
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

Bill No: SB 1072
Author: Mendoza
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Urgency: No
Consultant: Lynn Lorber

Hearing Date: April 13, 2016
Fiscal: Yes

Subject: Schoolbus safety: child safety alarm system

SUMMARY

This bill requires each schoolbus, school pupil activity bus and youth bus to be equipped with an operational child safety alarm system by the beginning of the 2018-19 school year, requires school transportation safety plans to include procedures to ensure that a student is not left unattended on a schoolbus, requires schools to notify the Department of Motor Vehicles upon discovery that a driver left the immediate vicinity of the vehicle with an unsupervised student aboard, and expands required training for drivers to include inspection procedures to ensure a student is not left unattended.

BACKGROUND

Existing law:

- 1) Requires, prior to being eligible for a schoolbus driver's certificate from the Department of Motor Vehicles (DMV), an original applicant for a certificate to have successfully completed a minimum 40-hour course of instruction, and an original applicant for a certificate to drive a school pupil activity bus (SPAB) to have successfully completed a minimum 35-hour course of instruction, as specified. (EC § 40082 and § 40083)
- 2) Requires, upon completion of the course of instruction, the applicant to successfully complete a written exam and a behind-the-wheel test in order to receive an endorsement from the California Highway Patrol for eligibility for certification by the DMV. (Vehicle Code)
- 3) Requires a schoolbus driver to possess a valid driver's license for the appropriate class of vehicle endorsed for schoolbus and passenger transportation, and a schoolbus driver's certificate issued by the DMV. Existing law requires a SPAB driver to possess a valid driver's license for the appropriate class of vehicle endorsed for passenger transportation, and a SPAB driver's certificate issued by the DMV. (Vehicle Code § 12517)
- 4) Requires applicants seeking to renew a certificate to drive a schoolbus or a SPAB to have successfully completed at least 10 hours of classroom instruction, or behind-the-wheel or in-service training during each 12 months of certificate validity (certificates may be valid for up to five years). Existing law requires the

10 hours of instruction, during the last 12 months of the special driver certificate validity, to consist of classroom instruction covering the following:

- a) Current laws and regulations.
 - b) Defensive driving.
 - c) Accident prevention.
 - d) Emergency procedures.
 - e) Passenger loading and unloading. (EC § 40085)
- 5) Requires the Department of Motor Vehicles (DMV) to refuse to issue or revoke a schoolbus or SPAB driver certificate under specified scenarios, and authorizes the DMV to refuse to issue or renew, or suspend or revoke a schoolbus or school pupil activity bus (SPAB) driver certificate if the applicant or certificate holder has been convicted of certain crimes, committed an act involving moral turpitude, or has been dismissed as a driver for a cause relating to student safety.
- 6) Defines a “school pupil activity bus” as any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport students to or from a school activity, or used to transport students to or from residential schools, *when the students are received and discharged at locations where a parent or adult designated by the parent is present to accept the student or place the student on the bus.* (EC § 39830.1)
- 7) Defines a “youth bus” as any bus, other than a schoolbus, designed for carrying up to 16 people and the driver, used to transport children directly from a school to an organized non-school-related youth activity within 25 miles of the school or directly from a location which provides the organized non-school-related youth activity to a school within 25 miles of that location. (Vehicle Code § 680)
- 8) Requires the California Department of Education (CDE) to develop or approve courses for training SPAB, transit bus, schoolbus, and farm labor vehicle drivers that will provide them with the skills and knowledge necessary to prepare them for certification by the DMV. (EC § 40070)
- 9) Requires the county superintendent of schools, the superintendent of a school district, or the owner or operator of a private school that provides transportation to or from a school or school activity to prepare a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan must address all of the following:

- a) Determining if students require escort.
- b) Procedures for all students in pre-kindergarten through grade 8 to follow as they board and exit the appropriate schoolbus at each student's bus stop.
- c) Boarding and exiting a schoolbus at a school or other trip destination. (EC § 39831.3)

ANALYSIS

This bill requires each schoolbus, school pupil activity bus and youth bus to be equipped with an operational child safety alarm system by the beginning of the 2018-19 school year, requires school transportation safety plans to include procedures to ensure that a student is not left unattended on a schoolbus, requires schools to notify the Department of Motor Vehicles (DMV) upon discovery that a driver left the immediate vicinity of the vehicle with an unsupervised student aboard, and expands required training for drivers to include inspection procedures to ensure a student is not left unattended. Specifically, this bill:

- 1) Requires, by the beginning of the 2018-19 school year, each schoolbus, school student activity bus (SPAB), and youth bus to be equipped with an operational child safety alarm system.
- 2) Requires the county superintendent of schools, the superintendent of a school district, or the owner or operator of a private school to notify the DMV within five days of discovery that a driver of a schoolbus, SPAB, or youth bus has left the immediate vicinity of the vehicle with an unsupervised student onboard. This bill provides that escorting preschool-grade 8 students off of the bus, as is required in certain circumstances, is not considered leaving the immediate vicinity of the vehicle.
- 3) Authorizes the DMV to refuse to issue or renew, or to suspend or revoke a schoolbus, SPAB, or youth bus driver certificate if the applicant or certificate holder has been reported to the DMV for leaving a student unattended on a schoolbus, SPAB, or youth bus.
- 4) Requires the governing board of a school district to require that any contract for the transportation of students to include the requirement that a student not be left unattended on a schoolbus, school student activity bus, or youth bus.
- 5) Expands training for drivers during the last 12 months of the validity of the driver's certificate to include inspection procedures to ensure that a student is not left unattended.
- 6) Requires a school transportation safety plan to include procedures to ensure that a student is not left unattended on a schoolbus, SPAB, or youth bus.

- 7) Requires the California Highway Patrol, by January 1, 2018, to adopt regulations governing the specifications, installation, and use of child safety alarm systems.
- 8) Defines “child safety alarm system” as a device located at the interior rear of a vehicle that requires the driver to manually contact the device before exiting the vehicle, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Although school buses provide one of the safest modes of transportation, there are still school bus-related injuries, and unfortunately some fatalities every year. Children left unattended on a bus may be subject to extremely cold or hot temperatures causing injury, trauma, or death. Unfortunately, across the nation there are regular news reports describing incidents of children being stranded inside a bus for hours until someone realizes they are missing. These reports include cases involving special-needs students, who are often the most vulnerable and sometimes non-verbal. During the last several years in California, there have been several cases where children were left on school buses unattended and found hours later. This bill seeks to prevent children being left on buses unattended by adding safe pupil transportation measures to ensure drivers check the bus at the end of their routes to make certain all children are off the vehicle.”
- 2) **Child safety alarm systems.** This bill defines “child safety alarm system” as a device located at the interior rear of a vehicle that requires the driver to manually contact the device before exiting the vehicle, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting. There are several manufacturers of such devices, and a few different ways in which they function. Many systems work by sounding an alarm, or reminder tone, when the ignition key is turned off; the bus driver must press a button located in the back of the bus to turn the alarm off; if this button is not pushed within a certain amount of time, the alarms sounds louder and the bus horn is engaged.

It may be possible for a student to be left behind on a bus even with a child safety alarm in place. Some child safety alarms systems consist of a button located at the rear of the bus which must be pressed to disengage the alarm; it is possible that a student could press the button, whether on their own or upon request of a driver, or a driver could walk to the back of the bus to press the button without carefully checking for students that may be left behind. This bill expands training to include procedures to ensure that a student is not left unattended. Will child safety alarms, combined with additional training for drivers, ensure that students are not left behind on buses?

- 3) **Los Angeles Unified School District.** According to the Los Angeles Unified School District (LAUSD), the district installed the Child Check-Mate System on their school buses in 2001. The LAUSD states that its schoolbus drivers receive orientation on the procedures to check buses for remaining students and on the proper use of the Child-Check Mate System. The LAUSD believes that the

system is a tool to safeguard the transport of students, is effective *when combined with the coordination of conscientious driver safety checks.*

- 4) **Due process?** This bill requires the county superintendent of schools, the superintendent of a school district, or the owner or operator of a private school to notify the Department of Motor Vehicles (DMV) within five days of discovery that a driver of a schoolbus, school pupil activity bus (SPAB), or youth bus has left the immediate vicinity of the vehicle with an unsupervised student onboard. This bill also authorizes the DMV to take action against a driver who was reported as leaving a student unattended. This bill does not provide for a process by which a driver may explain any mitigating circumstances, or appeal a determination by the school district or county office of education, or decision made by the DMV. Should this bill be amended to provide such processes?
- 5) **School pupil activity bus (SPAB).** Existing law defines a SPAB as a vehicle operated by a common carrier, by a public transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport students to or from a school activity *when the students are received and discharged at locations where a parent or adult designated by the parent is present to accept the student or place the student on the bus.* SPABs are not schoolbuses. SPAB vehicles are not necessarily used only to transport students (transports not affiliated with the school are done on a separate trip). Existing law requires SPABs to load and unload students where the parent or other designated adult is present. Training materials provided by the California Department of Education (CDE) include provisions for SPAB drivers to conduct head counts and to check for sleeping students. The training materials also state that students who are transported in a schoolbus or SPAB are to be under the authority of, and responsible directly to, the driver of the bus, and the driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway or road. Is it reasonable to require a SPAB driver to be responsible to operate the child safety alarm if a parent or other adult who is affiliated with the school is present?
- 6) **Driver training.** Existing law requires 40 hours of initial training before a person may be eligible to take the written and behind-the-wheel exams for recommendation by the California Highway Patrol (CHP) for a certificate issued by DMV to drive a schoolbus (35 hours for a SPAB), and requires 10 hours of training annually to be eligible to renew a certificate. Existing law requires the training within the last 12 months of the validity of the certificate to include specific topics. This bill expands the topics of training within the last 12 months to include the procedures to ensure that a student is not left unattended on a bus.

The CDE provides training for schoolbus, SPAB, transit bus and farm labor vehicle drivers, as well as for instructors of this training. The curriculum for this training currently includes procedures for loading and unloading students and includes some information specific to ensuring that a student is not left behind on a bus.
- 7) **Heard in the Senate Transportation and Housing Committee.** This bill was heard in the Senate Transportation and Housing Committee on April 5, where it

passed with a vote of 10-0. That Committee's analysis suggested two technical amendments; those amendments have already been incorporated into this bill.

- 8) **Fiscal impact.** This bill would impose unknown costs to install child safety alarms.
- 9) **Related legislation.** SB 247 (Lara) places new safety requirements on charter buses (none specific to child safety alarms). SB 247 is pending in the Assembly.

SUPPORT

Autism Speaks
Center for Autism and Related Disorders
Los Angeles Unified School District
The Arc and United Cerebral Palsy California Collaboration

OPPOSITION

California Bus Association

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