

(2) Each school district which seeks an apportionment pursuant to Education Law, section 3602(7)(b)(iv) shall annually prepare and submit to the commissioner for prior approval a contract or plan describing the service.

Historical Note

Sec. amd. filed Nov. 15, 1962; repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, new added by renum. 156.12, filed Nov. 28, 1977; amd. filed May 24, 1982 eff. June 23, 1982.

§ 156.3 Safety regulations for drivers and pupils.

Education Law, § 3624]

(a) *Approval for employment of school bus drivers.* Approval for employment of a school bus driver shall be in writing on a form prescribed by the Commissioner of Education. A *school bus driver* shall mean any person who drives a school bus which is owned, leased or contracted for by a public school district for the purpose of transporting pupils. However, for the purposes of this section, the following shall not be considered to be school bus drivers:

(1) a driver of a passenger or suburban type vehicle if such driver is a school district employee who is not ordinarily required to transport pupils and is operating such vehicle for the purpose of transporting one or more pupils to a hospital or other medical facility, a physician's office, or home for medical treatment or because of illness;

(2) a driver of a suburban intercity coach or transit type bus, transporting pupils on trips other than between home and school, such as field trips, athletic trips, and other special transportation services; and

(3) a parent who transports exclusively his or her own children.

(b) *Age.* All drivers of school transportation conveyances shall be at least 21 years of age.

(c) *Physical fitness.* (1) Each driver of a school transportation conveyance shall have the physical and mental ability to operate safely a school transportation conveyance and to satisfactorily perform the other responsibilities of a school bus driver; and shall meet the requirements of section 6.11 of the regulations of the Commissioner of Motor Vehicles (15 NYCRR 6.11) to the extent that such requirements are consistent with the requirements of this subdivision and provided that the vision standards prescribed in section 6.11(b)(10) of the regulations of the Commissioner of Motor Vehicles (15 NYCRR) shall not be waived.

(2) Each regular or substitute driver of a school bus owned, leased or contracted for by a school district shall be examined by a physician, in accordance with the provisions of this subdivision. The physical examination shall be reported immediately on forms prescribed by the commissioner to the chief school officer of the district. The physical examination shall include, as a minimum, those requirements specified on the prescribed physical examination report. The examining physician shall 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 operate safely a school transportation conveyance. Each school bus driver shall receive an annual physical examination, and each driver who is to be initially employed shall be examined within four weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a 12-month period.

(3) Each regular or substitute driver of a school bus owned, leased or contracted for by a school district shall pass a physical performance test approved by the commissioner, upon recommendation of an advisory group of certified school bus driver instructors, at least once every two years. The testing date shall coincide with the driver's requirement to take the biennial behind-the-wheel road test required by section 509-g (Article 19-A) of the Vehicle and Traffic Law. Additionally, the test shall be administered to any driver following an absence from service of 60 or more consecutive days from his or her scheduled work duties.

(i) A physical performance test shall be conducted by a certified school bus driver instructor and shall assess the driver/applicant's ability to perform the following functions of a school bus driver: repeatedly open and close a manually operated bus entrance door, climb and descend bus steps, operate hand controls simultaneously and quickly, have quick reaction time from throttle to brake, carry or drag individuals in a bus emergency evacuation,

repeatedly depress clutch and/or brake pedals, and exit quickly oneself and students from an emergency door.

(ii) A driver/applicant who fails any portion of the physical performance test shall be deemed unqualified to operate a school transportation conveyance until a re-examination is passed. Such driver/applicant may request re-examination which shall be administered no sooner than three days from the prior test. The cost of such re-examination shall be borne by the employer if the driver/applicant passes the re-examination, or the driver/applicant if he or she fails the re-examination.

(iii) A school bus driver who is employed by a school district, board of cooperative education services, or contractor as of September 1, 1997 shall have until July 1, 2000 to take and pass the driver physical performance test. All drivers hired by school districts, boards of cooperative education services, or contractors after September 1, 1997 shall be required to pass the driver physical performance test before they may transport pupils.

(d) *Required licenses.* (1) Each driver of a motor vehicle conveying school children shall have the appropriate operator's or commercial driver's license to operate such motor vehicle.

(2) Each school bus driver initially employed by a board of education or transportation contractor subsequent to July 1, 1973, shall have received at least two hours of instruction on school bus safety practices. Each driver of a vehicle transporting pupils with handicapping conditions exclusively who is initially employed subsequent to January 1, 1976, shall have received an additional hour of instruction concerning the special needs of a pupil with a handicapping condition. During the first year of employment, each driver shall complete a course of instruction in school bus safety practices approved by the commissioner, which shall include two hours of instruction concerning the special needs of a pupil with a handicapping condition. All school bus drivers shall receive a minimum of two hours of refresher instruction in school bus safety at least two times a year, at sessions conducted prior to the first day of school and prior to February first of each year. Refresher courses for drivers of vehicles transporting pupils with handicapping conditions exclusively shall also include instruction relating to the special needs of a pupil with a handicapping condition. Occasional drivers for other than regular routes shall not be required to receive the training specified in this paragraph. For the purposes of this paragraph, *occasional driver* shall mean a certified teacher employed by a school district or a board of cooperative educational services, who is not primarily employed on either a full-time or part-time basis as a school bus driver or substitute school bus driver.

(3) Except as otherwise provided in subparagraphs (i) and (ii) of this paragraph, all training required in this subdivision shall be provided by, or under the direct supervision of a school bus driver instructor approved by the commissioner. To qualify as an approved school bus driver instructor, individuals shall successfully complete a school bus driver instructor training and evaluation program. Such program shall be approved annually by the commissioner upon the recommendation of an advisory group consisting of at least seven approved school bus driver instructors appointed annually for such purpose by the commissioner. Programs shall include but shall not be limited to the following content areas: planning and making presentations including lesson plans and objectives, school bus accident statistics and interpretation, effective communications, and evaluation. Each person who applies for admission to this program shall be currently employed by a public school district, BOCES, or private contractor who is currently providing pupil transportation services for a public school district or BOCES. Each such person shall possess a high school diploma or equivalent diploma and shall have completed a course in instruction in school bus safety practices approved by the commissioner. In addition, each such person shall have completed the Advanced New York State School Bus Driver Training Program or a Department of Motor Vehicles approved Point/Insurance Reduction Program. To maintain approval, instructors shall be required to attend annual refresher training seminars prescribed by the department.

(i) An approved school bus driver instructor's physical presence shall not be required during training conducted upon initial employment of a school bus driver by a board of

education or transportation contractor, provided that such training is conducted under the general supervision of such an approved instructor.

(ii) Upon application by a board of education, a variance may be granted from the requirements of this paragraph for the 1990-91 school year only, upon a finding by the commissioner that the services of an approved school bus driver instructor are not available to provide the required training.

(e) *Character requirement.* The driver of a vehicle for the transportation of school children shall be of good moral character and thoroughly reliable. At the time of initial application and at such other times as the superintendent of schools or district superintendent of schools may determine, each applicant for approval for employment as a school bus driver shall furnish to the superintendent at least three statements from three different persons who are not related either by blood or marriage to the applicant pertaining to the moral character and to the reliability of the applicant.

(f) *Rules affecting pupils.* (1) Drivers shall not allow pupils to enter or leave the bus while it is in motion.

(2) Drivers are held responsible for reasonable behavior of pupils in transit.

(3) Drivers shall not allow pupils to thrust their heads or arms out of open windows.

(4) The driver of a school bus, when discharging pupils who must cross the highway, shall instruct such pupils to cross the highway at a distance of 10 feet in front of the bus so as to be in the vision of the driver. The driver shall also keep such school bus halted with red signal lights flashing until such pupils have reached the opposite side of the highway.

(5) Gas tanks shall not be filled while pupils are in the bus.

(g) *Driving rules.* (1) Drivers shall be familiar with the Vehicle and Traffic Law, regulations of the Commissioner of Motor Vehicles and regulations of the Commissioner of Education pertaining to pupil transportation.

(2) Drivers shall make a full stop at all railroad crossings and at State highways before crossing except that no stop need be made at any railroad crossing where a police officer or a traffic control signal or sign directs traffic to proceed.

(3) Drivers shall give warning before making a left-hand or right-hand turn.

(4) Drivers shall not leave school bus when children are inside except in case of emergency, and in such case before leaving the bus driver shall stop the motor, remove the ignition key, set the auxiliary brake and leave the transmission in gear.

(5) Drivers shall not smoke, eat or drink any liquid, or perform any act or conduct themselves in any manner which may impair the safe operation of a school bus while such vehicle is transporting pupils.

(6) Drivers shall not exceed a maximum speed limit of 55 miles per hour on any road within or outside of New York State while their school bus is being used for the transportation of pupils.

(h) *Drills on school buses.* (1) The drills on school buses required by section 3623 of the Education Law shall include practice and instruction in the location, use and operation of the emergency door, fire extinguishers, first-aid equipment and windows as a means of escape in case of fire or accident. Drills shall also include instruction in safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking. Each drill shall include specific instructions for pupils to advance at least 10 feet in front of the bus before crossing the highway after disembarking. Each drill shall emphasize specific hazards encountered by children during snow, ice, rain, and other inclement weather, including but not necessarily limited to poor driver visibility, reduced vehicular control and reduced hearing. All such drills shall include instruction in the importance of orderly conduct by all school bus passengers with specific emphasis given to student discipline rules and regulations promulgated by each board of education. Such instruction and the conduct of the drills shall be given by a member or members of the teaching or pupil transportation staff. Pupils attending public and nonpublic schools who do not participate in the

drills held pursuant to this paragraph shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.

(2) A minimum of three such drills shall be held on each school bus during the school year, the first to be conducted during the first week of the fall term, the second between November 1st and December 31st and the third between March 1st and April 30th.

(3) No drills shall be conducted when buses are on routes.

(4) The school authorities shall certify on the annual report to the State Education Department that their district has complied with this subdivision.

(i) *Instruction on use of seat belts.* In each school district in which pupils are transported on school buses equipped with seat safety belts, such district shall insure that all pupils who are transported on any school bus owned, leased or contracted for by the district shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three times each year to both public and nonpublic school pupils who are so transported and shall include, but not be limited to:

- (1) proper fastening and release of seat safety belts;
- (2) acceptable placement of seat safety belts on pupils;
- (3) times at which the seat safety belts should be fastened and released; and
- (4) acceptable placement of the seat safety belts when not in use.

Historical Note

Sec. repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, new added by renum. 156.13, filed Nov. 28, 1977; amds. filed: Dec. 17, 1979; Oct. 27, 1980; Sept. 30, 1981; Sept. 24, 1985; Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; Nov. 25, 1986; amds. filed: Jan. 23, 1990; Sept. 19, 1995 as emergency measure; Nov. 7, 1995; Feb. 13, 1996; March 19, 1996; July 22, 1997 eff. Sept. 1, 1997. Amended (c).

§ 156.4 Bus purchase approval.

The purchase by a school district of any bus to be used for the transportation of children shall be approved by the Commissioner of Education on forms prescribed by him. Every purchase agreement shall include the clause, "specifications subject to the approval of the Education Department." All school buses must comply with the State Vehicle and Traffic Law and with rules and regulations of the State Department of Transportation. Transportation aid shall not be apportioned on the purchase cost or operating cost of a district-owned school bus unless the school district has obtained the required purchase approval by the commissioner. In no event shall the approval of a school bus purchase be granted where prescribed forms are filed with the State Education Department later than one year from the date on which the bus was purchased. The commissioner may excuse for good cause the failure of a district to request purchase approval within the prescribed period.

Historical Note

Sec. repealed, new filed: March 1, 1963; Oct. 31, 1967; repealed, new added by renum. 156.14, filed Nov. 28, 1977 eff. Dec. 12, 1977.

§ 156.5 Annual extensions of transportation contracts.

(a) Annual extensions of contracts shall be prepared on forms prescribed by the commissioner; such extensions shall be filed with and approved by the commissioner and are subject to all laws, rules and regulations pertaining to the filing of transportation contracts.

(b) Only contracts awarded in accordance with the competitive bidding requirements of subdivision 14 of section 305 of the Education Law may be extended.

(c) Annual extensions of fixed-price contracts, contracts based upon unit rates, such as per-bus, per-pupil or per-mile, and contracts based upon a combination of a fixed price and unit rate may provide for increases in such fixed prices and/or unit rates not to exceed the contractual