S T A T E O F N E W Y O R K

3287

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. WEISENBERG, BENEDETTO, TITUS, BARRON, ROBINSON, MILLMAN, CASTRO -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, MARKEY, MAYERSOHN, McDONOUGH, McENENY, MONTESANO, PHEFFER, SALADINO, TOBACCO -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 2 of section 1229-d of the vehicle and traffic law, subdivision 1 as added by chapter 675 of the laws of 1985 and subdivision 2 as amended by chapter 164 of the laws of 2003, are amended to read as follows:

(1) "School bus attendant" shall mean a person employed or authorized by a school district OR COUNTY PROVIDING TRANSPORTATION TO A "PRESCHOOL CHILD" PURSUANT TO PARAGRAPH I OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THE EDUCATION LAW to ride on a school bus as defined in paragraph (a) of subdivision one of section five hundred nine-a of this chapter for the purpose of maintaining order or rendering assistance to pupils with special needs.

(2) Screening of applicants for position of school bus attendant (a) a school district, pursuant to a policy statement or resolution adopted by such district, may review the qualifications of every applicant for the position of school bus attendant on school buses operated by or under contract to the district and determine at its discretion whether the applicant is suitable for qualification. In such cases, applicants may be made the subject of a criminal history check. Upon receipt of the fingerprints forwarded to them by such school district, the division of criminal justice services shall forward to such school district the criminal history review. A fee not to exceed the cost for the criminal history review shall be charged by the division of criminal justice services. Such fingerprints also may be submitted to the federal bureau of investigation for a national criminal history record check.

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

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

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

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

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

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

S 3. This act shall take effect on the sixieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.