

# STATE OF NEW YORK

3423

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

Introduced by M. of A. SANTABARBARA -- 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 § 2. Subdivision 4 of section 1229-d of the vehicle and traffic law,  
25 as amended by section 6 of part E of chapter 501 of the laws of 2012, is  
26 amended to read as follows:

27 (4) The commissioner of education, in consultation with the justice  
28 center for the protection of people with special needs, shall promulgate  
29 rules and regulations requiring that every school bus attendant serving  
30 a preschool child, student or students with a disability receive train-  
31 ing and instruction relating to the understanding of and attention to  
32 the special needs of such students. Such training and instruction may be  
33 included with the training and instruction required pursuant to subdivi-  
34 sion three of this section and shall be provided at least once per year  
35 or more frequently as determined by the commissioner of education in  
36 consultation with the state comprehensive school bus driver safety  
37 training council. For the purposes of this subdivision, the term  
38 "student with a disability" shall have the same meaning as such term is  
39 defined in subdivision one of section forty-four hundred one of the  
40 education law and the term "preschool child" shall have the same meaning  
41 as such term is defined in paragraph i of subdivision one of section  
42 forty-four hundred ten of the education law. Any person employed as a  
43 school bus attendant serving a student or students with a disability on  
44 January first, two thousand nine shall comply with the requirements of  
45 this subdivision by July first, two thousand nine. Any person hired  
46 after January first, two thousand nine shall complete such training,  
47 instruction and testing prior to assuming his or her duties as a school  
48 bus attendant serving a student or students with a disability. Any  
49 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 twenty-four.

52 § 3. This act shall take effect on the sixtieth day after it shall  
53 have become a law. Effective immediately, the addition, amendment  
54 and/or repeal of any rule or regulation necessary for the implementation  
55 of this act on its effective date are authorized to be made and  
56 completed on or before such effective date.