



# LEGISLATIVE BRIEFS...

January 2008

## **Update - Where Are We With: Seat Belt Usage on School Buses?**

New federal rules proposed by the National Highway Traffic Safety Administration stop short of requiring the installation of safety belts in large (over 10,000 pounds) school buses. They require small school buses to be equipped with lap-and-shoulder belts instead of just lap belts, and that seat belts installed *voluntarily* on large buses must meet certain standards.

Seat belt usage on school buses has been a controversial issue. Benefit vs. cost, difficulty monitoring, space limitations and safety ensured by compartmentalization have been reasons cited for not requiring installation and/or usage. Since 1978, the NYS PTA has been a strong proponent of seat belt usage, adopting resolutions for seat belt usage on buses transporting children with handicaps and to "*encourage units and councils to support the use and installation of seat belts on ALL school buses that can be equipped with such anchorage*".

NYS Education Law requires that all school buses purchased after July 1, 1987 be designed to include seat belts. While installation is required, usage is not. Usage can be required by school district policy. For more information:

<http://www.edweek.org/ew/articles/2007/12/05/14bus.h27.html?qs=seat+belts>

<http://public.leginfo.state.ny.us/menugef.cgi?COMMONQUERY=LAWS>

<http://www.nyspta.org/CMT/Publications/WHEREWESTAND2007completeR.pdf>

## **Around the State:**

### **Tenure Law Changes for New Teachers**

As part of the 2007-08 state budget, Governor Spitzer and the Legislature approved the creation of statewide minimum standards for teacher tenure as a key component of an enhanced education accountability system for NY's schools. The NYS teacher's union will be carefully monitoring the development of new regulations as changes in the process for tenure determinations (under Chapter 57 of the Laws of 2007) become effective as of July 1, 2008. Changes include using student performance to inform instruction, peer review by other teachers and assessment by building administrator. For more information...

[http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/newyorkteacher\\_9063.htm](http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/newyorkteacher_9063.htm)

### **Legislation and Web Site Access Address Hazardous Chemicals in Toys**

Recently, a nationwide consumer survey of 1,200 children's toys found lead in more than a third of the products tested. The results of the testing were released on the Web site

[www.healthytoys.org](http://www.healthytoys.org). New York's JustGreen Partnership was just one of a number of groups from across the nation that contributed to the study, a project of the Michigan-based Ecology Center.

Toys were screened for arsenic, mercury, bromine, chromium, tin, antimony and particularly lead, cadmium and polyvinyl chloride or PVC. Lead and cadmium are known for their hazards even at low levels of exposure and PVC often contains hazardous additives, including lead and phthalates. State legislation, sponsored by Assemblyman Steven Englebright, D-Setauket, and Sen. James Alesi, R-Perinton, to ban phthalates from toys and child care products (S6058/A6829) is pending. For more information...

[http://www.legislativegazette.com/read\\_more.php?story=2742](http://www.legislativegazette.com/read_more.php?story=2742)

[www.assembly.state.ny.us](http://www.assembly.state.ny.us)

## **Student Rights When Questioned by School Officials**

Often parents are upset that a school official has spoken to their child about school-related misconduct or breach of security without their knowledge or presence. Parents may mistakenly believe that their child is entitled to some type of Miranda rights.

While NYS Education Law grants parents the right to participate in certain disciplinary procedures, it is well established by commissioner's decisions and case law that neither the provisions of the Education Law nor constitutional due process considerations require that school officials contact parents before questioning students concerning an alleged infraction of a school rule. For more information:

[http://www.nyssba.org/index.php?src=news&submenu=news\\_media&refno=141&category=On%20Board%20Online%20Dec%2010%202007](http://www.nyssba.org/index.php?src=news&submenu=news_media&refno=141&category=On%20Board%20Online%20Dec%2010%202007)

## **Around the Capitol:**

### **States Double Reporting to Federal Gun Database**

Prompted by the tragic shooting rampage at Virginia Tech University in April, states have more than doubled the number of mental health records they are submitting to a federal database designed to keep psychologically disturbed people from buying guns. Previous to the VA Tech attack, only 22 states were regularly handing over that information at all. According to State Net, at least eight states, including New York, have pending measures that would add them to the list of states that submit information to the National Instant Criminal Background Check System (NICS).

This system requires gun dealers to call a toll-free number to submit customer information to the FBI before selling a firearm. The Bureau then checks the NICS to ensure the customer doesn't have mental health issues, a criminal background, warrant for arrest, or other issue that would prevent him or her from purchasing such a weapon. For more information:

[www.sncj@statenet.com](http://www.sncj@statenet.com)

<http://www.assembly.state.ny.us/leg/?bn=A01161>

<http://www.assembly.state.ny.us/leg/?bn=S02408>

### **After a Four-Year Debate, Head Start is Reauthorized**

On December 5<sup>th</sup>, House Speaker Nancy Pelosi signed renewed Head Start legislation and sent it to President Bush for his signature into law. This followed the overwhelming bipartisan approval of Congress for the reauthorization of this federal preschool program on November 14<sup>th</sup>.

Included in the bill are requirements for ineffective programs to compete for grants; to drop the National Reporting System; a controversial test given to all 4- and 5-year-olds; calls for half of all teachers nationally to hold bachelor's degrees by 2013; broadens income eligibility; a 45 percent cap on the number of students in any individual program whose families earn above the federal poverty level; and maintains the current governing bodies, including parent councils.

The measure seeks to renew the program for the next five years; however lawmakers may revisit the issue of early-childhood education sooner. Nearly every Democratic presidential candidate has put forth a proposal to broaden pre-kindergarten options. Sen. Hillary Rodham Clinton, D-N.Y., has proposed a \$10 billion federal program to expand pre-K, with the goal of extending access to all 4-year-olds.

<http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/12-05-2007/0004717735&EDATE=>

<http://www.edweek.org/ew/articles/2007/11/28/13headstart.h27.html?qs=head%20start>