

9147

2009-2010 Regular Sessions

I N   A S S E M B L Y

September 22, 2009

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Introduced by M. of A. WEISENBERG -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring  
school bus drivers and school bus attendants who ride with children  
attending preschool special education programs to complete training in  
the needs of such children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 1 and 2 of section 1229-d of the vehicle and  
2     traffic law, subdivision 1 as added by chapter 675 of the laws of 1985  
3     and subdivision 2 as amended by chapter 164 of the laws of 2003, are  
4     amended to read as follows:  
5     (1) "School bus attendant" shall mean a person employed or authorized  
6     by a school district OR COUNTY PROVIDING TRANSPORTATION TO A "PRESCHOOL  
7     CHILD" PURSUANT TO PARAGRAPH I OF SUBDIVISION ONE OF SECTION FORTY-FOUR  
8     HUNDRED TEN OF THE EDUCATION LAW to ride on a school bus as defined in  
9     paragraph (a) of subdivision one of section five hundred nine-a of this  
10    chapter for the purpose of maintaining order or rendering assistance to  
11    pupils with special needs.  
12    (2) Screening of applicants for position of school bus attendant (a) a  
13    school district, pursuant to a policy statement or resolution adopted by  
14    such district, may review the qualifications of every applicant for the  
15    position of school bus attendant on school buses operated by or under  
16    contract to the district and determine at its discretion whether the  
17    applicant is suitable for qualification. In such cases, applicants may  
18    be made the subject of a criminal history check. Upon receipt of the  
19    fingerprints forwarded to them by such school district, the division of  
20    criminal justice services shall forward to such school district the  
21    criminal history review. A fee not to exceed the cost for the criminal  
22    history review shall be charged by the division of criminal justice

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

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1 services. Such fingerprints also may be submitted to the federal bureau  
2 of investigation for a national criminal history record check.

3 (b) In determining the qualifications of school bus attendants, a  
4 school district OR A COUNTY may use the criteria listed in subdivision  
5 two of section five hundred nine-cc of this chapter relative to criminal  
6 convictions.

7 (c) All inquiries made, and the use of any criminal record obtained,  
8 pursuant to this section shall be in accordance with section two hundred  
9 ninety-six of the executive law. In addition, the secondary dissem-  
10 ination of such information shall be limited to other authorized agen-  
11 cies, by express agreement between the school district and the division  
12 of criminal justice services, or as authorized pursuant to federal law,  
13 and rules and regulations. No cause of action against the school  
14 district, COUNTY or division of criminal justice services for damages  
15 related to the dissemination of criminal history records pursuant to  
16 this section shall exist when the school district, COUNTY or division of  
17 criminal justice services has reasonably and in good faith relied upon  
18 the accuracy and completeness of criminal history information furnished  
19 to it by qualified agencies.

20 (D) IN DETERMINING THE QUALIFICATIONS OF SCHOOL BUS ATTENDANTS, A  
21 COUNTY PROVIDING TRANSPORTATION TO A "PRESCHOOL CHILD" PURSUANT TO PARA-  
22 GRAPH I OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THE  
23 EDUCATION LAW SHALL USE THE SAME CRITERIA SET FORTH IN THIS SUBDIVISION.

24 S 2. Subdivision 4 of section 1229-d of the vehicle and traffic law,  
25 as added by chapter 181 of the laws of 2007, is amended to read as  
26 follows:

27 (4) The commissioner of education, in consultation with the state  
28 commission on quality care and advocacy for persons with disabilities,  
29 shall promulgate rules and regulations requiring that every school bus  
30 attendant serving a PRESCHOOL CHILD, student or students with a disabil-  
31 ity receive training and instruction relating to the understanding of  
32 and attention to the special needs of such students. Such training and  
33 instruction may be included with the training and instruction required  
34 pursuant to subdivision three of this section and shall be provided at  
35 least once per year or more frequently as determined by the commissioner  
36 of education in consultation with the state comprehensive school bus  
37 driver safety training council. For the purposes of this subdivision,  
38 the term "student with a disability" shall have the same meaning as such  
39 term is defined in subdivision one of section forty-four hundred one of  
40 the education law AND THE TERM "PRESCHOOL CHILD" SHALL HAVE THE SAME  
41 MEANING AS SUCH TERM IS DEFINED IN PARAGRAPH I OF SUBDIVISION ONE OF  
42 SECTION FORTY-FOUR HUNDRED TEN OF THE EDUCATION LAW. Any person  
43 employed as a school bus attendant serving a student or students with a  
44 disability on January first, two thousand nine shall comply with the  
45 requirements of this subdivision by July first, two thousand nine. Any  
46 person hired after January first, two thousand nine shall complete such  
47 training, instruction and testing prior to assuming his or her duties as  
48 a school bus attendant serving a student or students with a disability.  
49 ANY PERSON EMPLOYED AS A SCHOOL BUS ATTENDANT SERVING A PRESCHOOL CHILD  
50 SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBDIVISION BY JULY FIRST,  
51 TWO THOUSAND TEN.

52 S 3. This act shall take effect in sixty days; provided, however, that  
53 effective immediately, the addition, amendment and/or repeal of any rule  
54 or regulation necessary for the implementation of this act on its effec-  
55 tive date are authorized and directed to be made and completed on or  
56 before such effective date.