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Pupil Transportation Unit
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DATE: December 18, 2025

TO: BOCES District Superintendents
School District Superintendents
BOCES/School District Business Officials
Transportation Directors

FROM: David Elliott, Coordinator – Educational Aid Services

SUBJECT: Zero-Emission Busing – Extension Waiver #1 - Guidance

Background

New York State Education Law §3638 requires that all buses purchased by school districts or third-party transportation service providers after June 30, 2027 must be zero-emission vehicles; and that all school buses in New York State must be zero-emission vehicles by the year 2035. While several zero-emission vehicle technologies exist, the only solution currently able to be deployed at scale in New York State is electric vehicles.

§3638(2) of the Education Law requires that no later than July first, two thousand twenty-seven, every school district shall:

1. only purchase or lease zero-emission school buses when purchasing or leasing new buses;
2. include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only purchase or lease zero-emission school buses when purchasing or leasing new school buses; and
3. include requirements in any procurement for the manufacturing or retrofitting of a zero-emission school bus and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero-emission school bus and charging or fueling infrastructure shall occur in the United States, its territories or possessions.

School districts that are unable to comply with the statutory purchasing and procurement requirements above may apply for up to two 2-year extensions to waive these requirements. The NY State Enacted 2025-26 Budget provided that NYSED must make the application form for the first extension waiver available no later than December 31, 2025. Pursuant to this, the New York State Education Department developed an Extension Waiver Application in accordance with the provisions in §3638(4) of the Education Law which applies only to the purchasing requirements in §3638(2).

Extension Waiver Impact

An approved Extension Waiver allows a school district to receive Transportation Aid on internal combustion vehicles purchased or leased after June 30, 2027, and/or to receive Transportation Aid for new or extended transportation contracts executed after June 30, 2027 that do not require service contractors to purchase or lease only zero-emission buses. The extension waiver does not give school districts additional time past July 1, 2035 for full fleet and service transition as **Extension Waivers do not impact the statutory deadline for all fleets to be fully converted**. This statutory deadline remains July 1, 2035. The requirement for a district's fleet to be fully transitioned to zero-emission is contained in §3638(3) of the Education Law:

No later than July first, two thousand thirty-five, every school district shall: (a) only operate and maintain zero-emission school buses; and (b) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only operate zero-emission school buses when providing such transportation services to the school district.

Extension Waiver Application Process

The Extension Waiver Application will be made available under the Transportation program unit within the SED Monitoring and Vendor Performance application inside the SED Business Portal. The questions focus on the district's progress towards meeting the statutory deadline and allows the district to upload evidence of their efforts. Please be sure to answer all questions and upload all supporting evidence documents to avoid any delays in processing the application. Clearly mark and label all evidence documents to assure accuracy in the review process.

A "Yes" response to any question in the application, when supported with appropriate documentation, will score 1, 2, or 3 points. Applicants must attain at least 3 points overall to be approved for an initial Zero Emission Busing Extension Waiver. The scoring rubric is as follows:

Question Number	Question Title	Score if “Yes”
5	Voter Proposition	2
6	Funding Denial	2
7	Fleet Electrification Plan	3
8	Utility Upgrades Required	3
9	Electric Bus or Equipment Supply Chain Delay	3
10	Bus Garage Lease Restriction	3
11	New Bus Garage Required	2
12	Contractor Limitations	3
13	Operational Changes Needed	1
14	Other Factors	1-3

In an effort to assure adequate time to inform budget decisions, the application will be accepted on a rolling basis, until **March 1**, of each year. No new applications for the coming school year will be reviewed after the March 1st deadline, save for an emergency purchase need. If such an emergency condition arises, please contact the Office of Pupil Transportation by emailing Transportation@nysed.gov or by calling (518) 474-6541.

NYSED will notify districts of its Extension Waiver Application determination no later than **April 1** of the of the preceding school year. An approved Extension Waiver will permit State Transportation Aid to flow for all otherwise approved transportation expenses for the following 2 school years. Expenses related to noncompliant vehicles or service contracts made after June 30, 2027 will result in forfeiture of transportation aid unless the district was granted a waiver extension.

School districts are strongly cautioned not to apply for an Extension Waiver unless it is absolutely necessary to meet the district’s transportation service needs for the coming school year. Applying and receiving an extension too soon may negatively impact the district in the future. Similarly, school districts are strongly encouraged to continue making positive progress toward fleet transition regardless of whether an extension is needed at any time. Continued effort and/or sustained progress toward fleet conversion shall be necessary to demonstrate if a district wishes to be granted a second 2-year Extension Waiver.

If you have any questions, or need additional technical assistance, please contact NYSED’s Pupil Transportation Unit by emailing Transportation@nysed.gov or by calling (518) 474-6541.