

# CLIENT NEWS BRIEF

## Governor Signs Bill Requiring Child Safety Alert Systems on School Buses

Governor Jerry Brown recently signed into law Senate Bill (SB) 1072, a bill modifying the Education Code and Vehicle Code to require additional safety measures for students being transported on school buses. Also called the "Paul Lee School Bus Safety Law," the bill responds to multiple reports of California schoolchildren being left unattended on school buses for hours, often in dangerous conditions. In 2015, a student, Paul Lee, died after being left unattended on a school bus during a heat wave. The bill, effective January 1, 2017, will provide multiple new safeguards intended to prevent students traveling on school buses from being left unattended.

### Child Safety Alert Systems

SB 1072 significantly modifies existing law, requiring school buses, youth buses and child care motor vehicles to be equipped, by the 2018-2019 school year, with child safety alert systems. A child safety alert system, as defined by SB 1072, is a device located at the interior rear of a vehicle that a driver must manually contact or scan before exiting the vehicle, thereby prompting drivers to inspect the vehicle for students. These devices are currently made by multiple manufacturers and have reportedly already been deployed on some buses in California school districts. SB 1072 also requires the Department of Motor Vehicles (DMV) to adopt regulations governing the specifications, installation and use of child safety alert systems on or before January 1, 2018. Once available, these regulations should provide guidance to school districts regarding the next steps in the child safety alert system implementation process.

### Procedures to Ensure Students Not Left Unattended

Currently, school officials must institute transportation safety plans which contain procedures for school personnel to follow to ensure the safe transport of students. SB 1072 mandates that districts' transportation safety plans include procedures which will ensure that a student is not left unattended on a school bus, school pupil activity bus or youth bus, and the designation of an adult chaperone, other than the driver, to accompany students on a school activity bus. Furthermore, school district governing boards must require that any contract for transportation of students to and from activities include the condition that a pupil shall not be left unattended on a school bus.

### Notification of Driver Misbehavior

SB 1072 also requires public officials to report certain driver misbehavior to the DMV. School officials must report school bus driver misbehavior when the board, or the driver's employer if transportation services are contracted out, has done the following: 1) ordered and upheld disciplinary action against a driver of a school bus in connection with leaving a student unattended onboard a school bus, and 2) made a finding that the driver's actions constituted gross negligence. Gross negligence, as defined by the law, means "the want of even scant care or an extreme departure from the ordinary

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standard of conduct.” If the above situation occurs, officials must make their report to the DMV within five days of the discipline and finding of gross negligence.

## Enhanced Requirements for Driver Certificates

In addition to a driver’s license, school bus drivers must also obtain a certificate to operate a school bus. Pursuant to SB 1072, in order to receive their certificates, drivers must receive at least 10 hours of original or renewal instruction each year. Classroom instruction must cover inspection procedures to ensure no student is left unattended on a school bus, in addition to topics such as emergency procedures, passenger loading and unloading and accident prevention. Currently, under the Vehicle Code, the DMV must refuse to issue or revoke a certificate if the driver has been convicted of certain felonies, a sex offense or has otherwise failed to meet training and testing requirements for the certificate. SB 1072 authorizes the DMV to refuse to issue or revoke a certificate if the driver has been reported to the DMV for leaving a student unattended on a school bus, giving teeth to the reporting requirements discussed above.

If you have any questions about SB 1072 or any other issues related to school bus and transportation safety, please contact the authors of this Client News Brief or an attorney at one of our [10 offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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