



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

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RESOLUTION: 2006-004-P
SUBJECT: Position Statement: Occasional Driver
DATE ADOPTED: December 9, 2006
AMENDED: -
REVIEWED: 12/4/2010

POSITION STATEMENT

ISSUE: EXPANSION OF OCCASIONAL DRIVER DESIGNATION
DATE: DECEMBER 2006

Statement of Position:

The New York Association for Pupil Transportation believes that a critical factor in ensuring the safety of our school children is to require that any individual who drives a school bus¹ to transport children to or from school or school activities must meet the highest standards.

Any individual accepting the responsibility for transporting our children should accept further the responsibility to be properly licensed, trained, tested and subjected to criminal background checks. It is further the responsibility of school bus operators and school administrators to ensure that any and all individuals who drive a school bus to transport students for school activities meet these requirements.

Accordingly, NYAPT strongly encourages the State Education Department and the State Department of Motor Vehicles to ensure that all drivers of school buses meet the standards set forth in Section 156.3 of the Education Commissioner's regulations and in Article 19-A of the Vehicle and Traffic Law and the requirements of other State and Federal regulatory agencies.

NYAPT does not support the use of occasional drivers as permitted by current regulations and therefore would not support expanding the regulations to allow other school employees to transport school children. Moreover, we recommend that all school districts and school bus operators adhere to this principle in the absence of any changes in state regulations and policies.

Background:

NYAPT has for many years been a strong supporter of programs that prepare school bus drivers in our state to perform their responsibilities safely, efficiently and effectively. These programs include the exemplary Article 19-A certification program operated through the New York State Department of Motor Vehicles and specific training and testing programs operated under Section 156.3 of the rules of the New York State Education Department.

The success of these programs and their impact on our safety record leads us unavoidably to the conclusion that all individuals who seek to transport children on a school bus must be properly prepared and trained.

¹ - For the purposes of this position statement, 'school bus' shall mean every vehicle owned, leased or contracted for by a public school, board of cooperative educational services or non public school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school related activities.

Recently, however, a question has been set forth related to expanding the scope of the term “occasional driver” in the Regulations of the Commissioner of Education. The argument is made that there are increasing circumstances when additional drivers are needed to transport students from school to school-sponsored events or activities. The argument is made that certain classes of school employees are sufficiently licensed and prepared as to enable them to operate a school bus safely and effectively.

Discussion:

School bus drivers are trained, certified, refreshed and frequently tested in ways that determine their fitness to transport our State’s children. This extensive licensing and certification program sets school bus drivers apart from other school-based personnel who might be considered as potential ‘occasional’ drivers. Over the years since the passage of Article 19-A of the Vehicle and Traffic Law, the gap between school bus drivers and non-school bus drivers has widened as our state has enhanced driver training and readiness measures.

Examples of measures and ways in which the gap has expanded include:

- School bus drivers are trained with a deeper knowledge of rules of the road;
- School bus drivers undergo biennial physical performance tests to determine the extent to which they can physically perform the duties expected of them on their vehicles;
- School bus drivers undergo mandatory annual medical physical examinations;
- School bus drivers are subjected to random drug and alcohol testing;
- School bus drivers are required to comply with working hour restrictions;
- School bus drivers’ driving history and related information is maintained in driver abstracts and districts are notified of disqualifying incidents;
- School bus drivers are fingerprinted at hiring and are subject to 24/7 monitoring and reporting of any criminal activities. Such involvement may result in their disqualification and termination;
- School bus drivers are subjected to annual defensive driving observations and biennial behind the wheel testing;
- School bus drivers and driver candidates can be disqualified for conviction of crimes specified in the Vehicle and Traffic law.

Application:

NYAPT encourages all school districts and school bus operators to adhere to the principles of ensuring the highest possible standards for individuals who transport our school children.

NYAPT further encourages the Governor, the State Legislature and the related state agencies to adhere to these principles in any legislative or regulatory actions they might take with regard to the qualifications of individuals who transport our children in school buses in New York State.

NYAPT will disseminate this position statement to the Governor, the State Legislature, related state agencies and interested educational and other organizations as appropriate.

For further information about the New York Association for Pupil Transportation or to discuss this issue further, please contact Peter Mannella, NYAPT Executive Director, at 518-463-4937 or email at nyapt-pfm@nycap.rr.com.