

Requirements for School Bus Drivers, Monitors and Attendants

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INTRODUCTION

In June 2003, the Board of Regents approved an amendment to Section 156.3 of the Commissioner's Regulations regarding the qualifications of school bus drivers, monitors and attendants. This revised rule also establishes school bus training and instruction requirements for attendants serving students with disabilities. The amendment, effective July 10, 2003, was necessary to comply with Chapters 472, 529 and 600 of the Laws of 2002. The purpose of this Bulletin is to provide information on the new requirements and to provide local leaders and members guidance in regard to these changes. Attached is a summary of the amended regulations.

HIGHLIGHTS OF THE CHANGES

- All school bus drivers, monitors and attendants are required to receive pre-service and refresher training.
- Newly hired attendants are required to complete a course of specialized training within the first year of employment and obtain certification in cardiopulmonary resuscitation where such certification is required as part of the individualized education program of a student with a disability.
- School districts are authorized to use nurse practitioners to administer the medical exam required for school bus drivers and permits the physical performance test to be administered to groups of school bus drivers once every 24 months rather than 30 days before or after an individual's road test.
- School districts may also conduct the first bus drill within the first seven days of school rather than the first week of school and are given more time in which to conduct the two annual refresher sessions for school bus drivers.

Summary of Amendments to Commissioner's Regulations Regarding School Bus Drivers, Monitors and Attendants

Definitions - Section 156.3(a) of the Regulations

- **School Bus Driver** - The definition of a school bus driver was amended to clarify that it includes any person who drives a bus that is owned, leased or contracted for by a Board of Cooperative Educational Services (BOCES) for the purpose of transporting students. (The prior definition limited the definition of school bus drivers to those affiliated with school districts.)
- **School Bus** - A new definition of school bus was added and means every vehicle owned or contracted for by a public school district or BOCES operated for the transportation of students, children of students, teachers and other persons acting in a school capacity to and from school or school activities.
- **School Bus Monitor** - A new definition of school bus monitor was added and means any person whose duty is to assist students to safely embark and disembark from a school bus which is owned, leased or contracted by a school district or BOCES, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.

- **School Bus Attendant** - A new definition of school bus attendant was added and means any person who is employed to serve students with disabilities on a school bus.

School Bus Driver and Instructor Qualifications - Section 156.3(b) of the Regulations

- A nurse practitioner is now authorized to perform an annual physical examination. The prior Regulations limited this function to a physician. The nurse practitioner and physician are authorized to require the school bus driver to undergo any diagnostic tests that are necessary to determine whether the driver has the physical and mental ability to safely operate a school bus. The interval between physical examinations must not exceed a 13-month period (versus 12-month period previously).
- In the case of a driver who is absent from service for 60 or more consecutive days from his or her scheduled work duties, the interval between physical performance tests must not exceed 24 months.
- A school district or BOCES is now authorized, upon a waiver approved by the Commissioner, to permit Department of Motor Vehicles (DMV) Certified 19A Examiners employed by that carrier to administer the physical performance test to school bus drivers. A certified school bus driver instructor is not required to be physically present during the administration of the test, as long as such test is conducted under the general supervision of a certified school bus instructor. The certified school bus driver instructor is required to instruct the DMV examiner in the proper administration of the physical performance test and must review and approve the test results of all physical performance tests administered by the examiner.

Pre Service, Safety Training, and Refresher Training for School Bus Drivers - Section 153.3(b)(5) of the Regulations

- Each school bus driver must receive a minimum of two hours of refresher instruction at least two times a year conducted between July 1st and the first day of school and between December 1st and March 1st of each school year. All training shall be provided by, or under the direct supervision of a school bus driver instructor (SBDI) certified by the Commissioner.
- To qualify as a school bus driver instructor (SBDI) an individual must successfully complete a training and evaluation course taught by a certified master instructor. The course must be approved by the Commissioner upon the recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee. Each person who applies for this course must be currently employed by a school district, BOCES or private contractor who is currently providing pupil transportation services for a school district or BOCES. Each SBDI should also have completed the Basic Course of Instruction in school bus safety practices.
- To maintain certification, the SBDI is required to attend the annual Professional Development Seminar (PDS) approved by the Commissioner and taught by a certified master instructor. The PDS shall provide refresher training in: presentation skills, lesson planning, school bus safety techniques, and requirements and statistics. The PDS must provide SBDIs with training materials for the upcoming school year safety training campaign, including information which must be conveyed to all school bus drivers in the next two driver refreshers.

Qualifications of Master Instructors - Section 156.3(b) (5) (vi) of the Regulations

Master Instructors are authorized to conduct training programs for individuals to become certified school bus driver instructors (SBDIs) and work in the development of safety training curricula and delivery of the annual Professional Development Seminar. To qualify as a master instructor, the individual must:

- be a certified SBDI for at least five years;
- have demonstrated the ability to teach others the concepts of the school bus safety training program;
- hold a New York State teaching certificate or employment experience in a pupil transportation position in New York State;
- have satisfactorily completed a mentor training program or project; and
- satisfy other requirements as prescribed by the Commissioner.

School Bus Monitor and Attendant Qualifications - Section 156.3(c) (2) and (3) of the Regulations

- All bus monitors and attendants shall:
- be at least 19 years old; and
- have the physical and mental ability to satisfactorily perform his or her duties.

- Each individual may be examined on order of the chief school administrator (CSA) by a physician within two weeks prior to the beginning of service in each school year. The physician's written report must be considered by the CSA in determining the fitness of the individual to carry out his or her functions. The physician may require the individual to undergo any diagnostic tests necessary to determine the physical and mental ability of the individual to perform his or her duties.
- Each monitor or attendant must pass a physical performance test. Individuals employed before July 1, 2003 shall have until July 1, 2004 to take and pass a physical performance test administered by a SBDI (see exemption below). Individuals hired after July 1, 2003 must take and pass such test before they may assume their duties. The physical performance test includes, but is not limited to, the following functions: climb and descend bus steps, carry or drag students in a bus emergency evacuation and exit one self quickly from an emergency door.
- School districts, BOCES or transportation contractors may apply to the Commissioner to permit DMV examiners to administer the physical performance test to monitors and attendants employed by the carrier. A SBDI is not required to be present during the administration of the test provided the testing is conducted under the general supervision of an SBDI. The SBDI must review and approve the test results of the physical performance tests administered by the examiner.
- A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of the position. The individual may request a re-examination, the cost of which will be borne by the employer, if the person passes it. If not, the cost is at the expense of the monitor/attendant.

Required Certifications - Section 156.3(c) (4) of the Regulations

- Effective December 4, 2003, Attendants employed before January 1, 2004 shall have until July 1, 2004 to obtain training and certification in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education program (IEP) of a student with a disability. Those hired after January 1, 2004 must have such certificate prior to assuming their duties of such skill required as part of a student's IEP. [Conforms with the provisions of Vehicle and Traffic Law, as amended by Chapter 159 of the Laws of 2003 to change the effective dates and clarify training requirements.]
- School districts may require monitors and attendants to maintain certification in first aid.

Pre-Service Safety Training and Refresher Training - Section 156.3(c) (5)

Monitors or attendants employed as of July 1, 2003 must comply with the following requirements no later than July 1, 2004. Those hired after July 1, 2003 must comply with such requirements before assuming such duties.

- Three hours of pre-service instruction or instruction relating to school bus safety practices, child management techniques, and proper technique for assisting children to safely embark or disembark a school bus. (An SBDI is not required to be physically present during training conducted by a school district or transportation contractor provided that such training is conducted under the general supervision of the SBDI.) PLEASE NOTE: Any school bus monitor or attendant employed on January 1, 2004 serving students with disabilities, must receive instruction relating to special needs transportation including, the proper techniques for assisting these students in entering or exiting the school bus by July 1, 2004. Any person hired after January 1, 2004 shall complete such special needs instruction prior to assuming their duties as a monitor or attendant. [Pursuant to Chapter 159 of the Laws of 2003]
- Attendants and monitors hired after July 1, 2003 must complete a 10-hour Basic Course of Instruction for Monitors and Attendants within their first year of employment.
- All bus monitors and attendants must receive a 2-hour refresher training session annually at sessions conducted between July 1st and the first day of school, and between December 1st and March 1st of each school year.

Rules Affecting Students and Driving Rules - Section 156.3(d) and (e) of the Regulations

School bus drivers, monitors and attendants have the responsibility for ensuring the safety of students being transported. While certain responsibilities are incumbent on the school bus driver in operating the vehicle, other responsibilities are also part of the responsibility of a school bus monitor or attendant. Many of the duties noted below were identified as school bus driver responsibilities. The responsibilities have been expanded to those of monitors and attendants.

Drivers, monitors and attendants:

- must not allow students to enter or leave the bus while it is in motion;
- are held responsible for reasonable behavior of pupils in transit;
- must not allow pupils to thrust their heads or arms out of open windows;
- must not leave the school bus when children are inside, except in case of emergency. (Monitors and attendants may leave the school bus for the purpose of assisting students to embark or disembark the vehicle and to safely cross the street.);
- must check the vehicle to ensure no child is left behind on board unattended at the end of the bus route;
- must not smoke at any time while within a school bus; and
- must not eat or drink any liquid or perform any act of conduct themselves in any manner which may impair the safe operation of the bus.

Drills on School Buses - Section 156.3 (f)

A minimum of 3 drills shall be held on each school bus during the following times for the school year:

- once during the first 7 days of school (previously required to be conducted within the first week of the school year);
- once between November 1 and December 31 (not new); and
- once between March 1 and April 30 (not new).