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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law and the vehicle and traffic law, in relation to providing for the installation and use of video monitoring systems on school buses

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

1 Section 1. The education law is amended by adding a new section 3624-a
2 to read as follows:
3 S 3624-A. SCHOOL BUS VIDEO MONITORING SYSTEMS. 1. THE COMMISSIONER, IN
4 CONSULTATION WITH THE COMMISSIONER OF TRANSPORTATION, SHALL PROMULGATE
5 RULES AND REGULATIONS TO REQUIRE THE BOARD OF EDUCATION OR TRUSTEES OF
6 EVERY SCHOOL DISTRICT IN THE STATE TO PROVIDE FOR THE INSTALLATION AND
7 USE OF ONE OR MORE SCHOOL BUS VIDEO MONITORING SYSTEMS, AS DEFINED IN
8 SUBDIVISION THIRTEEN-A OF SECTION THIRTY-SIX HUNDRED TWENTY-ONE OF THIS
9 ARTICLE, ON EVERY SCHOOL BUS, AS DEFINED IN SUBDIVISION SIX OF SUCH
10 SECTION, THAT IS PURCHASED, LEASED, CONTRACTED FOR OR USED FOR THE
11 TRANSPORTATION OF ENROLLED PUPILS FOR ANY REASON BY SUCH DISTRICT OR BY
12 A SCHOOL WITHIN THE DISTRICT. THE COMMISSIONER OF TRANSPORTATION, IN
13 CONSULTATION WITH THE COMMISSIONER, SHALL AMEND THE RULES AND REGU-
14 LATIONS PROMULGATED PURSUANT TO SECTION THIRTY-SIX HUNDRED TWENTY-THREE
15 OF THIS ARTICLE, TO REQUIRE THAT EVERY SCHOOL BUS BE EQUIPPED WITH ONE
16 OR MORE SCHOOL BUS VIDEO MONITORING SYSTEMS IN ACCORDANCE WITH THE
17 REQUIREMENTS OF SUBDIVISION TWENTY-ONE-J OF SECTION THREE HUNDRED SEVEN-
18 TY-FIVE OF THE VEHICLE AND TRAFFIC LAW AND THIS SECTION.
19 2. THE COMMISSIONER'S RULES AND REGULATIONS SHALL REQUIRE SCHOOL
20 DISTRICTS TO PROMULGATE, COMMUNICATE AND ENFORCE POLICIES AND PROCEDURES
21 TO BE FOLLOWED WHEN USING ON-BOARD VIDEO MONITORING SYSTEMS. SUCH POLI-
22 CIES AND PROCEDURES SHALL INCLUDE AT A MINIMUM, AND SHALL BE CONSISTENT
23 WITH, THE FOLLOWING REQUIREMENTS:

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

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1 A. VIDEO CAMERAS ON SCHOOL BUSES SHALL BE USED ONLY AS AN AID TO MONI-
2 TOR ON-BOARD ACTIVITIES. THESE DEVICES SHALL NOT REPLACE DISCIPLINE
3 POLICY, THE AUTHORITY OF THE DRIVER, OR THE RESPONSIBILITY OF SCHOOL
4 OFFICIALS. THE CODE OF CONDUCT FOR PUPIL BEHAVIOR ON SCHOOL PROPERTY,
5 ADOPTED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER, AS
6 IT RELATES TO CONDUCT ON SCHOOL BUSES, AND ALL OTHER SAFE-DRIVING AND
7 SAFE-RIDING RULES, REGULATIONS, POLICIES AND PROCEDURES OF THE DISTRICT
8 OR REQUIRED BY LAW OR BY THE COMMISSIONER CONSISTENT WITH LAW SHALL BE
9 ENFORCED ON SCHOOL BUSES WHETHER OR NOT PUPILS ARE BEING TRANSPORTED ON
10 SUCH BUSES AT THE TIME CONDUCT BY A SCHOOL BUS DRIVER OR PASSENGER WHILE
11 ON-BOARD THE BUS IS OBSERVED.

12 B. ALL PUPILS AND ALL SCHOOL BUS DRIVERS SHALL BE NOTIFIED THAT THEY
13 ARE SUBJECT TO BEING VIDEOTAPED ON A SCHOOL BUS AT ANY TIME. SUCH
14 NOTIFICATION SHALL BE MADE BY THE SCHOOL TO THE PARENTS OF ALL ENROLLED
15 PUPILS. PRIOR TO ACTUAL VIDEOTAPING, DRIVERS, PARENTS AND PUPILS SHALL
16 BE ADVISED WHAT DRIVER CONDUCT AND WHAT PUPIL CONDUCT IS PROHIBITED BY
17 THE STATE AND BY THE DISTRICT AND THAT SUCH CONDUCT WILL RESULT IN SPEC-
18 IFIED DISCIPLINARY CONSEQUENCES AS DEFINED IN THE ESTABLISHED DISCIPLINE
19 POLICY. ACTUAL VIDEOTAPING SHALL BE BY MEANS OF SIMULTANEOUS AUDIO AND
20 VIDEO RECORDING.

21 C. REGULAR AND PERIODIC NOTIFICATIONS REGARDING VIDEOTAPING MUST
22 OCCUR, ADDRESSING THE PURPOSE AND USE OF VIDEO EQUIPMENT AND THE NEED
23 FOR PERSONAL AWARENESS OF SAFETY ISSUES. THESE NOTIFICATIONS SHALL BE
24 MADE TO GUARD AGAINST A FALSE SENSE OF SECURITY. THE USE OF NEWSLETTERS,
25 PUPIL HANDOUTS, AND NOTICES POSTED WITHIN THE BUS SHALL CONSTITUTE MEANS
26 OF FULFILLING THIS REQUIREMENT.

27 D. AFTER VIDEOTAPING HAS BEEN CONDUCTED, THE TAPES SHALL BE STORED IN
28 A SECURE LOCATION FOR A PERIOD OF TIME DESIGNATED BY DISTRICT POLICY,
29 EXCEPT THAT A SPECIFIC TAPE MAY BE REMOVED FROM STORAGE FOR PLAYBACK
30 WHENEVER IT IS NEEDED IN AN ONGOING LEGAL ACTION OR PROCEEDING.

31 E. THE BOARD OF EDUCATION OR TRUSTEES OF EVERY SCHOOL DISTRICT SHALL
32 DESIGNATE ONE OR MORE PERSONNEL EMPLOYED BY THE DISTRICT OR BY EVERY
33 SCHOOL WITHIN THE DISTRICT TO PERIODICALLY REVIEW VIDEOTAPES ON A RANDOM
34 BASIS TO ENSURE PROPER DRIVER AND PUPIL CONDUCT. IF NO MISCONDUCT OR
35 SAFETY-RELATED INCIDENTS ARE REPORTED WITHIN A PERIOD DEFINED BY THE
36 POLICY OF THE DISTRICT, THE TAPES MAY BE RECYCLED FOR FUTURE USE. HOWEV-
37 ER, IF MISCONDUCT OR SAFETY-RELATED INCIDENTS ARE REPORTED, OR IF ANY
38 SUCH INCIDENT IS VIEWED DURING THE RANDOM SELECTION PROCESS, THE TAPES
39 SHALL BE STORED UNTIL FINAL RESOLUTION OR UNTIL SUCH TIME AS ANY ADMIN-
40 ISTRATIVE APPEAL OR LEGAL ACTION OR PROCEEDING IS CONCLUDED.

41 S 2. Section 3621 of the education law is amended by adding a new
42 subdivision 13-a to read as follows:

43 13-A. SCHOOL BUS VIDEO MONITORING SYSTEM. THE TERM "SCHOOL BUS VIDEO
44 MONITORING SYSTEM" MEANS ONE OR MORE ELECTRONIC DEVICES CONSISTING OF AT
45 LEAST A VIDEO CAMERA AND MICROPHONE AND VIDEOTAPING AND AUDIOTAPING
46 EQUIPMENT, INSTALLED ON A SCHOOL BUS AND CAPABLE OF RECORDING THE
47 CONDUCT AND MOVEMENT OF PERSONS WITHIN THE DRIVER AND PASSENGER COMPART-
48 MENTS OF THE BUS.

49 S 3. Paragraph c of subdivision 2 of section 3623-a of the education
50 law, as amended by chapter 453 of the laws of 2005, is amended to read
51 as follows:

52 c. The purchase of equipment deemed a proper school district expense,
53 including: (i) the purchase of two-way radios to be used on old and new
54 school buses, (ii) the purchase of stop-arms, to be used on old and new
55 school buses, (iii) the purchase and installation of seat safety belts
56 on school buses in accordance with the provisions of section thirty-six

1 hundred thirty-five-a of this article, (iv) the purchase of school bus
2 back up beepers, (v) the purchase of school bus front crossing arms,
3 (vi) the purchase of school bus safety sensor devices, (vii) THE
4 PURCHASE AND INSTALLATION OF SCHOOL BUS VIDEO MONITORING SYSTEMS ON
5 SCHOOL BUSES IN ACCORDANCE WITH THE PROVISIONS OF SECTION THIRTY-SIX
6 HUNDRED TWENTY-FOUR-A OF THIS ARTICLE, (VIII) the purchase and installa-
7 tion of exterior reflective marking on school buses, [(viii)] (IX) the
8 purchase of automatic engine fire extinguishing systems for school buses
9 used to transport students who use wheelchairs or other assistive mobil-
10 ity devices, and [(ix)] (X) the purchase of other equipment as
11 prescribed in the regulations of the commissioner; and

12 S 4. Section 375 of the vehicle and traffic law is amended by adding a
13 new subdivision 21-j to read as follows:

14 21-J. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF
15 TRANSPORTATION, SHALL PROMULGATE RULES AND REGULATIONS FOR THE USE OF
16 SCHOOL BUS VIDEO MONITORING SYSTEMS ON SCHOOL BUSES.

17 S 5. This act shall take effect on the one hundred twentieth day after
18 it shall have become a law, provided, however, that effective immediate-
19 ly, the addition, amendment and/or repeal of any rules or regulations
20 necessary for the implementation of the foregoing sections of this act
21 on the effective date of this act is authorized and directed to be made
22 and completed on or before such effective date.