

**New York City Administrative Code**  
**Title 19: Transportation**  
**Chapter 6: School Bus Service**  
(<http://24.97.137.100/nyc/>)

**§ 19–601 Safety measures on school buses; declaration and findings.** The council hereby finds that a serious emergency exists as to the safety of handicapped children transported to and from schools in school buses and other vehicles. Handicapped school children have been grievously injured, maimed and killed due to lack of seat belts and guards or escorts on school buses. The council finds that in order to prevent further tragedies to our handicapped school children the provisions of this section are declared necessary and are designed to protect, the safety, health and general welfare of our school children.

**§ 19–602 Seat belts.** All buses or other motor vehicles engaged in the business of transporting handicapped children to and from schools in the city shall be equipped with seat belts for each seat on such a bus, or other safety appliances prescribed by the national bureau of standards or other authorized governmental agencies promulgating rules relating to auto safety.

**§ 19–603 Escorts.**

a. All buses and other motor vehicles transporting handicapped children to and from school in the city shall be staffed, in addition to the driver thereof, with an escort. It shall be the duty and responsibility of such escort to generally supervise and aid the handicapped children riding such bus; to require each child to utilize a seat belt or other safety device and to escort the children on and off each bus to an area of safety.

b. The driver of a bus transporting children to and from school in the city shall not proceed after having halted such bus to take on or discharge a passenger until he or she has received assurance from the escort that the children are seated, have fastened the safety belt on the seat and that it is otherwise safe to proceed.

**§ 19–604 Dual opening doors.** All buses transporting handicapped children in the city, after September first, nineteen hundred seventy-five, shall be equipped with dual opening doors so that said doors shall open from no less than two sides of the motor vehicle.

**§ 19–605 Air-conditioning.**

a. Any bus or other motor vehicle transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be air-conditioned when the ambient outside temperature exceeds seventy degrees Fahrenheit. Drivers of all such vehicles shall utilize such air conditioning systems in order to make the internal climate of such vehicles comfortable to passengers in order to protect or enhance the health of children with disabilities. Any failure, mechanical or otherwise, of an air-conditioning system required by this section shall be repaired and restored to operable condition as soon as is practicable, but in no event more than three business days subsequent to the failure. For purposes of this section, "child with a disability" shall mean a child with a

disability as defined in section 4401(1) of the education law who requires an air-conditioned environment for health reasons.

b. The penalty provisions set forth in section 19–607 of this chapter shall not apply to any violation of the provisions of this section. Any owner, operator or contractor responsible for transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be liable for a civil penalty of four hundred dollars for each violation of this section.

**§ 19–606 School bus service.**

a. Except as provided in subdivisions d, e and f of this section, no student shall be allowed to board a school bus operated by or pursuant to a contract with the board of education unless a seat is available for the student.

b. The board of education shall prepare and, when necessary, revise two school bus service plans annually to ensure that all students eligible to receive school bus service to and from the schools they legally attend shall be provided with a seat on a school bus. One plan shall relate to school bus service to be provided during the session of the school year beginning in September and ending in June and one plan shall relate to school bus service to be provided during a summer school session. Each plan shall be prepared prior to the first day of the session of the school year to which it relates and shall include the following information: (i) the criteria used by the board of education to determine whether a student is eligible to receive school bus service; (ii) for each school, a summary description of the school bus routes servicing the school; (iii) for each school bus route, the number of students eligible to ride on the school bus operating on the route and the maximum seating capacity of such school bus; and (iv) any other information the board of education deems relevant. Upon completion of the plans, they shall be submitted to the mayor and the speaker of the city council.

c. If at any time during any session of a school year the number of students eligible to ride on a school bus operating on a particular school bus route exceeds the maximum seating capacity of the school bus operating on such route, the board of education shall revise the affected school bus service plan, and take all steps necessary to ensure that all students eligible to receive school bus service are provided with a seat on a school bus. A revised plan shall identify any changes to the information provided pursuant to paragraphs (i), (ii), (iii) and (iv) of subdivision b of this section and, in addition, shall describe, for each school bus route affected by the revision, the steps taken to ensure that the number of students eligible to ride on a school bus operating on a particular school bus route does not exceed the maximum seating capacity of the school bus operating on such route. Upon completion of a revised plan, it shall be submitted to the mayor and the speaker of the city council.

d. Not later than ten days prior to the first day of the session of the school year beginning in September, and not later than ten days prior to the first day of a summer school session, the board of education shall prepare, and provide to each bus company that will be transporting students to or from school, lists of students eligible to ride on the school buses operating on the school bus routes serviced by such bus company. A separate list shall be compiled for each school bus route. Each list shall identify each eligible student by name, school bus stop and school, but shall not contain any other information relating to such student. The board of education shall require that bus

companies provide to bus drivers the list appropriate for each school bus route. The board of education shall prepare, and promptly provide to each bus company, revised and updated lists that reflect any changes necessary to comply with the requirements of this section. All students listed as eligible to receive school bus service on a particular school bus route shall be entitled to board the school bus operating on such route. During transport to school at the beginning of the regular school day, students not listed as eligible to receive school bus service on a particular school bus route shall not be allowed to board the school bus operating on such route, provided, however, that where such students waiting to board such school bus are not accompanied by an adult, the bus driver shall allow such students to board such school bus. During transport from school at the close of the regular school day, students not listed as eligible to receive school bus service on a particular school bus route shall not be allowed to board the school bus operating on such route unless authorized to do so by personnel assigned by the principal pursuant to subdivision e of this section.

e. The principal of each school to or from which students are transported by school bus shall assign personnel to monitor students exiting school buses at the beginning of the regular school day and boarding school buses at the close of the regular school day. Such personnel shall be provided with the same lists provided to bus drivers pursuant to subdivision d of this section. Such personnel shall: (i) at the close of the regular school day, determine whether to allow a student not listed as eligible to receive school bus service on a particular school bus route to board the school bus operating on such route; (ii) notify the parent or legal guardian of such student that he or she has been or may be prohibited from boarding a school bus; (iii) provide the parent or legal guardian with the name, address and telephone number of the office responsible for determining whether a student is eligible to receive school bus service; (iv) for each school bus, maintain a record of students not listed as eligible who exit or board the bus; and (v) determine whether information regarding such students should be referred to the office responsible for determining whether a student is eligible to receive school bus service and, where appropriate, report such information to such office. The information reported to such office, together with such other relevant information available to the board of education, shall be considered in determining whether and how to revise the affected school bus service plan and revise and update the lists of eligible students in accordance with subdivisions c and d of this section.

f. Notwithstanding any other provision of this section to the contrary, during the first ten days of the session of the school year beginning in September and during the first ten days of a summer school session, a student waiting at a school bus stop to board a school bus transporting students to the school attended by the student may be allowed to board the school bus, whether or not such student is listed as eligible to receive school bus service on that school bus route and, at the close of the regular school day, may be allowed to board the school bus stopping at such school bus stop.

g. The provisions of this section shall apply only to those school buses operated by or pursuant to a contract with the board of education.