

- ☺ Radio base stations, antennas, repeaters require prior approval when the total cost exceeds \$5,000.
- ☺ Cellular telephones with prior approval by SED.
- ☺ Two way radios installed on buses when total cost is in excess of \$10,000 require prior approval (See Appendix F).
- ☺ Computerized fuel monitoring systems with prior approval by SED.
- ☺ Bus internal and external loudspeaker systems.
- ☺ Phone recording system, for the purpose of transportation, requires prior approval when the total cost exceeds \$5,000.
- ☺ Commercial Drivers License (CDL) costs incurred by the district for qualifying criminal history and driver license testing fees, attributable to special requirements for drivers of school buses pursuant to Article 19 and 19A of the Vehicle and Traffic Law. (This includes the Written Test, Road Test Fee, and Individual Written Endorsement Tests.)
- ☺ The cost of gasoline provided for the contractor.
- ☺ If a volunteer escort is required by the I.E.P. for the transportation of a disabled pupil, the costs of the escort's travel, lodging and meals are aidable. However, a contract should be executed and approved.
- ☺ If certain criteria are met, the cost of a transportation service provided by a parent may be aidable.
- ☺ Video cameras and/or black boxes are aidable, and do not require SED prior approval.
- ☺ Contracts with a consultant (individual or firm) to work on the district's transportation program if the district can document that the consultant services resulted in a more efficient, economical or safe pupil transportation program; and if the school district staff is better able to manage the pupil transportation program.

Note: Equipment purchased on or after July 1, 2004 will be aided based upon a five-year assumed amortization of the approved costs at a statewide average interest rate.

Bus Contracts

- ☺ School districts may generate aid on private contracts executed for the transportation of pupils.
 - ✓ District must file contracts on time to avoid loss of aid due to late filing of contracts. If necessary, a return receipt may serve as proof of timely filing.
 - ✓ **Transportation contracts must be filed with SED within 120 days of the start of service and must be within reasonable guidelines as determined by SED. The superintendent must sign and date the contracts on or before the date service begins. Aid will be prorated for every day that the service was provided before the contract was signed and dated (See Appendices C, D, E).**
 - ✓ SED applies a test of reasonable cost to each contract annually. If the cost is determined to be unreasonable, only the approved amount will be aided.
 - ✓ Contracts not properly executed or filed late will have expenditures prorated on a day-by-day basis.
 - ✓ Contract expenditures in excess of the approved amount will not be aided. If the aggregate cost for all transportation contracts exceeds \$10,000, it must be competitively bid or selected after a Request for Proposal (RFP). Competitive bidding of contracts and RFP's must be advertised on or before June 1st for regular transportation, July 1st for transportation of disabled pupils and must provide a reasonable amount of days between the bid notice and the bid submission. SED considers a minimum of 2 weeks as a reasonable amount of time for bid submission (School Executive Bulletin, 4/92). If contract expenditures exceed \$10,000 and the contract is not bid, no aid will be paid to the district.
 - ✓ Bid contracts or prepare and RFP for "other purposes" such as field trips and athletic trips separately from the regular transportation contracts.
 - ✓ When designing bus contracts, the district should make sure that contracts have flexibility. For example, make sure all contracts contain an Add/Delete Clause with specific details as to each party's responsibility in the event of changes to the original contract. The district will not be aided on any increase in cost due to a change in terms and conditions not specified in the Add/Delete Clause.
 - ✓ Any changes in contractual bus routes not covered under the original contract will not be aided.

- ✓ Flexible contracts will accommodate any changes in pupil population without aid penalty. Make provisions in contracts for adding or deleting pupils, buses, or mileage.
- ✓ Verify all changes with SED.
- ✓ Certain “pass through” costs (passed through from the contractor to the district) for criminal background and drivers license testing fees are aidable.

Public Service Carriers

- ☺ School districts may utilize public service carriers to provide transportation for their pupils.
 - ✓ May include expenses for bus passes, tokens, train tickets, and airline fares.
 - ✓ Expenditures are reported on Schedule K of the State Aid Claim Form F.

TRANSPORTATION EXPENSES NOT ELIGIBLE FOR TRANSPORTATION AID:

- ☹ Transportation for “other purpose mileage” is not aidable. Other purpose transportation includes vehicle mileage for other than regularly scheduled routes such as:
 - ✓ noon trips home for lunch
 - ✓ field trips
 - ✓ athletic trips
 - ✓ excursions
 - ✓ any mileage related to staff or administrative use of vehicles
- ☹ Expenses for vehicles not used to transport pupils on a regular basis are not aidable.
- ☹ Transportation expenses for pupils with disabilities attending summer programs (Section 4408) are not aidable. These pupils are aided through the STAC process and summer school aid for disabled pupils. (SED reimburses districts for 80% of the approved cost, which includes education, transportation and maintenance expenses).
- ☹ Transportation costs for Pre-K pupils with disabilities are not aidable. The cost of transporting these pupils is the responsibility of the county where the children reside.
- ☹ Pupils transported on unapproved buses and routes are not aidable.
- ☹ Salaries and fringe benefits for assistant drivers of buses transporting regular pupils are not aidable.

- ⊖ Health insurance or other benefits for retired transportation personnel are not aidable.
- ⊖ The district will not generate Transportation Aid for transportation costs associated with **nonallowable** pupils. The following pupils are considered **nonallowable**:
 - ✓ Regular pupils residing 1 1/2 miles or less from the school attended.
 - ✓ Regular pupils on feeder routes who live 1 mile or less from the main bus route.
 - ✓ Regular pupils in grades K-6 residing in a common school district.
 - ✓ Regular pupils in grades 7-8 residing in a common school district (only if the common school district maintains grades 7-8).
 - ✓ Regular pupils attending public school outside the resident district in grades maintained by the resident district in which there is no overcrowding.
 - ✓ Transportation of Universal Pre-K pupils resulting in additional bus routes, trips, vehicles or increase in expenses.
 - ✓ Non-pupils transported pursuant to section 1502 of Education Law. (This would include the transportation of groups such as senior citizens, nonprofit groups serving the physically or mentally handicapped, nonprofit groups providing recreation, youth services, playground or neighborhood recreation centers, or municipal corporations.)

**** To minimize the nonallowable pupil mile deduction, the district should include at least one “allowable pupil” on each bus route (avoid bus routes dedicated solely to nonallowable pupil transportation).**
- ⊖ Expenses for renovations to bus garages are not transportation aidable. *
- ⊖ Expenses for new surfaces on parking lots and driveways are not transportation aidable. *
- ⊖ Expenses for fixed equipment including bus lifts, fuel pumps and underground fuel tanks are not transportation aidable. *
- ⊖ Legal fees connected with the issuance of bonds and capital notes for bus purchases are not aidable.
- ⊖ Any part of drivers’ salaries associated with duties other than driving a school bus, or any part of salaries of mechanics and mechanics helpers for performing duties other than school bus maintenance and repair of school buses are not aidable.
- ⊖ Supplies and materials for vehicles other than school buses are not aidable.
- ⊖ Premiums on insurance for vehicles other than buses are not aidable.

- ⊖ Expenses for transportation services provided on buses leased to another school, a BOCES, a municipality or other organizations are not aidable. Taxicabs are not considered to be public service carriers.

**These expenses may be aidable under the Building Aid formula as part of an approved building project.*

Deductions to Transportation Aid:

When completing the transportation portion of the State Aid Claim Form F and when reviewing the Transportation Output Report, be aware that there are entries that are used to compute deductions to the transportation expenses approved for aid. Therefore, accuracy on these entries is important.

- Deduction for Other Purposes mileage (as discussed previously).
- Nonallowable pupil deduction. This deduction is computed by multiplying approved transportation expenses by the Nonallowable Pupil Decimal (NAPD). The NAPD is derived from the ratio of the district's nonallowable pupil mileage to the district's total net transportation mileage. This is a fixed decimal that must be updated at least once every 3 years on State Aid Claim Form F. Districts may be required to submit data sooner if certain conditions relating to changes in the district's transportation policy or services exist.
- Deductions for refunds of prior year's transportation expenditures. Report only those refunds that are transportation-related.
- Deductions for receipt from the sale of transportation aidable equipment. List only equipment that was once aidable (i.e. buses, garage equipment).
- Deductions for insurance recoveries received for the repair of a bus damaged by fire, collision, etc. If the insurance recovery will be used to replace a bus, the insurance recovery amount should be deducted from the cost of the new vehicle. For insurance recoveries, make sure to list only those that are transportation-related.
- Deductions for revenues received for transportation services provided. For example, revenues received from BOCES other than shuttle and revenues from bus leases.
- Deductions for contracts not filed, contract expenses in excess of the approved amount, late filing of contracts, nonresident revenues, refunds from BOCES and contracts signed and dated after service begins.
- Districts that have contracts with SED for the transportation of Native American pupils must deduct the contract amount paid by SED to the district from total transportation expenses.

CLAIMING TRANSPORTATION AID FOR VARIOUS PUPIL PLACEMENTS

Sources and procedures for claiming Transportation Aid for pupils transported vary according to the type of educational placement. The following chart outlines the sources, claim processes and methods of payment for students transported by the district.

<u>TYPE OF PLACEMENT</u>	<u>AID SOURCE</u>	<u>CLAIM PROCESS</u>	<u>PAYMENT METHODS</u>
In-District Program (including approved summer school)	State	Form F	Paid with General Aids
Nonresidential Public or Private Program within 50 Miles	State	Form F	Paid with General Aids
Residential Private Program	State	Form F	Paid with General Aids
12 month placement		STAC for summer trips	80% of cost paid by State, separate check
Rome School for the Deaf and Batavia School for the Blind	State	Form F Weekly trips (Schools closed on weekends)	Paid with General Aids
Dual Enrolled Pupils	State	Form F	Paid with General Aids
Chapter 47 Pupils placed by OMR/DD in group home, family care or other institution	State	Form F May bill district of residence for difference between aid and cost	Paid with General Aids

<u>TYPE OF PLACEMENT</u>	<u>AID SOURCE</u>	<u>CLAIM PROCESS</u>	<u>PAYMENT METHODS</u>
Chapter 66 Pupils residing in OMR/DD facilities	OMR/DD	OMR/DD provides or contracts with local district	Per contract
Chapter 721 Pupils residing in Intermediate Care Facilities	State	STAC/AVL	100% of cost, paid with Chapter payments
Section 4408 Summer placement Regular Special Ed	State	STAC/AVL	80% of cost paid by State, separate check
Section 4408 Summer Chapter Placements	State	STAC/AVL	100% of cost paid by State, separate check
Section 4410 Preschool Placement	County	County contracts with local district	Per contract

APPENDIX A

Application for Approval of Bus Purchase
for Purposes of State Aid (SA-16)

SED CODE

Form SA-16
December 2008

SUBMIT ORIGINAL AND
ONE COPY TO: →

The State Education Department
State Aid Office, Room 507 West, Education Building
Albany, New York 12234
(518) 474-2977 Fax: (518) 473- 9808

Clear Entire Form

Clear Bus Data Only

Print Form

APPLICATION FOR APPROVAL OF BUS PURCHASE FOR PURPOSES OF STATE AID

Contact Person:

School District/BOCES:

Mailing Address:

Bus No.

Tel: () Ext: _____
Fax () _____

Street

City State Zip Code

Was Bus purchased under State contract award? Submit a copy of the purchase order with itemized options and the cost of each option <input type="checkbox"/> NO <input type="checkbox"/> YES YEAR _____ AWARD NO _____ PAGE NO _____ Vendor Discount Applied To Options _____ %			
Was Bus Locally Bid? <input type="checkbox"/> NO <input type="checkbox"/> YES For locally bid buses, you must submit a copy of the purchase order and a copy of the successful bid proposal with itemized options and the cost of each option			
Pupil Capacity* *See #7 on reverse Model Year	Chassis Type Conventional Bus is <28 capacity <input type="checkbox"/> Bus (Capacity = or >28) <input type="checkbox"/> Cutaway <input type="checkbox"/> Van <input type="checkbox"/> Carryall <input type="checkbox"/> Passenger Car <input type="checkbox"/> Passenger Van <input type="checkbox"/> Sport Utility Vehicle <input type="checkbox"/>	Number of Wheel Chair Lifts _____	Number of Wheel Chair Stations _____
Engine Classification If capacity = or > 28 Conventional <input type="checkbox"/> Forward Control <input type="checkbox"/> Rear Engine <input type="checkbox"/>	Was Bus Converted for Wheelchairs? (ALL conversions including fuel and/or wheelchairs of either new or previously purchased vehicles requires submission of a new SA-16 and Department of Transportation approval) <input type="checkbox"/> NO <input type="checkbox"/> YES		
Type of Fuel Used by the New Bus <input type="checkbox"/> Diesel <input type="checkbox"/> Gas <input type="checkbox"/> Propane <input type="checkbox"/> CNG <input type="checkbox"/> Other (Specify) _____			
If the capacity of the vehicle is less than 10, is the vehicle assigned to a regular route and used 100% of the time to transport students to and from school? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="text"/>	← Gross Cost of Bus (Including Options)		
<input type="text"/>	← Less any Trade-In Allowances.		
<input type="text"/>	← Less any Federal or State Grants.		
\$0.00	← Equals the net purchase price of the new bus.		
<input type="text"/>	← Insurance Recovery ST-3 - A2680 and H2680. (This deduction is done automatically in the school year in which the amount is reported on the ST-3)		
<input type="text"/>	← Full payment amount (if more or less than the net purchase price please attach an explanation).		
<input type="text"/>	← Date that the bus described above was delivered to the district.		
<input type="text"/>	← Purchase Order date.		
<input type="text"/>	← <input type="checkbox"/> Financed purchase <input type="checkbox"/> Cash purchase Borrowing date. (If the purchase of this bus is financed indicate the borrowing date to the left)		
<input type="text"/>	← Date that payment was made. Applications submitted later than one year after payment to the vendor require a late filed excuse letter from the superintendent.		

I certify that the bus described on the reverse has been duly advertised and bid in accordance with the provisions of General Municipal Law (Sections 103 and 119). I certify that the bus was purchased with valid voter approval or a valid board resolution (city school districts or Chapter 818 purchase) and that the district will maintain adequate records for audit purposes to confirm such approval.

I also certify that the bus described on the reverse meets the requirements and regulations of the New York State Department of Transportation and that such bus has been inspected and approved by the Department of Transportation for use in transporting pupils.

_____ (Date)

_____ (Signature of Superintendent of Schools)

_____ (Please type the name of the Superintendent)

EDUCATION DEPARTMENT USE ONLY

_____ - Amount of Purchase Approved for Aid

Date Entry by: _____

Date: _____

INSTRUCTIONS

1. An original and one copy of the application should be submitted. Retain a copy for your school district records. The second copy of the application will be returned to the superintendent of schools after approval by the State Education Department.
2. A separate application should be submitted for each school bus purchased.
3. All information on the application must be completed before the application will be accepted.
4. Submit the application immediately after payment is made to the vendor.
5. If the bus was purchased under state contract include:
 - A detailed copy of the purchase order **which includes a list of itemized options and cost of options.**
 If the bus was a locally bid bus include:
 - A copy of the purchase order **which includes a list of itemized options and cost of options.**
 - A copy of the successful bid proposal (listing all itemized)
6. Each additional bus should carry the next highest consecutive number from last bus purchased.
7. If the capacity of the bus you purchased is lower than the rated capacity of the bus, enter the rated capacity. An example of this would be a bus that had a rated capacity of 84 passengers, but the district purchased the bus with a capacity of only 72 to allow additional leg room. The capacity of 84 must be entered in the Capacity field.
8. Engine Classification - Enter the engine type only if the capacity of the vehicle is equal to or greater than 28.
9. Chassis Type - Enter the chassis type. However, if the capacity of the vehicle is less than 28, then you must only enter one of the following options in the Chassis Type: Cutaway, Van, Conventional Bus, Carryall (Suburban), Passenger Car, Passenger Van or Sport Utility Vehicle (SUV). If the capacity of the vehicle is equal to or greater than 28, the chassis type is bus.

NOTE: Failure to submit a complete application, with all required supporting materials in a timely fashion, will result in a delay in the receipt of transportation aid. Aid is based on submission of this form.

The standards for purchase of school buses are specified in Section 3623 of the Education Law and in regulations of the Commissioner of Transportation and of the Commissioner of Education. In order to claim and receive State Transportation Aid for the purchase of a school bus these standards must be satisfied and the bus purchase must be approved. The approval of bus purchases for State Aid purposes by the Commissioner of Education is required by Section 156.4 of the Regulations of the Commissioner:

§ 156.4 Bus purchase approval.

The purchase by a school district of any bus to be used for the transportation of children shall be approved by the Commissioner of Education on forms prescribed by him. Every purchase agreement shall include the clause, "specifications subject to the approval of the Education Department." All school buses must comply with the State Vehicle and Traffic Law and with rules and regulations of the State Department of Transportation. Transportation aid shall not be apportioned on the purchase cost or operating cost of a district-owned school bus unless the school district has obtained the required purchase approval by the commissioner. In no event shall the approval of a school bus purchase be granted where prescribed forms are filed with the State Education Department later than one year from the date on which the bus was purchased. The commissioner may excuse for good cause the failure of a district to request purchase approval within the prescribed period.

APPENDIX B

Application for Approval of the Purchase of
Computerized Routing Services

**APPLICATION FOR APPROVAL OF THE PURCHASE
OF COMPUTERIZED BUS ROUTING SERVICES**

School District: _____

Contact Person: _____ Telephone: _____

Mailing Address: _____

Street

City

State

Zip Code

1. Approval is requested for the purchase of computerized bus routing services for the following school year, at the following estimated cost.

School Year: 20 ____ - 20 ____

Cost: \$ _____

2. Was computerized routing used in prior school years? Yes ____ No ____

If your answer is yes, in which school year was the previous program purchased?

School Year: 19 ____ - 19 ____

3. Description of the estimated savings anticipated in the three years commencing in the year for which this application is made.

(a) Estimated Savings: \$ _____

or

(b) Anticipated reductions in number of buses, routes, or distances traveled:

BUSES:

MILES:

ROUTES:

OTHER:

Date: _____ Signature: _____

Superintendent of Schools or School Business Official

EDUCATION DEPARTMENT USE ONLY

Approved ____ Disapproved ____ By _____ Date: _____

APPENDIX C

Transportation Contract Form

The party of the second part covenants with the party of the first part that in consideration of the payments hereinbefore stated and of the covenants and agreements set forth that said school children will be conveyed safely, that said duties and obligations in relation thereto pursuant to this contract will be faithfully performed, at all times exercising proper supervision over said children and that said party of the second part will abide by all reasonable rules and regulations and that the driver will be at least 21 years of age and duly licensed and that said driver will be currently approved by the chief school administrator. And the party of the second part further covenants and agrees that the vehicle shall come to a full stop before crossing the tracks of any railroad and before crossing any State highway and that it shall at all times comply with the rules and regulations of the Department of Transportation applying to such vehicles.

It is mutually agreed that this contract shall not become valid and binding upon either party thereto until the same shall be signed by the trustee or president of the board of education and the contractor. This contract or any right, title or interest therein may not be assigned by the party of the second part without the previous consent in writing of the party of the first part. This contract shall be void and of no effect unless the party of the second part shall comply with all applicable provisions of the Workman's Compensation Law in respect to employees engaged in the performance of this contract. The party of the second party will comply with the Labor Law.

"The contractor hereby consents to an audit of any and all financial records relating to this contract by the Department of Audit and Control." "The contractor further agrees to provide to the board of education, trustee(s), or the Commissioner of Education, upon request, any information relating to this contract including financial data."

State aid will be computed on account of this contract in accordance with the total sum specified. Any expenditure in excess of this total sum will not be considered in computing State aid. For school districts eligible for transportation aid, no aid shall be allowed for a period greater than 120 days prior to the filing of the contract in accordance with Section 3625 of the State Education Law.

MINIMUM STATUTORY INSURANCE REQUIREMENTS as provided in Section 370 of New York State Vehicle and Traffic Law must be complied with.

If **COMPETITIVELY BID** date of bid opening _____ Complete **BID TABULATION** below:

1. _____ (Name)	_____ (Amount of Bid)	3. _____ (Name)	_____ (Amount of Bid)
2. _____ (Name)	_____ (Amount of Bid)	4. _____ (Name)	_____ (Amount of Bid)

Was contract awarded to the lowest responsible bidder? Yes No If not awarded to the lowest bidder, state reasons why. Give detailed and completed reasons on a separate sheet and attach to this contract. If no bids are received, it is necessary for the district to re-advertise.

Attach Affidavits of Publication which you can secure from the newspapers. Also, attach one printed copy of each Notice to Bidder which appeared in the papers. If detailed specifications were used, kindly forward a copy.

MULTI-YEAR CONTRACT: A separate line item shall be included in the Annual Budget and Budget Brochures. Also a footnote to that line item shall indicate: "_____ year (first, second, etc.) of a _____ - year (two, three, etc.) contract, the total cost of which is \$ _____" (total cost of multi-year contract).

REQUEST FOR PROPOSALS: If contract was awarded through a request for proposals (RFP), submit evidence of the date of the request, the forms and instructions used in making the request, the contract specifications, all proposals received, the criteria used in evaluating the proposals, the weights assigned to each criterion, and the scores used to assess each category of the criteria, in accordance with the provisions of Section 156.12 of Commissioner of Education Regulations.

EXTENSIONS AND ADDENDUMS: An Extension of Contract (Form CE) must be filed for all extensions. Please notify the Department by letter of any additions to a contract after it has been filed with the Department. Such additions can only be made where authorized by the contract specifications.



Instructions for Transportation Contracts (Form TC)

All contracts for the transportation of pupils during the regular school year and for summer programs must be competitively bid, regardless of how small any one contract may be, when school district officials anticipate that the annual aggregate amount to be expended on new contracts will exceed \$10,000. Only partial-year contracts, which begin part way through the school year and cost \$10,000 or less, may be awarded without competitive bidding. However, partial-year contracts must also be bid when two or more such contracts are anticipated, which in the aggregate exceed \$10,000. In the case of an emergency, where immediate action must be taken which cannot await competitive bidding, a one-month, non-bid, emergency contract may be awarded, to give a district time to advertise for bids on a contract to cover the remainder of the school year. If no bids are received, it is necessary to advertise a second time.

Contracts for the transportation of pupils cannot cover the full school fiscal year (July 1 to June 30). Separate contracts must be awarded for the summer and for the regular school year. There is one exception, however. Contracts for the maintenance of district-owned school buses may cover the full school fiscal year.

The advertisement for bids must be published not later than June 1 for transportation of students without disabilities and July 1 for students with disabilities. If the advertising deadline was not met, include a letter of explanation when submitting Form TC.

Contract must be approved by the Superintendents of Schools and filed within 120 calendar days of the first day of service; otherwise, an aid deduction will be taken for each school day that a contract is late.

Complete SED code in left-hand corner.

Complete all information in the address box.

Check the boxes that indicate the type of contract and specifications.

Complete the Agreement Date, which is the date on which the president of the board and contractor sign the contract. NOTE: A deduction will be taken for each school day that the agreement date is subsequent to the first day of service.

Complete all of the remaining entries that are applicable. The first day of service should be the actual day on which service begins.

If the contract was awarded through a Request for Proposals (RFP), enter the date of the RFP. The RFP date must be on or prior to the date of agreement. Refer to "Request For Proposals" on the reverse side of Form TC. The RFP process is much more complex than simply obtaining price quotes from contractors. When submitting the contract to the Department include the following: the instructions used in making the request, the contract specifications, all proposals received, and the criteria, weights and scores used to assess the proposals.

The date of the Superintendent's Approval must be on or after the Agreement Date and prior to filing.

All signatures must be original.

If contract was competitively bid, enter the date of bid opening and complete the Tabulation of Bids on the reverse side of Form TC. Check the YES or NO box to show whether the contract was awarded to the lowest bidder. Submit affidavit of publication and bid specifications.

Where the contract covers a multi-year period (2-5 years) the voters must approve a separate proposition or a specific line item in the school budget. The budget must also include a footnote to the line item which indicates the total number of years and cost of the multi-year contract. The full term of a multi-year contract must be included in a single contract form. For example, where a contract covers a 5-year term, the ending date will be June 30 of the fifth school year.

Mail an original copy of Form TC to the address on the top of the form, within 120 calendar days of the first day of service. Retain a copy of your records. The Department will notify your district in writing of all contract approvals.

A transportation contract may not be materially altered or modified. However, where the contract specifications include language which authorizes additional service or a change of service, such modifications can be made. In addition, the contractor's bid proposal must include a specific price for the additional service or change of service. NOTE: An addendum, which may simply be a letter describing any modifications, must be submitted to the Department.

Wherever possible, combine in a single contract all bid items awarded to a particular contractor through a **single bid opening**. This can be done by attaching a list of the various routes or destinations along with the bid price for each. On the face of the contract write "see attached" where the contract price normally would be entered. Also, complete the Total Anticipated Annual Cost entry for the aggregate cost of all the routes or destinations listed. **[Note: Commissioner's Regulation 156.1(c) states that separate contracts shall be awarded for transportation to and from school and for other purposes, including but not limited to field trips and athletic events.]**

APPENDIX D

Extension of Contract for Pupil Transportation

(SED CODE)

The State Education Department
Transportation Unit, Room 876 EBA
Albany, New York 12234

Prior Year
Contract/Extension
E _____

EXTENSION OF CONTRACT FOR PUPIL
TRANSPORTATION
(Only Competitively Bid Contracts May Be
Extended)

Tel: ()		
Fax: ()		
Contact Person		
School District/BOCES		
Street or P.O. Box		
City	State	Zip Code

Check if applicable:

- () Cost Justification Form filed with Dept. Only for a CPI Pass-Thru. (See Reverse)
 - () Special Education Pupil Trans required as a related service
 - () Contract for bus maintenance only.
 - () District will supply contractor with fuel.
- Specifications include:
- () Provision for attendants, escorts or monitors.
 - () Clause for increasing or decreasing service.

WHEREAS a transportation contract agreement was made on _____ by and between
(Date)
_____, County of _____, N.Y.,
(Name of School District or BOCES)
party of the first part and _____, party of the second part.
(Contractor)

NOW, THEREFORE, pursuant to the provisions of Section 305, subdivision 14 of the Education Law and Section 156.5 of the Regulations of the Commissioner of Education, the parties hereto mutually agree to extend the contract for a period commencing _____ and ending _____.
Mo Day Year Mo Day Year

All of the items of said contract shall remain in full force and effect.

IT IS FURTHER agreed that for services rendered during the period of this extension, the party of the first part shall pay the party of the second part the total annual sum of \$ _____ or
(if lump sum contract)
\$ _____ if on a per-bus, per-pupil, per-mile, or other unit cost basis determined as follows
(unit cost) (you must show in detail using prior year figures):

Total Anticipated Annual Cost _____

IN WITNESS WHEREOF, the parties hereto have executed this extension of agreement this _____ day of _____, 20_____.

Party of the First Part
(Signature of Trustee or President of Board of Education)

Party of the Second Part
(Signature of Contractor)

COMPLIANCE CERTIFICATION. I certify that this contract extension has been approved by the Superintendent of Schools in accordance with the provisions of Education Law, section 3625.

Approval Date: _____ Filed by: _____
(Date of Superintendent's Approval) (Signature of Superintendent or Designee)

CPI "Pass-Thru". Boards of education may pay a contractor, in excess of the CPI, for the cost of qualifying criminal history and certain driver testing fees. (See subdivision (e) on reverse).

SUBMIT ORIGINAL TO THE STATE EDUCATION DEPARTMENT, RETAIN A COPY FOR YOUR SCHOOL DISTRICT RECORDS. 06/08

Regulations of the Commissioner of Education

Section 156.5 Annual extensions of transportation contracts.

- (a) Annual extensions of contracts shall be prepared on forms prescribed by the commissioner; such extensions shall be filed with and approved by the commissioner and are subject to all laws, rules and regulations pertaining to the filing of transportation contracts.
- (b) Only contracts awarded in accordance with the competitive bidding requirements of subdivision 14 of section 305 of the Education Law may be extended. (NOTE: Section 305(14) also authorizes extensions of contracts awarded through a request for proposals.)
- (c) Annual extensions of fixed-price contracts, contracts based upon unit rates, such as per-bus, per-pupil or per-mile, and contracts based upon a combination of a fixed price and unit rate may provide for increases in such fixed prices and/or unit rates not to exceed the contractual amount paid in the preceding year by more than the increase in the regional consumer price index for the 12-month period ending on May 31st immediately preceding the commencement of the contract extension.
- (d) Each district proposing to extend a contract shall maintain for a period of six years after expiration or termination of the contract extension or six years after final payment under the contract extension satisfactory evidence of the increase in the cost of the contractor's operation during the 12-month period immediately preceding the month in which the contract terminates. Upon the request of the commissioner, each district shall file such evidence with the commissioner. (NOTE: Contractor must complete a Cost Justification Form whenever there is any increase in the amount paid by the district when extending a contract.)
- (e) Each district proposing to extend a contract in an amount which is in excess of the maximum increase allowed by use of the consumer price index for the N.Y., N.Y., Northeastern, N, J. area, based upon the index for all urban consumers (CPI-U), shall file with the commissioner satisfactory documentation of the actual cost of qualifying criminal history and driver licensing testing fees attributable to special requirements for drivers of school buses pursuant to Article 19 and 19-A of the Vehicle and Traffic Law. (NOTE: In addition, a board of education may agree to an amount in excess of the consumer price index for the actual cost of diagnostic tests, physical performance tests, and drug and alcohol tests. A Cost Justification must be filed with the Department whenever a board of education agrees to pay a contractor in excess of CPI. Where there are no such excess costs, the form is not filed, but is retained in the district.)

Addendums: Please notify the Department by letter when additions are made to a contract extension after it has been filed with the Department. Such additions must be authorized by the contract specifications.

Instructions for Transportation Contract Extensions (Form CE)

A board of education may agree to extend a contract as many times as it wishes; there is no statutory limit. However, a single extension agreement may only cover a period of 1, 2, 3, 4, or 5 school years. The full term of a multi-year extension must be included in a single Extension Form. For example, where an extension covers a 5-year term, the ending date will be June 30 of the fifth school year.

Only contracts that have been competitively bid, or awarded through a Request for Proposals (RFP), may be extended.

Extension must be approved by the Superintendent of Schools and filed within 120 calendar days of the first day of service; otherwise, an aid deduction will be taken for each school day that an extension is late.

Complete SED Code in left-hand corner and Prior Year Contract/Extension Number in right-hand corner.

Complete all information in the address box.

Check the applicable Cost Justification Form boxes that indicate whether the contractor has justified the percentage increase in price and whether the board of education has agreed to a CPI "pass-thru". District must analyze all Cost Justification Forms to determine whether the percentage increase in the contractor's cost is at least equal to the percentage increase in the price of the extension. The Cost Justification Form must be filed with the Department whenever a board of education agrees to pay a contractor in excess of CPI. Where there are no such excess costs, the Justification Form is not filed, but retained in the district for six years.

Complete the contract agreement date of the original contract that is being extended.

Complete all of the remaining entries that are applicable. The first day of service should be the actual day on which service begins.

In the space below the "unit cost" line, enter the prior year contract or extension price(s) and the percentage increase for the current year. If necessary, attach a separate sheet.

The percentage increase in price must not exceed the regional consumer price index (CPI) or the percentage increase in the contractor's cost of operation, whichever is less.

The date the parties executed the extension must be on or prior to the first day of service. NOTE: A deduction will be taken for each school day that the execution date is subsequent to the first day of service.

The date of the Superintendent's Approval must be on or after the Date of Extension and prior to filing.

All signatures must be original.

Mail an original copy of Form CE to the address on the top of the form within 120 calendar days of the first day of service. Retain a copy for your records. The Department will notify your district in writing of all extension approvals.

A contract may not be materially altered when it is extended. However, where the contract specifications include language which authorizes additional service or a change of service, such modifications can be made. The contract bid proposal must include a specific price for the additional service or change of service. NOTE: A letter describing any modifications must be submitted to the Department.

Where extending a contract that includes a number of bid items, each with a separate price, attach a list of the various routes or destinations along with prior year prices, the percentage increase, and current year prices. On the face of Form CE, write "see attached" where the extension price normally would be entered. Also, complete the Total Anticipated Annual Cost entry for the aggregate cost of all the routes or destinations listed.

Wherever possible, combine in a single contract extension all bid items awarded to a particular contractor through a **single bid opening**. **[Note: Commissioner's Regulation 156.1(c) states that separate contracts shall be awarded for transportation to and from school and for other purposes, including but not limited to field trips and athletic events.]**

APPENDIX E

Contract Extension – Cost Justification Form

**THE STATE EDUCATION DEPARTMENT
Educational Management Services
Room 876 Education Building Annex
Albany, New York 12234
(518) 474-6541**

CONTRACT EXTENSION – COST JUSTIFICATION FORM

School District	
Contractor	

For 2008-09 Extension	Actual Cost 6/1/06-5/31/07	Actual Cost 6/1/07-5/31/08
Wages		
Drivers		
Mechanics		
Payroll Taxes		
Supplies and Materials		
Automotive Parts		
School Bus Fuel		
Oil, Lubricants, Antifreeze		
Tires and Chains		
Insurance		
Garage		
Rental		
Heating Fuel		
Electric		
Water		
Telephone		
Depreciation		
Other (Specify)		
SUB -TOTAL		

Pass Throughs		
Criminal History/ Licensing Tests **		
Diagnostic Tests		
Physical Performance Tests		
Drug/Alcohol Tests		
SUB -TOTAL		
GRAND TOTAL		

** Do not include cost of driver's permit, license, or training.

Signed (Contractor)

_____ % Increase

NOTARIZED:

Please submit this form to SED only when "Pass Through" costs are included.

APPENDIX F

Transportation Expenses Requiring
Education Dept. Approval

Department Approval Required for Certain Purchases or Services

Prior written approval by the Department's Pupil Transportation Unit is required before the following expenditures will be allowed for Transportation Aid:

- Computerized bus routing services and fleet maintenance programs, which cost in excess of \$10,000. (Annual program licensing or service fees do not require approval.) :
Application Approval For Bus Routing Services
- Computer equipment purchases, modifications and upgrades, where the aggregate cost exceeds \$5,000.
- Two-way radios installed on old buses or locally installed on new buses, where the aggregate cost exceeds \$10,000.
- Radio base stations, antennas and repeaters, where the aggregate cost exceeds \$5,000.

Requests for approval of computerized bus routing and fleet maintenance programs must be made on a Department application form, which can be obtained further down on this web page. Requests for all other approval should be made on your school district letterhead and should include a description of the items or services, the quantity and cost, and an explanation of why such items or services are needed. The district is encouraged to submit a copy of the original invoice along with other necessary papers. **Please include an email address so that we may send the approval notice to your district.** WRITE TO: State Education Department, Educational Management Services, Room 876 Education Building Annex, Albany, New York 12234.

The purchase of video cameras for use inside of school buses does not require approval.

Where a school district contracts with a consultant (individual or firm) to provide technical assistance and claims the expenditures for Transportation Aid, the district must submit a description of the services provided and documentation to show that both of the following criteria were satisfied.

- The consultant services resulted in a more efficient, economical or safe transportation program.
- The consultant services resulted in district staff being better able to manage the transportation program.

APPENDIX G

Transportation Between School and Child Care Location

Transportation Between School And A Child Care Location For Grades K-8

- A board of education, at its discretion, may provide transportation between before/after child care locations and school, but only for children attending public or nonpublic schools located within the school district in which the child resides.
- A child care location shall mean a place situated within the school district, other than the child's home, where care for less than 24 hours a day is provided on a regular basis. This definition includes, but is not limited to, a variety of child care services such as day care centers and in-home care by relatives and non-relatives.
- Where a school district has more than one elementary school, such transportation may be restricted to “child care locations within the attendance zone of the school the child attends, and to child day care centers and school age child care programs licensed or registered pursuant to Section 390 of the Social Services Law located anywhere within the school district.”
Transportation to such licensed or registered programs may not be limited to a school attendance zone, but must be provided anywhere within the school district.
- Children are eligible for such transportation where the distance between the child care location and school exceeds the district's eligibility distance for transportation between home and school. Consequently, a child may be eligible for transportation to or from a child care location even though not eligible for transportation to or from home.
- Written requests for transportation to or from a child care location must be submitted by the parent or legal guardian not later than April 1.

APPENDIX H

Commissioner's Regulations – Part 156 Transportation

**New York State Education Department
Regulations of the Commissioner**

Part 156. TRANSPORTATION

Section

- 156.1 Applications, contracts, and other information to be filed
- 156.2 Approval of routes, seating capacities, and computerized bus routing services for State aid purposes
- 156.3 Safety regulations for school bus drivers, monitors, attendants and pupils
- 156.4 Bus purchase approval
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- 156.8 Regional transportation expenses
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(Statutory authority: Education Law, §§101, 207, 305[14] [d] as amd. by ch. 552, L. 1995[34]; 1604[23], 1709, 3602[7] [a]-[b], [d], 3624, 3625, 3635[4]; Vehicle and Traffic Law, §§509-g, 1229-d; L. 1990, ch. 661; L. 1993, ch. 700, §2; L. 1995, ch. 439; L. 1996, ch. 698; L. 1997, ch. 436, §1, part A, §58; L. 2002, chs. 472, 529, 600; L. 2003, ch. 159; L. 2003, ch. 270)

§ 156.1 Applications, contracts, and other information to be filed.

Historical Note

(a) Application for the approval of all bus routes and bus capacities, together with transportation contracts, including contracts for the operation of district-owned conveyances and all contracts for the maintenance and/or garaging of district-owned conveyances shall be filed by the superintendent or district superintendent of schools with the Commissioner of Education on forms prescribed by him. In addition thereto, such superintendent or district superintendent of schools shall file with the commissioner the instructions to bidders, bid forms and specifications upon which such contracts were awarded, a summary of bids submitted, a statement of the actions taken to solicit bids, including copies of the advertising required by law, any additional advertising, a list of the potential bidders actively solicited, and such other information as the commissioner may require.

(b) The advertisement for bids for contracts for anticipated transportation needs for the following school year shall be published not later than June 1st, except that the advertisement for bids for contracts for transportation of children with disabilities shall be published not later than July 1st. Any contract awarded as a result of competitive bidding, together with the documents required by the provisions of subdivision (a) of this section, shall be filed with the Commissioner of Education within 30 days following approval of the contract by the board of education or trustee. Contracts which cannot be awarded on or before August 1st, together with other required documents, shall be filed with the commissioner within five days after approval by the board of education or trustee.

(c) Separate contracts shall be awarded for transportation to and from school and for other purposes, including but not limited to field trips and athletic events. The commissioner may grant a waiver of this requirement for contracts or contract extensions covering school years prior to the school year beginning July 1, 1996, provided districts file with the department detailed documentation allocating the total contract expense between to and from school and other purpose transportation services.

(d) Bid specifications shall not include special requirements relating to buses, drivers, maintenance and service facilities, the exclusive use of buses, or any other matter which tends to restrict competitive bidding. The commissioner may authorize special requirements which are essential due to special circumstances. No bid shall be accepted which is contingent on a discount if one or more other bids are also accepted. No bid may be rejected for failure to meet a specification which unduly restricts competitive bidding.

(e) [*Reserved*]

(f) A board of education or the trustee of a public school district and a contractor shall not materially modify an approved transportation contract except where such modification is necessary to comply with any Federal, State or local law, rule or regulation imposed after the execution of such contract or to enhance pupil safety and/or result in savings consistent with maintaining pupil safety. The school district shall provide satisfactory documentation to the commissioner of the enhancements in pupil safety and/or of any increased savings consistent with maintaining pupil safety that may result from the proposed amendment. Demonstrable enhancements in pupil safety shall include, but not be limited to: installation of stop arms, two-way radios or other communication devices, video cameras, and perimeter motion detector systems. Such amendments shall result in no additional cost to the State, locality, or school district. Amendments will not be approved if the commissioner determines that they violate competitive bidding requirements, violate any provision of law, or fail to increase or maintain the safety of pupil transportation.

Historical Note

Sec. repealed, new filed March 1, 1963; repealed, new added by renum. 156.11, filed Nov. 28, 1977; amds. filed: Dec. 19, 1995; Feb. 13, 1996 eff. March 29, 1996. Amended (b), (c); repealed (e).

§ 156.2 Approval of routes, seating capacities, and computerized bus routing services for State aid purposes.

Historical Note

(a) Routes. The mileage to be used for State aid purposes shall be the distance along the highway or highways over which the bus travels, beginning at the schoolhouse where the pupils transported attend and proceeding by the most direct route to convey all the pupils entitled to transportation, and returning to the point of origin; provided that the route may begin at some other point whenever it is established to the satisfaction of the commissioner that the facts warrant. In no event will any route be considered for State aid purposes unless it extends more than a mile and a half from the schoolhouse. No State aid will be available for feeder routes unless the distance traveled is more than one mile.

(b) Approved seating capacity. The approved seating capacities shall be determined on the basis of the number of pupils legally entitled to transportation; provided, however, that no district shall be required to obtain another conveyance when the

originally approved capacity is no longer required. Standing passengers shall not be carried in excess of 20 percent of the seated capacity.

(c) Duplication of service. The Commissioner of Education may disallow capacities and mileage which in his judgment are duplication of service and inconsistent with maximum efficiency. Bus routes shall be so arranged that the maximum number of pupils entitled to transportation can be transported with the minimum number of bus miles and for a cost consistent with adequate service.

(d) Other transportation. Nothing herein contained shall prevent trustees and boards of education under rules established by them, from providing transportation in addition to that credited for State aid purposes, provided the same is reasonable and in conformity with the provisions of law, and money is legally available therefor.

(e) Computerized bus routing services.

(1) For purposes of apportionment for transportation services, pursuant to Education Law, section 3602(7)(b)(iv), *computerized bus routing services* shall mean programming, software development and software acquisition which result in the economical and efficient development of school bus routes meeting the criteria of this section and which have been approved by the commissioner. Programming and software development may be provided either by school district personnel or by contract.

(2) Each school district which seeks an apportionment pursuant to Education Law, section 3602(7)(b)(iv) shall annually prepare and submit to the commissioner for prior approval a contract or plan describing the service.

Historical Note

Sec. amd. filed Nov. 15, 1962; repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, new added by renum. 156.12, filed Nov. 28, 1977; amd. filed May 24, 1982 eff. June 23, 1982.

§ 156.3 Safety regulations for school bus drivers, monitors, attendants and pupils.

Historical Note Research Reference Case Notes

(a) **Definitions.** For purposes of this section:

(1) A *school bus driver* shall mean any person who drives a school bus which is owned, leased or contracted for by a public school district, board of cooperative educational services or nonpublic school for the purpose of transporting pupils. However, for the purposes of this section, the following shall not be considered to be school bus drivers:

(i) a driver of a passenger or suburban type vehicle if such driver is a school district employee who is not ordinarily required to transport pupils and is operating such vehicle for the purpose of transporting one or more pupils to a hospital or other medical facility, a physician's office, or home for medical treatment or because of illness;

(ii) a driver of a suburban intercity coach or transit type bus, transporting pupils on trips other than between home and school, such as field trips, athletic trips, and other special transportation services;

(iii) a parent who transports exclusively his or her own children; and

(iv) a volunteer driver for a nonpublic school who transports pupils on other than a regularly established route on an occasional basis.

(2) A *school bus* shall mean every vehicle owned, leased or contracted for by a public school, board of cooperative educational services or a nonpublic school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

(3) A *school bus monitor* shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such school bus.

(4) A *school bus attendant* shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

(5) A *nonpublic school* shall mean a private or parochial school offering instruction in any or all grades, pre-kindergarten through 12.

(b) School bus driver and instructor qualifications.

(1) **Approval for employment.** Approval for employment of a school bus driver shall be in writing on a form prescribed by the Commissioner of Education.

(2) **Age.** All drivers of school transportation conveyances shall be at least 21 years of age.

(3) **Physical fitness.**

(i) Each driver of a school transportation conveyance shall have the physical and mental ability to operate safely a school transportation conveyance and to satisfactorily perform the other responsibilities of a school bus driver; and shall meet the requirements of section 6.11 of the regulations of the Commissioner of Motor Vehicles (15 NYCRR 6.11) to the extent that such requirements are consistent with the requirements of this subdivision and provided that the vision standards prescribed in section 6.11(b)(10) of the regulations of the Commissioner of Motor Vehicles (15 NYCRR) shall not be waived.

(ii) Each regular or substitute driver of a school bus owned, leased or contracted for by a school district, board of cooperative educational services or a nonpublic school shall be examined by a physician or nurse practitioner to the extent authorized by law and consistent with the written practice agreement pursuant to Education Law, section 6902(3), in accordance with the provisions of this subdivision. The physical examination shall be reported immediately on forms prescribed by the commissioner to the chief school officer of the district. The **physical examination** shall include, as a minimum, those requirements specified on the prescribed physical examination report. The examining physician or nurse practitioner shall require the school bus driver to undergo any diagnostic tests that are necessary to determine whether the driver has the physical and mental ability to operate safely a school transportation conveyance. Each school bus driver shall receive an annual physical examination, and each driver who is to be initially employed shall be examined within four weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a 13-month period.

(iii) Each regular or substitute driver of a school bus owned, leased or contracted for by a school district, board of cooperative educational services or nonpublic school shall pass a **physical performance test** approved by the commissioner, upon recommendation of an advisory group of certified school bus driver instructors, at least once every two years. Additionally, the test shall be administered to any driver following an absence from service of 60 or more consecutive days from his or her scheduled work duties. In no case shall the interval between physical performance tests exceed 24 months.

(a) Except as provided in clause (d) of this subparagraph, the physical performance test shall be conducted by a certified school bus driver instructor and shall assess the driver/applicant's ability to perform the following functions of a school bus driver: repeatedly open and close a manually operated bus entrance door, climb and descend bus steps, operate hand controls simultaneously and quickly, have quick reaction time from throttle to brake, carry or drag individuals in a bus emergency

evacuation, repeatedly depress clutch and/or brake pedals, and exit quickly oneself and students from an emergency door.

(b) A driver/applicant who fails any portion of the physical performance test shall be deemed unqualified to operate a school transportation conveyance until a re-examination is passed. Such driver/applicant may request re-examination which shall be administered no sooner than three days from the prior test. The cost of such re-examination shall be borne by the employer if the driver/applicant passes the re-examination, or the driver/ applicant if he or she fails the re-examination.

(c)

(1) A school bus driver who is employed by a school district, board of cooperative educational services, or contractor as of September 1, 1997 shall have until July 1, 2000 to take and pass the driver physical performance test. All drivers hired by school districts, boards of cooperative educational services, or contractors after September 1, 1997 shall be required to pass the driver physical performance test before they may transport pupils.

(2) A school bus driver who is employed by a nonpublic school as of January 1, 2005 shall have until January 1, 2008 to take and pass the driver physical performance test. All drivers hired by nonpublic schools after January 1, 2005 shall be required to pass the driver physical performance test before they may transport pupils.

(d) School districts, boards of cooperative educational services, nonpublic schools or transportation contractors may apply to the commissioner for a **temporary waiver** to permit Department of Motor Vehicles (DMV) certified 19A examiners, employed by that carrier, to administer the physical performance test to school bus drivers employed by that carrier. Such waiver may be granted where it is established that there are insufficient certified school bus driver instructors on staff to administer the test in a timely manner. Upon the issuance of such waiver, a certified school bus driver instructor's physical presence shall not be required during the administration of the test, provided that such testing is conducted under the general supervision of a certified school bus driver instructor who is employed by such board of education, board of cooperative educational services, nonpublic school or transportation contractor. Such certified school bus driver instructor shall instruct the DMV certified 19A examiner in the proper administration of the physical performance test and shall review and approve the test results of all physical performance tests administered by the examiner.

(4) **Required licenses and certification.** Each driver of a motor vehicle conveying school children shall have the appropriate operator's or commercial driver's license to operate such motor vehicle.

(5) **Pre-service, safety training, and refresher training for school bus drivers.**

(i) **Pre- service.** Each school bus driver initially employed by a board of education or transportation contractor subsequent to July 1, 1973, or initially employed by a nonpublic school on or after July 1, 2004, shall have received at least two hours of instruction on school bus safety practices. Each driver of a vehicle transporting pupils with disabilities exclusively who is initially employed subsequent to January 1, 1976, or initially employed on or after July 1, 2004 for nonpublic school bus drivers, shall have received an additional hour of instruction concerning the special needs of a pupil with a disability.

(ii)

(a) During the first year of employment, each driver initially employed by a board of education, board of cooperative educational services or transportation contractor subsequent to July 1, 1973 shall complete **a basic course of instruction** in school bus safety practices approved by the commissioner, which shall include two hours of instruction concerning the special needs of a pupil with a disability.

(b) During the first year of employment, each school bus driver initially employed by a **nonpublic school** on or after July 1, 2005 shall complete **a basic course of instruction** in school bus safety practices approved by the commissioner, which shall include two hours of instruction concerning the special needs of a pupil with a disability. Each school bus driver initially employed by a nonpublic school on or after July 1, 2004 and on or before June 30, 2005, shall complete such course within the first two years of such employment.

(iii) All school bus drivers shall receive a minimum of two hours of **refresher instruction** in school bus safety at least two times a year, at sessions conducted between July 1st and the first day of school and between December 1st and March 1st of each school year. Refresher courses for drivers of vehicles transporting pupils with disabilities exclusively shall also include instruction relating to the special needs of a pupil with a disability.

(iv) **Occasional drivers** for other than regular routes shall not be required to receive the training specified in this paragraph. For the purposes of this paragraph, *occasional driver* shall mean a certified teacher employed by a school district or a board of cooperative educational services, who is not primarily employed on either a full-time or part-time basis as a school bus driver or substitute school bus driver.

(v) Except as otherwise provided in clauses (a) and (b) of this subparagraph, all training required in this subdivision shall be provided by, or under the direct supervision of a school bus driver instructor certified by the commissioner. To qualify for certification as **a school bus driver instructor** (SBDI), individuals shall successfully complete a school bus driver instructor training and evaluation course taught by a certified master instructor. The course shall be approved by the commissioner upon the recommendation of the commissioner's school bus driver instructor advisory committee, an advisory group consisting of at least seven

certified school bus driver instructors appointed annually for such purpose by the commissioner. Each person who applies for admission to this course shall be currently employed by a public school district, board of cooperative educational services, nonpublic school or private contractor who is currently providing pupil transportation services for a public school district, nonpublic school or board of cooperative educational services. The SBDI course shall include but shall not be limited to the following content areas: planning and making presentations including lesson plans and objectives, school bus accident statistics and interpretation, effective communications, and evaluation. Each such person shall possess a high school diploma or equivalent diploma and shall have completed the basic course of instruction in school bus safety practices. In addition, each such person shall have completed the Advanced New York State School Bus Driver Training Course or a Department of Motor Vehicles approved Point/Insurance Reduction Program. To maintain certification, school bus driver instructors shall be required to attend the annual professional development seminar (PDS) approved by the commissioner upon the recommendation of the SBDI advisory committee, and taught by a certified master instructor. The PDS shall provide refresher training for all SBDIs in presentation skills, lesson planning, school bus safety techniques, requirements and statistics. The PDS shall provide SBDIs with training materials for the upcoming school year safety training campaign, including information which shall be conveyed to all school bus drivers in the next two driver refreshers.

(a) A certified school bus driver instructor's physical presence shall not be required during training conducted upon initial employment of a school bus driver by a board of education, board of cooperative educational services or transportation contractor, provided that such training is conducted under the general supervision of such an approved instructor.

(vi) **Master instructors** shall be certified by the commissioner to conduct training programs for individuals to become certified school bus driver instructors, and work in the development of safety training curricula including the development and delivery of the annual professional development seminar. To qualify as a master instructor, an individual must have been a certified school bus driver instructor for at least five years, have demonstrated the ability to teach others the concepts of the school bus safety training program, and meet such other requirements as may be prescribed by the commissioner including, but not limited to possession of a New York State teaching certificate or employment experience in a pupil transportation position in New York State, and satisfactory completion of a mentor/training program or project.

(6) **Character requirement.** The driver of a vehicle for the transportation of school children shall be of good moral character and thoroughly reliable. At the time of initial application and at such other times as the superintendent of schools, district superintendent of schools, or nonpublic school chief administrator may determine, each applicant for approval for employment as a school bus driver shall furnish to the superintendent or administrator at least three statements from three different

persons who are not related either by blood or marriage to the applicant pertaining to the moral character and to the reliability of the applicant.

(c) School bus monitor and attendant qualifications.

(1) **Approval for employment.** Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

(2) **Age.** All school bus monitors and attendants shall be at least 19 years of age.

(3) **Physical fitness.**

(i) Each school bus monitor and attendant shall have the physical and mental ability to satisfactorily perform his or her duties.

(ii) Each monitor or attendant may be examined on order of the chief school administrator by a duly licensed physician within two weeks prior to the beginning of such monitor's or attendant's service in each school year. The report of the physician, in writing, shall be considered by the chief school administrator in determining the fitness of the monitor or attendant to carry out his or her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his or her duties.

(iii) Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a **physical performance test** approved by the commissioner at least once every two years. Additionally, the test shall be administered to any monitor or attendant following an absence from service 60 or more consecutive days from his or her schedule work duties. In no case shall the interval between physical performance tests exceed 24 months. Individuals employed by a school district, board of cooperative educational services or contractor as a monitor or attendant on July 1, 2003 shall have until July 1, 2004 to take and pass a physical performance test. Individuals hired as a monitor or attendant after July 1, 2003, must take and pass a physical performance test before they may assume their duties.

(a) Except as provided in clause (b) of this subparagraph, the physical performance test shall be administered by a certified school bus driver instructor and shall assess the school bus monitor or attendant's ability to perform his or her duties including, but not limited to, the following functions: climb and descend the bus steps, carry or drag students in a bus emergency evacuation, and exit quickly oneself from an emergency door.

(b) School districts, boards of cooperative educational services, or transportation contractors may apply to the commissioner for a **temporary waiver** to permit

Department of Motor Vehicles (DMV) certified 19A examiners, employed by that carrier, to administer the physical performance test to monitors and attendants employed by that carrier. Such waiver may be granted where it is established that there are insufficient certified school bus driver instructors on staff to administer the test in a timely manner. Upon the issuance of such waiver, a certified school bus driver instructor's physical presence shall not be required during the administration of the test, provided that such testing is conducted under the general supervision of a certified school bus driver instructor who is employed by such board of education, board of cooperative educational services or transportation contractor. Such SBDI shall instruct the DMV certified 19A examiner in the proper administration of the physical performance test and shall review and approve the test results of all physical performance tests administered by the examiner.

(c) A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if he or she fails the re-examination.

(4) **Required certifications.** Any person employed by a school district, board of cooperative educational services or pupil transportation contractor as a school bus attendant serving pupils with a disabling condition on January 1, 2004, shall have until July 1, 2004 to obtain training and certification in cardiopulmonary resuscitation where such skills are required as part of the individualized education plan prepared for the student. Any such person hired after January 1, 2004 shall, prior to assuming their duties as a school bus attendant, obtain training and certification in cardiopulmonary resuscitation where such skills are required as part of the individualized education plan prepared for the student. School districts, boards of cooperative educational services or contractors may require monitors or attendants to maintain certification in first aid.

(5) **Pre-service, safety training, and refresher training.** Except as otherwise provided in this paragraph, each school bus monitor or attendant employed by a board of education, board of cooperative educational services or pupil transportation contractor on July 1, 2003 shall comply with the training requirements of this paragraph no later than July 1, 2004. Individuals hired after July 1, 2003 shall comply with such requirements before assuming their duties on a school bus.

(i) **Pre-service instruction.** All school bus monitors or attendants shall receive three hours of pre-service instruction as prescribed by the commissioner upon recommendation of the commissioner's school bus driver instructor advisory committee, which shall include, but is not limited to, school bus safety practices, child management techniques, and the proper techniques for assisting children to safely embark and disembark a school bus. In addition to such instruction, any person employed on January 1, 2004 as a school bus monitor, or as a school bus attendant serving pupils with a disabling condition, shall, by July 1, 2004, receive

instruction as prescribed by the commissioner upon recommendation of the commissioner's school bus driver instructor advisory committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Any person hired after January 1, 2004 shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

(ii) A certified school bus driver instructor's physical presence shall not be required during training conducted upon initial employment of a school bus monitor or attendant by a board of education or transportation contractor, provided that such training is conducted under the general supervision of such certified instructor.

(iii) **Specialized training.** Each school bus monitor or attendant hired after July 1, 2003 shall complete within their first year of employment **basic course** of instruction for monitors and attendants. Multiple curricula may be approved for use by the commissioner. Such courses shall provide not less than 10 hours of instruction on a range of topics prescribed by the commissioner upon recommendation of the commissioner's school bus driver instructor advisory committee.

(iv) All school bus monitors and attendants shall receive two two-hour **refresher training** sessions annually at sessions conducted between July 1st and the first day of school and between December 1st and March 1st of each school year.

(d) Rules affecting pupils.

(1) Drivers, monitors and attendants shall not allow pupils to enter or leave the bus while it is in motion.

(2) Drivers, monitors and attendants are held responsible for reasonable behavior of pupils in transit.

(3) Drivers, monitors and attendants shall not allow pupils to thrust their heads or arms out of open windows.

(4) The driver of a school bus, when discharging pupils who must cross the highway, shall instruct such pupils to cross the highway at a distance of 10 feet in front of the vehicle so as to be in the vision of the driver. The driver shall also keep such school bus halted with red signal lights flashing until such pupils have reached the opposite side of the highway.

(5) Fuel tanks shall not be filled while pupils are in the bus.

(e) Driving rules.

(1) Drivers shall be familiar with the Vehicle and Traffic Law, regulations of the Commissioner of Motor Vehicles and regulations of the Commissioner of Education pertaining to pupil transportation.

(2) Drivers shall make a full stop at all railroad crossings and at State highways before crossing except that no stop need be made at any railroad crossing where a police officer or a traffic control signal or sign directs traffic to proceed.

(3) Drivers shall give warning before making a left-hand or right-hand turn.

(4) Drivers, monitors and attendants shall not leave the school bus when children are inside except in case of emergency, and in such case before leaving the bus the driver shall stop the motor, remove the ignition key, and set the parking brake. Monitors or attendants may leave the school bus for the purposes of assisting children to embark or disembark the vehicle and to safely cross the street. Drivers, monitors and attendants shall check the vehicle to insure that no child is left behind on board unattended at the conclusion of the school bus route.

(5) Drivers, monitors and attendants shall not smoke at anytime while within a school bus. Drivers, monitors and attendants shall not eat or drink any liquid, or perform any act or conduct themselves in any manner which may impair the safe operation of a school bus while such vehicle is transporting pupils.

(6) Drivers shall not exceed a maximum speed limit of 55 miles per hour on any road within or outside of New York State while their school bus is being used for the transportation of pupils.

(f) **Drills on school buses.**

(1) The drills on school buses required by section 3623 of the Education Law shall include practice and instruction in the location, use and operation of the emergency door, fire extinguishers, first-aid equipment and windows as a means of escape in case of fire or accident. Drills shall also include instruction in safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking. Each drill shall include specific instructions for pupils to advance at least 10 feet in front of the bus before crossing the highway after disembarking. Each drill shall emphasize specific hazards encountered by children during snow, ice, rain, and other inclement weather, including but not necessarily limited to poor driver visibility, reduced vehicular control and reduced hearing. All such drills shall include instruction in the importance of orderly conduct by all school bus passengers with specific emphasis given to student discipline rules and regulations promulgated by each board of education. Such instruction and the conduct of the drills shall be given by a member or members of the teaching or pupil transportation staff. Pupils attending public and nonpublic schools who do not participate in the drills held pursuant to this paragraph

shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.

(2) A minimum of three such drills shall be held on each school bus during the school year, the first to be conducted during the first seven days of school, the second between November 1st and December 31st and the third between March 1st and April 30th.

(3) No drills shall be conducted when buses are on routes.

(4) The school authorities shall certify on the annual report to the State Education Department that their district has complied with this subdivision.

(g) **Instruction on use of seat belts.** In each school district in which pupils are transported on school buses equipped with seat safety belts, such district shall insure that all pupils who are transported on any school bus owned, leased or contracted for by the district or board of cooperative educational services shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three times each year to both public and nonpublic school pupils who are so transported and shall include, but not be limited to:

(1) proper fastening and release of seat safety belts;

(2) acceptable placement of seat safety belts on pupils;

(3) times at which the seat safety belts should be fastened and released; and

(4) acceptable placement of the seat safety belts when not in use.

Historical Note

Sec. repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, new added by renum. 156.13, filed Nov. 28, 1977; amds. filed: Dec. 17, 1979; Oct. 27, 1980; Sept. 30, 1981; Sept. 24, 1985; Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; Nov. 25, 1986; amds. filed: Jan. 23, 1990; Sept. 19, 1995 as emergency measure; Nov. 7, 1995; Feb. 13, 1996; March 19, 1996; July 22, 1997; June 17, 2003; Sept. 12, 2003 as emergency measure; Nov. 18, 2003; June 25, 2004 as emergency measure eff. July 1, 2004. Amended (a)-(c).

Research Reference

84 NY Jur 2d, Pleading §254.

94 NY Jur 2d, Schools, Universities, and Colleges §§ 317, 319

CASE NOTES

Ban on smoking by bus drivers when no students are on buses is subject to collective bargaining and 8 NYCRR §156.3[g][5], which concerns transportation of pupils, neither prohibits ban nor preempts District's duty to negotiate ban. *Newark Valley Cent. School Dist. v. Public Employment Relations Bd.*, 1994, 632 N.E.2d 443, 610 N.Y.S.2d 134, 83 N.Y.2d 315.

Where complainant had adrenal glands removed and it was necessary to take hormone medication, complainant should not be precluded under 8 NYCRR §156.3 from employment as school bus driver, because substantial medical evidence demonstrated that ailment would not impede on her ability to safely operate bus. *State Div. of Human Rights on Complaint of Giannavola v. LeRoy Cent. School Dist.* (4 Dept. 1985) 485 N.Y.S.2d 907, 107 A.D.2d 153, appeal denied 484 N.E.2d 672, 494 N.Y.S.2d 1029, 65 N.Y.2d 610.

Absent evidence as to effect upon safety, Court could not assume that age limitation of 65 for school bus drivers contained in §156.3(b) was bone fide occupational qualification for purpose of determining whether violated Age Discrimination in Employment Act. *E.E.O.C. v. KDM School Bus Co.*, 1985, 612 F.Supp. 369.

§ 156.4 Bus purchase approval.

Historical Note

The purchase by a school district of any bus to be used for the transportation of children shall be approved by the Commissioner of Education on forms prescribed by him. Every purchase agreement shall include the clause, "specifications subject to the approval of the Education Department." All school buses must comply with the State Vehicle and Traffic Law and with rules and regulations of the State Department of Transportation. Transportation aid shall not be apportioned on the purchase cost or operating cost of a district-owned school bus unless the school district has obtained the required purchase approval by the commissioner. In no event shall the approval of a school bus purchase be granted where prescribed forms are filed with the State Education Department later than one year from the date on which the bus was purchased. The commissioner may excuse for good cause the failure of a district to request purchase approval within the prescribed period.

Historical Note

Sec. repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, new added by renum. 156.14, filed Nov. 28, 1977 eff. Dec. 12, 1977.

§ 156.5 Annual extensions of transportation contracts.

Historical Note Research Reference Case Notes

(a) Annual extensions of contracts shall be prepared on forms prescribed by the commissioner; such extensions shall be filed with and approved by the commissioner and are subject to all laws, rules and regulations pertaining to the filing of transportation contracts.

(b) Only contracts awarded in accordance with the competitive bidding requirements of subdivision 14 of section 305 of the Education Law may be extended.

(c) Annual extensions of fixed-price contracts, contracts based upon unit rates, such as per-bus, per-pupil or per-mile, and contracts based upon a combination of a fixed price and unit rate may provide for increases in such fixed prices and/or unit rates not to exceed the contractual amount paid in the preceding year by more than the increase in the regional consumer price index for the 12-month period ending on May 31st immediately preceding the commencement of the contract extension.

(d) Each district proposing to extend a contract shall maintain for a period of six years after expiration or termination of the contract extension or six years after final payment under the contract extension satisfactory evidence of the increase in the cost of the contractor's operation during the 12-month period immediately preceding the month in which the contract terminates. Upon the request of the commissioner, each district shall file such evidence with the commissioner.

(e) Each district proposing to extend a contract in an amount which is in excess of the maximum increase allowed by use of the consumer price index for the New York, N.Y. - Northern N.J. area, based upon the index for all urban consumers (CPI-U), shall file with the commissioner satisfactory documentation of the actual cost of qualifying criminal history and driver licensing testing fees attributable to special requirements for drivers of school buses pursuant to arts. 19 and 19-A of the Vehicle and Traffic Law.

Historical Note

Sec. repealed, filed March 1, 1963; new filed Oct. 31, 1967; repealed, new added by renum. 156.15, filed Nov. 28, 1977; amds. filed: Sept. 19, 1988; Feb. 13, 1996 eff. March 29, 1996. Amended (d); added (e).

Research Reference

94 NY Jur 2d, Schools, Universities, and Colleges § 28.5

97 NY Jur 2d, Statutes § 102

CASE NOTES

Within statute providing that a board of education extending a contract may increase the amount paid by an amount not to exceed the consumer price index increase during the preceding twelve month period, provided that there has been at least an equivalent increase in the amount of contractor's cost of operation during the period of the contract, the phrases "the preceding twelve month period" and "during the period of the contract" both refer to the retrospective year preceding the expiration of the contract, and even if the statute were subject to conflicting interpretation, the regulations promulgated pursuant to it leave no doubt as to its intended application by the administrative agency. *A.C. Transp., Inc. v. Board of Educ. of City of New York* (1 Dept. 1999) 687 N.Y.S.2d 1, 253 A.D.2d 330, leave to appeal denied 1999 WL 339460, leave to appeal denied 713 N.E.2d 417, 691 N.Y.S.2d 382, 93 N.Y.2d 808.

A board of education has no legal obligation to accept a contract renewal offer from the current holder of its transportation contract. 39 Educ.Dept.Rep. 48.

§ 156.6 Leasing of school buses under emergency conditions.

Historical Note

(a) Pursuant to the provisions of section 1709 of the Education Law, school buses may be leased from sources other than a school district, board of cooperative educational services, or county vocational education and extension board under emergency conditions which shall include but not be limited to the following:

(1) strikes;

(2) removal of bus from service due to:

(i) accident;

(ii) mechanical failure; or

(iii) fire, theft, vandalism;

(3) delay in delivery date.

(b) Within 10 days from the date the emergency occurs, a statement explaining the transportation emergency and its estimated duration shall be forwarded to the Commissioner of Education for approval.

(c) Such approval of the commissioner shall be for a period not to exceed 90 days, unless an emergency still exists. In such event, a request setting forth in detail, the reasons for extension of the emergency shall be filed with the commissioner for approval.

Historical Note

Sec. repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, new added by renum. 156.16, filed Nov. 28, 1977 eff. Dec. 12, 1977.

§ 156.7 Calculation of nonallowable pupil deduction.

Historical Note

(a) In those instances in which a school district provides transportation services, by district- owned, leased, or contracted school buses, a nonallowable pupil deduction shall be calculated for purposes of determining aid pursuant to section 3602 of the Education Law, for transportation expenses incurred in the 1990-91 school year and each school year thereafter, pursuant to this paragraph.

(1) The calculation of the nonallowable pupil deduction for each school district shall be as follows: the dollar amount of the district's nonallowable pupil deduction for expenses for transportation services, by district-owned, leased, or contracted school buses, incurred in each of the school years 1987-88, 1988-89, and 1989-90, as audited and confirmed by the Education Department, shall be summed, with such sum divided by the sum of the district's net transportation expenses related to mileage travelled by district-owned, leased, or contracted school buses for the three years, with the result expressed as a decimal to four places without rounding. This nonallowable pupil decimal shall be calculated by the Education Department for

each district, and shall be reported to each district by July 1, 1991. Net transportation expense for purposes of this paragraph shall be the total expense attributable to transportation service to and from school and BOCES programs, for which an apportionment is provided pursuant to article 65, 73 or 89 of the Education Law, excluding the expenses attributable to other purpose transportation.

(2) In calculating aid to be paid in each school year commencing in school year 1991-92, the nonallowable pupil decimal calculated in paragraph (1) of this subdivision shall be multiplied by net transportation expense of the base year to determine nonallowable expense. Such nonallowable expense shall be deducted from net transportation expense to determine the allowable transportation expense for transportation aid.

(3) (i) A school district shall provide documentation to the commissioner for the calculation of a new nonallowable pupil decimal at least once every three years, on a schedule prescribed by the commissioner, using the nonallowable pupil decimal worksheet prescribed by the commissioner; and in addition, a school district shall provide such documentation during any school year in which the district experiences an increase or decrease from the nonallowable pupil decimal previously calculated pursuant to this section, when any one or more of the following conditions apply:

(a) change in school district transportation eligibility policy;

(b) school district reorganization with one or more other districts;

(c) opening of a school building or closing of a building currently used as a school building;

(d) an error made by either the school district or the Education Department in the calculation of a nonallowable pupil decimal for a prior year; or

(e) a change in school district transportation policy to provide transportation of eligible children to or from a universal prekindergarten program pursuant to section 3602-3 of the Education Law.

(ii) Upon receipt of such documentation, the commissioner shall calculate a new nonallowable pupil decimal by dividing the total number of pupil miles of transportation services provided to nonallowable pupils on all district-owned, leased, or contracted school buses during the school year reported by the total number of pupil miles of transportation services provided to all pupils on all district-owned, leased, or contracted school buses during such school year, with the result expressed as decimal to four places without rounding. The number of pupil miles of transportation services provided to pupils attending an approved prekindergarten program pursuant to section 3602-e of the Education Law shall be excluded for the purposes of such calculation, provided that the transportation services furnished to

such prekindergarten pupils are provided on a space-available basis and do not require, or result in:

- (a) any expansion of approved bus routes or additional trips; or
 - (b) any increase in contracted expenditures for transportation expenses; or
 - (c) any purchase or lease of additional vehicles.
- (iii) The new nonallowable pupil decimal shall be used in calculating transportation aid in each school year after the school year in which such documentation is provided, in lieu of the decimal previously calculated pursuant to this section.
- (b) For purposes of calculating transportation aid pursuant to section 3602 of Education Law, for school districts using public service carriers, the deduction for nonallowable pupils shall be the actual expenditures for transporting such pupils.

Historical Note

Sec. repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, filed Nov. 28, 1977; new filed Dec. 17, 1979; repealed, new filed April 30, 1991; amds. filed: Feb. 13, 1996; Dec. 23, 1997 as emergency measure; March 13, 1998 as emergency measure eff. March 17, 1998; March 13, 1998 eff. April 2, 1998. Amended (a)(3).

§ 156.8 Regional transportation expenses.

Historical Note

- (a) The proration of expenses for regional or joint transportation services shall be determined according to the provisions of a transportation contract between the board(s) of education and the board(s) of cooperative educational services which participate in such regional or joint transportation.
- (b) The proration of expenses for cooperative school bus maintenance shall be determined according to the provisions of a transportation contract between the board(s) of education and the board(s) of cooperative educational services participating in such cooperative school bus maintenance.
- (c) The approvable expenditures, for purposes of State aid for transportation, of a school district which provides regional transportation or cooperative school bus maintenance services to one or more additional school districts, shall not exceed gross expenditures less all sums received from such other district or districts for the provision of such services.

Historical Note

Sec. repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, filed Nov. 28, 1977; new filed Jan. 23, 1980 eff. Feb. 25, 1980.

§ 156.9 Equipment and other expenses eligible for transportation aid.

Historical Note

For purposes of transportation aid payable pursuant to Education Law, section 3602(7)(b), equipment and other expenses shall be approved in accordance with this section.

(a) Equipment approvable for transportation aid shall include:

(1) vehicles used to transport pupils on a regular basis and items attached to such vehicles; and

(2) items required for the maintenance of such vehicles, whether such items are on or in such vehicles or on or in the garage or facility used to house such vehicles.

(b) Equipment used for transmission of radio communications within the district transportation program and computer data processing equipment for transportation programs shall be eligible for transportation aid only upon prior written approval of the commissioner. Approval of costs for transmission and computer equipment shall be based upon the commissioner's determination of the extent to which such equipment is used for transportation programs.

(c) Equipment eligible for aid pursuant to Education Law, section 3602(6), or any other law, shall not be eligible for aid pursuant to Education Law, section 3602(7)(b), and this section.

(d) Equipment may be approved for aid pursuant to Education Law, section 3602(7)(b), and this section if:

(1) such school bus and garage equipment contributes to the safety of pupils being transported;

(2) the equipment is essential for efficient operation or maintenance of vehicles used for pupil transportation;

(3) the equipment is essential for the conservation of energy; or

(4) the equipment is required by a State agency pursuant to law or regulation.

(e) Other expenses eligible for transportation aid shall include those which are specifically necessary for the efficient management and operation of a pupil transportation system, as approved by the commissioner; provided, however, that legal fees shall not be approved.

(f) Only expenses for the items set forth in this section made after June 30, 1982 and approved by the commissioner will be eligible for transportation aid. No expense that is eligible for aid under any other section of law or regulation shall be eligible for aid under this section.

Historical Note

Sec. repealed, new filed March 1, 1963; repealed, filed Oct. 31, 1967; new filed Nov. 28, 1983 eff. Dec. 21, 1983.

§ 156.10 Retirement benefits and transportation during the school day eligible for transportation aid.

Historical Note

(a) For purposes of transportation aid payable pursuant to Education Law, section 3602(7)(a), approved retirement expenses shall be determined by multiplying by the ratio of other aidable transportation expenses to total transportation expenses, exclusive of retirement expenses:

(1) the district share of retirement expense payable to the New York State Teachers' Retirement System in the base year for transportation personnel;

(2) the district share of retirement expense payable to the New York State Employees' Retirement System in the base year for transportation personnel;

(3) the district share of retirement expense payable to the New York City Teachers' Retirement System in the base year for transportation personnel;

(4) the district share of retirement expense payable to the New York City Employees' Retirement System in the base year for transportation personnel; and

(5) the district share of retirement expense payable to the New York City Board of Education Retirement System in the base year for transportation personnel.

(b) No expense that is eligible for aid under subdivision (a) of this section or under Education Law, section 3602(7)(b)(v), concerning transportation during the school day, shall be eligible for aid under any other section of law or regulation.

Historical Note

Sec. repealed, new filed March 1, 1963; amd. filed Sept. 9, 1966; repealed, filed Oct. 31, 1967; new filed May 1, 1984 as emergency measure; made permanent and amd. by order filed June 26, 1984 eff. June 27, 1984.

§ 156.11 Appropriate costs for a transportation contract.

Historical Note

All contracts for the transportation of children authorized pursuant to paragraph (h) of subdivision 25 of section 1709 of the Education Law, and not specifically authorized by any other section of law, shall be subject to a test of "appropriate cost" pursuant to this section.

(a) In determining the appropriate transportation contract cost, the transportation service provider school district shall demonstrate that the contract reflects the true costs that a prudent person would incur in a competitive transportation business by calculating the contract cost based on the appropriate unit cost determined in accordance with subdivision (b) of this section.

(b) An appropriate unit cost for the proposed transportation service shall be determined by dividing the grand total of transportation expenditures for the preceding school year of all regular transportation services provided to students of the district by the service provider school district by the number of vehicles, passengers, miles traveled or other appropriate transportation service units represented by all such transportation services. The proposed transportation contract costs shall satisfy the test of "appropriate cost" required by this section if such proposed transportation contract costs are equal to the product of such resulting, appropriate unit cost and the number of comparable service units to be provided under the proposed contract. The grand total of transportation expenditures used in this calculation shall include all expenses that would be eligible for transportation aid if they were incurred under a transportation contract with a private contractor, including but not limited to the transportation related costs of operation, maintenance and repair of vehicles, fringe benefits, buildings, utilities, depreciation, training, insurance, interest payments, and administration. Written documentation of specific expenditures of the school district included in the grand total of transportation expenditures and the service units used in such calculations shall be retained by the transportation service provider school district for a period of at least three years after the termination of such contracted transportation service and shall be available for public inspection.

(c) This section shall not apply to the transportation of children of school age provided pursuant to provisions of the Education Law other than Education Law,

section 1709(25)(h), including but not limited to subdivision 24, paragraph (g) of subdivision 25 or subdivision 27 of section 1709 of the Education Law.

Historical Note

Sec. repealed, new filed March 27, 1973; amd. filed July 1, 1975; renum. 156.1, filed Nov. 28, 1977; new filed: June 28, 1994 as emergency measure; Sept. 27, 1994 as emergency measure eff. Sept. 27, 1994; Sept. 27, 1994 eff. Oct. 13, 1994.

§ 156.12 Transportation contracts awarded through a request for proposals.

Historical Note

(a) Pursuant to the provisions of paragraph (a) of subdivision 14 of section 305 of the Education Law, all contracts for the transportation of pupils which are subject to the competitive bidding requirements of General Municipal Law shall be awarded to the lowest responsible bidder or through an evaluation of proposals submitted in response to a request for proposals by a board of education.

(b) When a board of education elects to award a contract through an evaluation of proposals in response to a request for proposals, such board of education shall evaluate each proposal from a responding contractor in accordance with the following criteria:

- (1) the previous experience of the contractor in transporting pupils;
- (2) the name of each transportation company of which the contractor has been an owner or manager;
- (3) a description of any safety programs implemented by the contractor;
- (4) a record of accidents in motor vehicles under the control of the contractor;
- (5) the driving history of employees of the contractor;
- (6) inspection records and model year of each of the motor vehicles under the control of the contractor;
- (7) maintenance schedules of the motor vehicles under the control of the contractor;
- (8) a financial analysis of the contractor;

- (9) documentation of compliance with motor vehicle insurance requirements; and
- (10) total cost of the proposal.

(c) Any public notice soliciting proposals for transportation services, as well as any instructions provided to potential respondents to a request for proposals pursuant to this section, shall specify all of the criteria to be used in evaluating such proposals and shall specify the weightings that the board of education has assigned to each criterion for the purpose of evaluating proposals submitted in response to the request for proposals. For this purpose no single criterion shall be weighted in excess of 50 percent of the total weight of all of the criteria to be used.

(d) Each district awarding a contract through an evaluation of proposals shall submit such contract to the Commissioner for approval pursuant to the provisions of Education Law, sections 305(14) and 3625, together with satisfactory evidence of the date of the request for such proposals, the forms and instructions used in making such request, the contract specifications, all proposals received, the criteria used in evaluating the proposals, the weights assigned to each criterion, the scores used to assess each category of the criteria, and such other information as the commissioner deems necessary for such approval.

(e) Proposals for contracts for anticipated transportation needs for the following school year shall be requested no later than June 1st, except that proposals for contracts for transportation of children with disabilities shall be requested no later than July 1st of the school year for which such contracts are to be awarded.

(f) Notwithstanding the provisions of subdivision (e) of this section, in the case of an emergency or other unforeseen occurrence or condition affecting transportation services, and requiring immediate action which cannot await responses to a request for proposals, interim contracts may be awarded for a period not to exceed one month, pending the award of a contract for such services in accordance with the provisions of subdivisions (a) through (d) of this section.

(g) Proposals for contracts which cannot be anticipated in accordance with the provisions of subdivision (e) of this section, because of an emergency or other unforeseen occurrence or condition affecting transportation services, shall be requested at least 30 days prior to the beginning date of service.

Historical Note

Sec. amd. filed Oct. 31, 1967; renum. 156.2, filed Nov. 28, 1977; new filed: Dec. 24, 1996 as emergency measure; Feb. 10, 1997; amds. filed: March 18, 1997 as emergency measure; May 6, 1997 eff. May 22, 1997.

§ 156.13

Historical Note

Sec. amds. filed: Jan. 11, 1963; Feb. 27, 1968; June 10, 1968; Nov. 4, 1970; March 27, 1973; Sept. 30, 1975; Oct. 27, 1975; July 30, 1976; March 29, 1977; June 27, 1977; Aug. 2, 1977; Nov. 28, 1977; renum. 156.3, filed Nov. 28, 1977 eff. Dec. 12, 1977.

§ 156.14

Historical Note

Sec. repealed, new filed July 8, 1971; renum. 156.4, filed Nov. 28, 1977 eff. Dec. 12, 1977.

§ 156.15

Historical Note

Sec. filed May 21, 1965; amds. filed: July 8, 1970; Aug. 4 and 6, 1971; renum. 156.5, filed Nov. 28, 1977 eff. Dec. 12, 1977.

§ 156.16

Historical Note

Sec. filed May 21, 1965; renum. 156.6, filed Nov. 28, 1977 eff. Dec. 12, 1977.

APPENDIX I

Non-Allowable Worksheet Listing

DISTRICT CODE	DISTRICT NAME	LAST CLAIM YEAR WORKSHEET FILED	REQUIRED TO FILE
010201	BERNE KNOX	2006-07	REQUIRED TO FILE IN 2009-10
010306	BETHLEHEM	2006-07	REQUIRED TO FILE IN 2009-10
010500	COHOES	2006-07	REQUIRED TO FILE IN 2009-10
010623	NORTH COLONIE		REQUIRED TO FILE IN 2009-10
010701	GREEN ISLAND	2006-07	REQUIRED TO FILE IN 2009-10
020702	GENESEE VALLEY	2006-07	REQUIRED TO FILE IN 2009-10
021102	CANASERAGA	2006-07	REQUIRED TO FILE IN 2009-10
022302	CUBA-RUSHFORD	2006-07	REQUIRED TO FILE IN 2009-10
040901	ELLCOTTVILLE	2006-07	REQUIRED TO FILE IN 2009-10
043501	YORKSHRE-PIONE	2006-07	REQUIRED TO FILE IN 2009-10
050100	AUBURN	2006-07	REQUIRED TO FILE IN 2009-10
051101	PORT BYRON	2006-07	REQUIRED TO FILE IN 2009-10
060201	SOUTHWESTERN	2006-07	REQUIRED TO FILE IN 2009-10
060701	CLYMER	2006-07	REQUIRED TO FILE IN 2009-10
061503	FORESTVILLE	2006-07	REQUIRED TO FILE IN 2009-10
080101	AFTON	2006-07	REQUIRED TO FILE IN 2009-10
081003	UNADILLA	2006-07	REQUIRED TO FILE IN 2009-10
081200	NORWICH	2006-07	REQUIRED TO FILE IN 2009-10
081501	OXFORD	2006-07	REQUIRED TO FILE IN 2009-10
091200	PLATTSBURGH	2006-07	REQUIRED TO FILE IN 2009-10
100308	BERKSHIRE UFSD		REQUIRED TO FILE IN 2009-10
100501	COPAKE-TACONIC	2006-07	REQUIRED TO FILE IN 2009-10
110101	CINCINNATUS	2006-07	REQUIRED TO FILE IN 2009-10
120401	CHARLOTTE VALL	2006-07	REQUIRED TO FILE IN 2009-10
130200	BEACON	2006-07	REQUIRED TO FILE IN 2009-10
131101	NORTHEAST	2006-07	REQUIRED TO FILE IN 2009-10
131801	RHINEBECK	2006-07	REQUIRED TO FILE IN 2009-10
140201	AMHERST	2006-07	REQUIRED TO FILE IN 2009-10
140203	WILLIAMSVILLE	2006-07	REQUIRED TO FILE IN 2009-10
140701	CHEEKTOWAGA	2006-07	REQUIRED TO FILE IN 2009-10
141301	IROQUOIS	2006-07	REQUIRED TO FILE IN 2009-10
141603	HOPEVALE		REQUIRED TO FILE IN 2009-10
141901	LANCASTER	2006-07	REQUIRED TO FILE IN 2009-10
142101	AKRON	2006-07	REQUIRED TO FILE IN 2009-10
142201	NORTH COLLINS	2006-07	REQUIRED TO FILE IN 2009-10
142801	WEST SENECA	2006-07	REQUIRED TO FILE IN 2009-10
150301	ELIZABETHTOWN	2006-07	REQUIRED TO FILE IN 2009-10
161401	SARANAC LAKE	2006-07	REQUIRED TO FILE IN 2009-10
180300	BATAVIA	2006-07	REQUIRED TO FILE IN 2009-10
180901	ELBA	2006-07	REQUIRED TO FILE IN 2009-10
190401	CATSKILL	2006-07	REQUIRED TO FILE IN 2009-10
200101	PISECO		REQUIRED TO FILE IN 2009-10
200501	INLET		REQUIRED TO FILE IN 2009-10
200702	RAQUETTE LAKE		REQUIRED TO FILE IN 2009-10
210502	MOHAWK	2006-07	REQUIRED TO FILE IN 2009-10
210601	HERKIMER	2006-07	REQUIRED TO FILE IN 2009-10
210800	LITTLE FALLS	2006-07	REQUIRED TO FILE IN 2009-10
211103	POLAND	2006-07	REQUIRED TO FILE IN 2009-10
211701	VAN HORNSVILLE	2006-07	REQUIRED TO FILE IN 2009-10
220301	INDIAN RIVER	2006-07	REQUIRED TO FILE IN 2009-10

240101	AVON	2006-07	REQUIRED TO FILE IN 2009-10
250301	DE RUYTER	2006-07	REQUIRED TO FILE IN 2009-10
260501	GREECE	2006-07	REQUIRED TO FILE IN 2009-10
260803	W. IRONDEQUOIT	2006-07	REQUIRED TO FILE IN 2009-10
261101	HILTON	2006-07	REQUIRED TO FILE IN 2009-10
261313	EAST ROCHESTER	2006-07	REQUIRED TO FILE IN 2009-10
262001	WHEATLAND CHIL	2006-07	REQUIRED TO FILE IN 2009-10
270301	CANAJOHARIE	2006-07	REQUIRED TO FILE IN 2009-10
280100	GLEN COVE	2006-07	REQUIRED TO FILE IN 2009-10
280205	LEVITTOWN	2006-07	REQUIRED TO FILE IN 2009-10
280214	HEWLETT WOODME	2006-07	REQUIRED TO FILE IN 2009-10
280216	ELMONT	2006-07	REQUIRED TO FILE IN 2009-10
280223	WANTAGH	2006-07	REQUIRED TO FILE IN 2009-10
280230	VALLEY STR UF	2006-07	REQUIRED TO FILE IN 2009-10
280251	VALLEY STR CHS	2006-07	REQUIRED TO FILE IN 2009-10
280253	BELLMORE-MERRI	2006-07	REQUIRED TO FILE IN 2009-10
280517	HICKSVILLE	2006-07	REQUIRED TO FILE IN 2009-10
401201	ROYALTON HARTL	2006-07	REQUIRED TO FILE IN 2009-10
411701	REMSEN	2006-07	REQUIRED TO FILE IN 2009-10
412801	WESTMORELAND	2006-07	REQUIRED TO FILE IN 2009-10
420303	NORTH SYRACUSE	2006-07	REQUIRED TO FILE IN 2009-10
420601	FABIUS-POMPEY	2006-07	REQUIRED TO FILE IN 2009-10
420901	BALDWINVILLE	2006-07	REQUIRED TO FILE IN 2009-10
430901	GORHAM-MIDDLES	2006-07	REQUIRED TO FILE IN 2009-10
440901	HIGHLAND FALLS	2006-07	REQUIRED TO FILE IN 2009-10
441000	MIDDLETOWN	2006-07	REQUIRED TO FILE IN 2009-10
441201	MONROE WOODBUR	2006-07	REQUIRED TO FILE IN 2009-10
460701	HANNIBAL	2006-07	REQUIRED TO FILE IN 2009-10
461300	OSWEGO	2006-07	REQUIRED TO FILE IN 2009-10
471701	COOPERSTOWN	2006-07	REQUIRED TO FILE IN 2009-10
472506	WORCESTER	2006-07	REQUIRED TO FILE IN 2009-10
480101	MAHOPAC	2006-07	REQUIRED TO FILE IN 2009-10
480102	CARMEL	2006-07	REQUIRED TO FILE IN 2009-10
490801	NO GREENBUSH C		REQUIRED TO FILE IN 2009-10
491700	TROY	2006-07	REQUIRED TO FILE IN 2009-10
500101	CLARKSTOWN	2006-07	REQUIRED TO FILE IN 2009-10
511201	HAMMOND	2006-07	REQUIRED TO FILE IN 2009-10
512201	NORWOOD NORFOL	2006-07	REQUIRED TO FILE IN 2009-10
520701	GALWAY	2006-07	REQUIRED TO FILE IN 2009-10
521301	BALLSTON SPA	2006-07	REQUIRED TO FILE IN 2009-10
580102	WEST BABYLON	2006-07	REQUIRED TO FILE IN 2009-10
580201	THREE VILLAGE	2006-07	REQUIRED TO FILE IN 2009-10
580302	WAINSCOTT		REQUIRED TO FILE IN 2009-10
580304	SPRINGS	2006-07	REQUIRED TO FILE IN 2009-10
580413	S. HUNTINGTON	2006-07	REQUIRED TO FILE IN 2009-10
580505	BAYPORT BLUE P	2006-07	REQUIRED TO FILE IN 2009-10
580513	CENTRAL ISLIP	2006-07	REQUIRED TO FILE IN 2009-10
580603	LITTLE FLOWER		REQUIRED TO FILE IN 2009-10
580801	SMITHTOWN	2006-07	REQUIRED TO FILE IN 2009-10
580910	SAGAPONACK		REQUIRED TO FILE IN 2009-10
581005	SOUTHOLD	2006-07	REQUIRED TO FILE IN 2009-10
581015	NEW SUFFOLK		REQUIRED TO FILE IN 2009-10

591201	TRI VALLEY	2006-07	REQUIRED TO FILE IN 2009-10
591502	SULLIVAN WEST	2006-07	REQUIRED TO FILE IN 2009-10
600301	CANDOR	2006-07	REQUIRED TO FILE IN 2009-10
610327	GEORGE JR REPU		REQUIRED TO FILE IN 2009-10
610801	LANSING	2006-07	REQUIRED TO FILE IN 2009-10
611001	TRUMANSBURG	2006-07	REQUIRED TO FILE IN 2009-10
620202	WEST PARK		REQUIRED TO FILE IN 2009-10
621001	MARLBORO	2006-07	REQUIRED TO FILE IN 2009-10
621201	ONTEORA	2006-07	REQUIRED TO FILE IN 2009-10
640801	GREENWICH	2006-07	REQUIRED TO FILE IN 2009-10
641301	HUDSON FALLS	2006-07	REQUIRED TO FILE IN 2009-10
641401	PUTNAM	2006-07	REQUIRED TO FILE IN 2009-10
660302	TUCKAHOE	2006-07	REQUIRED TO FILE IN 2009-10
660411	GREENBURGH 11	2004-05	REQUIRED TO FILE IN 2009-10
660412	ST. CHRISTOPHE		REQUIRED TO FILE IN 2009-10
660413	ABBOTT		REQUIRED TO FILE IN 2009-10
660501	HARRISON	2006-07	REQUIRED TO FILE IN 2009-10
660801	MT PLEAS CENT	2006-07	REQUIRED TO FILE IN 2009-10
660803	HAWTHORNE KNOL		REQUIRED TO FILE IN 2009-10
660806	MT PLSNT-BLYTH		REQUIRED TO FILE IN 2009-10
661500	PEEKSKILL	2006-07	REQUIRED TO FILE IN 2009-10
661904	PORT CHESTER	2006-07	REQUIRED TO FILE IN 2009-10
680601	PENN YAN	2006-07	REQUIRED TO FILE IN 2009-10
680801	DUNDEE	2006-07	REQUIRED TO FILE IN 2009-10

APPENDIX J

Chapter 818 – Emergency Bus Replacements



Chapter 818 - Purchase of Replacement Bus Due to Loss

A new procedure for purchasing replacement school buses for school districts was enacted into law through Chapter 818 of the Laws of 1982. This law amended paragraph a of subdivision 25 of Section 1709 of the Education Law as follows:

"Any replacement of a motor vehicle or vehicles, necessitated by damage to or loss of such vehicle, owned by the school district and used for the transportation of pupils residing within the district, may be purchased by the board of education without voter approval, using any unencumbered funds in the General Fund or by the issuance of budget notes in accordance with Section 29.00 of the Local Finance Law, in addition to any available insurance proceeds."

Chapter 818 removes the requirement of voter authorization for the purchase of a school bus which is a replacement for another vehicle which has been damaged beyond repair or unexpectedly removed from service as stipulated in the law. Such vehicle may have been damaged by accident or fire. Vehicles that simply do not pass a NYS DOT inspection any longer, are not eligible for Chapter 818 replacement. Districts are encouraged to develop a board approved replacement plan where vehicles are routinely retired after an established number of years. Chapter 818 does not, however, alter the authority of the Commissioner of Education to approve the purchase of a school bus.

School districts should submit an [SA-16 School Bus Purchase form](#) to the SED. They should also submit a copy of the Board resolution indicating the vote authorizing the replacement of said bus or buses; the reason or justification for the replacement, the method of financing, and the bus number being replaced. Questions should be directed to the Office of State Aid (518-474-2977).

APPENDIX K

Transportation Contracts Awarded Through an RFP



Transportation Contracts Awarded Through an RFP

Transportation Contracts may be awarded through a Request for Proposals (RFP), instead of by competitive bid, in accordance with Section 305(14) of Education Law and Section 156.12 of Commissioner's Regulations. Where the RFP method is chosen, each proposal must be evaluated using the ten weighted criteria that are specified in Section 156.12, and the contract must be awarded on the basis of the scores used to assess each criteria. No single criteria can be weighted in excess of 50 percent of the total weight of all criteria. In addition, any public notice soliciting proposals and any instructions provided to potential respondents must specify all of the criteria and the weightings.

The RFP method should not be confused with the process of awarding contracts that are not subject to competitive bidding. It is a method that is much more complex than simply obtaining price quotes from the contractors.

All contracts shall be submitted to the Education Department for approval together with the instructions used in making the request, the contract specifications, all proposals received, and the criteria, weights and scores used to assess the proposals.

- **Transportation RFP Update**

School districts should be reminded of the following when they are awarding transportation contracts through a Request for Proposal (RFP).

- 1) A public notice advertising the RFP must be placed in the official newspaper(s) designated by the Board of Education. The seven day rule for advertisement must be adhered to – i.e. there must be a full five days in between the date of advertisement and the date of bid opening.
- 2) The notice must specify all of the criteria to be used in evaluating proposals received as well as the weightings assigned to each criteria. No single criterion may count for more than 50 percent of the total of the weightings.

- 3) Each proposal received in response to the RFP must be scored by a committee of reviewers following prescribed evaluation criteria. In addition, the district must establish a minimum threshold score below which they will not award the RFP. Even if the district receives only one response, that response must be scored by the committee and committee member scores must be part of the information submitted to the Education Department for approval of the RFP process.
- 4) A copy of all proposals received must be submitted to the Education Department, not simply the winning proposal.
- 5) A copy of the contract specifications and the affidavit of publication must be submitted to the Education Department.
- 6) Approval of the RFP process does not automatically approve the related transportation contract. The approval process of the contract is done separately by the Pupil Transportation Unit and the Office of State Aid. Districts should make sure that they have followed all the appropriate statutory and regulatory requirements for entering into and filing a pupil transportation contract (inc. voter approval for multi-year contracts, filing within 120 days of commencement of the contract, etc.).

We encourage you to contact the Pupil Transportation Unit before you begin the process to ask any questions. Questions regarding the Request for Proposal process should be addressed to Jay O'Connor at 518-474-6541 or at joconno3@mail.nysed.gov. Questions regarding the contracts themselves should be addressed to Bill Demski, also at 518-474-6541.

Further information about Requests for Proposal may be found at our website, <http://www.emsc.nysed.gov/schoolbus/>, under "Commissioners Regulations" and "School Business Official/Administrator Contract/Extension Forms" (both of these links are found in the blue column on the right hand side of the page).