§ 1229-d. School bus attendant. (1) "School bus attendant" shall mean a person employed or authorized by a school district 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.

(b) In determining the qualifications of school bus attendants, a school district 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 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 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.

(3) The commissioner of education shall promulgate rules and regulations requiring that every school bus attendant serving pupils

with a disabling condition receive school bus safety training and instruction relating to the special needs of such pupils. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation where such skills are required as part of the individualized education plan prepared for the student, as well as any additional first aid or health emergency skills that the commissioner of education deems appropriate and necessary for school bus attendants to possess. In addition, such school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the commissioner of education. Any person employed as a school bus attendant serving pupils with a disabling condition on January first, two thousand four shall comply with the requirements of this subdivision by July first, two thousand four. Any person hired after January first, two thousand four shall complete training, instruction and testing prior to assuming their duties as a school bus attendant serving pupils with a disabling condition.

(4) The commissioner of education, in consultation with the justice center for the protection of people with special needs, shall promulgate rules and regulations requiring that every school bus attendant serving a 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. 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.