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TO: Superintendents of Schools
District Superintendents

FROM: Charles Szuberla, Coordinator

SUBJECT: Seat Belts on School Buses in New York State

All school buses manufactured for use in New York State since July 1, 1987 have been equipped with seat belts. However, the law which requires the installation of seat belts on school buses does not require the passengers to use them. Consequently, local boards of education have the discretion to decide whether or not to require students to use the seat belts.

Seat Belt Surveys

In view of the fact that seat belt use is discretionary, the Education Department, in 1997, conducted a written survey of all school districts to determine which districts had adopted a policy of requiring seat belt usage. Responses to the survey, which was conducted in accordance with Chapter 684 of the Laws of 1995, were received from just about all of the 709 school districts in New York State. The responses indicated that 44 school districts require their students to use the seat belts. However, the survey results may be misleading since it is likely that many of the districts that do not require seat belt usage actually do encourage their students to use the belts.

The 44 school districts that require seat belt usage were asked to complete a questionnaire about the advantages and disadvantages of seat belts as experienced through day-to-day usage. Many of the responses to the questionnaire can be found in Appendix A at the end of this memorandum. Generally, the responses were positive, often focusing on the important function that seat belts serve in keeping students safe in the seat compartment of the school bus. The following comment by one school official is representative of many of the comments received:

"The most important aspect of seat belt use is that the belts are a great management tool for student behavior. When wearing belts the students are seated and therefore there is: (1) less fighting and physical contact; (2) a quieter trip; and (3) less confusion and fewer distractions for the driver. The result is a safer trip."

In July 1998, a telephone survey of the school districts that require seat belt use was conducted for the Education Department by the Pupil Transportation Safety Institute (PTSI). This survey was designed to collect information on the creation and implementation of a seat belt usage policy. Some of the districts responded that they had misunderstood the 1997 survey and do not actually mandate seat belt use. Twenty-six districts indicated that they require students to use the seat belts. A summary of the 1998 survey information can be found in Appendix B at the end of this memorandum.

Education Department and BOCES Involvement with Seat Belts

The Education Department has been involved with the issue of seat belts on school buses since the early 1970's. Initially, the Department did not support the mandated use of seat belts. However, over a period of years, as more information became available, the Department's stand on seat belts evolved to one of support. In 1986, the Board of Regents adopted Section 156.3(i) of Commissioner's Regulations to require, three times each year, instruction for students on the use of seat belts on school buses. Section 156.3(i) is included in Appendix C at the end of this memorandum. In 1989, a classroom curriculum for student transportation safety was developed by the Cayuga-Onondaga BOCES for children in grades K-6. The curriculum, which includes instruction on the benefits and proper use of seat belts, was distributed to all BOCES, public school districts, and nonpublic schools. In 1994, the Madison-Oneida BOCES produced a manual Seat Belts and School Buses and an accompanying video Seat Belts + School Buses = The Safety Equation. The manual and video were distributed to all school districts. In addition, PTSI held five workshops to introduce the manual and promote the use of seat belts.

Continuing Debate Over Seat Belts

More than ten years have passed since New York State became the first state to require the installation of seat belts on school buses. Consequently, just about all school buses are now seat belt equipped, since the life span of a large bus is generally ten to twelve years. Nevertheless, the New York Association for Pupil Transportation (NYAPT) continues to be opposed to the mandatory use of seat belts on large school buses. NYAPT'S primary concern is that the belts, as they are presently installed (2-point installation), may cause increased injuries to school bus passengers. Other concerns expressed by opponents to seat belts on school buses include:

- Will seat belts impede an immediate evacuation?
- Who will check to see the children are "buckled-up" and the belts properly adjusted?
- Will a school district be liable if a child is injured while wearing a belt?

The use of seat belts on school buses first became an issue long before they were installed on school buses in New York State. Before they were placed on school buses, seat belts had become part of the routine driving experience of our personal automobiles. Consequently, it is not surprising that parents who have contacted the Education Department do not understand why their children are not required to wear seat belts when riding on a school bus.

Early tests and research indicated that seat belts on school buses may not effectively reduce fatalities or injuries, and in some cases, tests indicated that the use of belts actually resulted in more severe injuries. However, as more information has become available, there is reason to believe that some of the original test conclusions were either flawed or misleading. Such is the case with two well-recognized tests: the UCLA school bus crash tests of 1967 and 1972, and the Canadian crash tests of 1985. Information pertaining to the test findings and subsequent critiques of these crash tests is included in this memorandum.

The continuing debate over seat belts on school buses led to a comprehensive study of school bus safety by the National Research Council in 1989. To conduct the study, the Research Council, which is the operating agency of the National Academy of Sciences, assembled a committee of experts in highway safety, pediatrics, school transportation, bus manufacture, and occupant restraint systems. The conclusions and recommendations of that study, which was sponsored by the National Highway Traffic Safety Administration (NHTSA), were published in **Special Report 222: Improving School Bus Safety**. References to **Special Report 222** are found throughout this memorandum.

ISSUES SURROUNDING THE USE OF SEAT BELTS ON SCHOOL BUSES

Section 3635-a of Education Law (see Appendix C) requires a board of education to hold a public hearing to consider whether the use of seat belts should be required. This memorandum contains information which should help school officials in districts which currently do not mandate seat belt usage to decide whether it is time to consider a policy of mandated usage. The pages that follow provide an overview of the primary issues to be considered when implementing a seat belt policy along with information on the benefits of seat belts on school buses.

ISSUE: Seat Belts May Cause Increased Injuries on School Buses

A primary issue to be considered before implementing a policy of mandated seat belt usage is the concern that the belts may cause increased injuries to passengers on school buses. Opponents to seat belts on school buses have expressed such a concern. They point to the results of certain school bus crash tests which found that seat belts may cause increased injuries to school bus passengers.

In regard to the issue of belt-induced injuries, the researchers involved with the UCLA and Canadian school bus crash tests concluded that seat belts may result in increased injuries to passengers on school buses. However, it can be shown that the test results would likely have been different if the buses used had been equipped with seats which meet New York State safety standards.

UCLA Crash Tests

Much attention was given to the fact that the UCLA Crash Tests of 1967 concluded that the use of seat belts can increase injuries because . . . "the lap-belted passenger pivots about his belt and slams his head, face, and, if tall enough, his chest into the seat back ahead". However, the test bus, a 1965 60-passenger vehicle, which was struck head-on, on the side, and from the

rear, had standard pre-1977 seats; that is, seats with low backs and inadequate padding. The test researchers concluded that the backs of school bus seats should be at least 28" high and that such seats would greatly contribute to the compartmentalization of passengers, thereby reducing the chance of injuries. Next in importance, they concluded, is the use of a three-point belt, a lap belt or other form of effective restraint.

In 1972, a second set of crash tests were conducted at UCLA, and the researchers supported the 1967 finding that seat belts should not be used in conventional school bus seats with low backs and nonforgiving surfaces. However, the 1972 researchers did acknowledge that seat belts would be beneficial when used with high, well padded backs, particularly in an accident in which the school bus is overturned. New York State has required well padded 28" high-backed seats since January 1, 1976. Existing federal standards require seat backs that are 4" lower.

Canadian Crash Tests

In 1985, the Canadian Government published a report of a crash test of three school buses: a 66 passenger, a mid-size 22 passenger, and a 20 passenger van. The test vehicles were guided head-on, at 30 mph, into a fixed concrete wall. Transport Canada concluded, as a result of the tests, that the use of lap belts in any of the three sizes of buses tested may result in more severe head and neck injuries for a belted occupant than for an unbelted one in a severe frontal collision. However, in a 1986 Report to the Legislature by the New York State Legislative Commission on Critical Transportation Choices (LCCTC), it was noted that the findings of the Canadian study raised more questions than answers about the safety value of seat belts on school buses. In its report, the LCCTC referred to a critique by the Department of Mechanical Engineering and Applied Mechanics of the University of Michigan which also questioned the validity of the judgements made by Transport Canada. The University of Michigan critique concluded:

"We do not believe that the Canadian School Bus Safety Study can be used to draw the conclusion that the use of belts on recent-model large school buses poses a potential danger to the occupants. No case can be made from the results of this test that belted children will have an increased likelihood of severe head and neck injuries in frontal crashes."

..."In the absence of any definitive evidence to the contrary, we firmly believe that newly purchased large school buses should be equipped with lap belts to provide occupants with protection similar to that available in the rear seats of automobiles."

The limitations of the Canadian study as noted in **Special Report 222**, the Michigan critique, and the LCCTC Report, are enumerated below.

- The test vehicles had lightly padded seats with 24" high backs. If the seats had been four inches higher and well padded as in New York State, the dummies would most likely have impacted the padded vertical surface on the back of the

seat in front of them rather than the lightly covered metal bar on the top of the seat back.

- Only one size instrumented test dummy was used. It approximated the height and weight of a 14-year-old.
- The dummies had rigid upper torsos which do not react like the flexible human spine. The stiffness of the dummies causes excess head velocity and prevents contact of the shoulders and chest with the seat in front.
- The unbelted dummies slid forward during the collision, which allowed their necks to hit the tops of the seats in front of them. Because of this motion, the unbelted dummies experienced lower accelerations to the head but may have experienced more damage to the neck. However, the tests did not measure throat trauma.
- The unbelted dummies experienced significantly greater pressure on their femurs.
- The head injury values of the belted dummies, although higher than those of the unbelted dummies, were well below the level deemed to be unacceptable.
- The only dummy experiencing life-threatening forces, because of an unacceptable chest acceleration, was unbelted.

It was noted, as a point of interest, in the University of Michigan critique, "...that one of the unrestrained dummies rolled inboard and fell in the aisle, striking its head on the instrumentation box mounted on the floor. This type of uncontrolled motion cannot be tolerated in any public school transportation system".

Side Collisions and Rollovers

The committee which produced **Special Report 222** analyzed National Highway Traffic Safety Administration fatal accident data for a five-year period (1982 - 1986) to determine the characteristics of fatal school bus accidents. Between 1982 and 1986, 60 school bus passengers were killed in 26 separate accidents, of which 22 accidents were the result of a collision. Of the 22 buses involved in a collision, 14 of the buses were initially impacted on the front, five on the side, and three on the rear.

In most severe or fatal school bus accidents, the initial impact is not the only harmful event. Usually, a second harmful event or collision takes place, where after colliding with a motor vehicle, a bus skids off the road into a tree or fixed object. Where the bus continues off the road into a ditch or ravine, or is involved in a side collision, the second harmful event may be a rollover. Of the 22 fatal collisions described in **Special Report 222**, nine buses overturned after colliding with other motor vehicles or fixed objects. However, this relatively high number of rollovers is very unusual, and can be attributed to the severity of the 22 collisions. Generally, rollovers occur in only a small percentage of school bus accidents. For example, in New York

State during the 1994-95 school year, only 7 of the 555 reported accidents were rollovers; in 1995-96, 11 of the 660 reported accidents were rollovers.

The following is an excerpt from **Special Report 222**:

"The crash tests and sled tests reviewed by the committee did not suggest that seat belts would or would not be effective in frontal collisions. However, there were relatively few crash tests available for the committee to review. ...Had additional crash test and sled test data simulating side impacts and rollovers been available, the benefits of seat belts might have been more apparent."

In 1987, the National Transportation Safety Board published a report titled "Safety Study - Crashworthiness of Large Poststandard Schoolbuses". The report addressed the crash performance of large school buses manufactured after April 1, 1977. The Safety Board investigated 43 school bus accidents for the study. The Safety Board found that passengers in rollover accidents were significantly more often injured than those in nonrollover accidents; 80% of the unrestrained passengers in rollover accidents received an injury compared to 37% in the nonrollover accidents.

All types of accidents must be considered when deciding whether or not to mandate the use of seat belts on school buses. In frontal or rear collisions, the principal impact, which is the impact that produces the most property damage or personal injury, often puts passengers in line with the padded seat compartment of the bus. Seat belt use will position students to remain in that protective environment. However, when the bus is hit from the side or rolls over, unbelted passengers are removed from the protection of the padded seats. Students can be thrown across the bus into seats or other students. In some cases, they may even be thrown out of the bus. Seat belts can protect passengers in these types of accidents by holding them safely in their seats.

Internal Injuries

The issue of internal injuries in frontal collisions needs to be addressed when considering the use of seat belts on school buses. Opponents to seat belts on school buses have commonly expressed a concern with belt-induced injuries, especially in young children. However, the **Special Report 222** committee concluded that seat belts are not inherently harmful when properly used on large, post-1977 buses. In addition, the committee concluded:

"The potential benefit to be realized from the use of seat belts in school buses is somewhat less than the benefit afforded rear-seat occupants in passenger cars because the greater mass and safer operating conditions of school buses reduce the initial risk of death of and injury to school bus occupants. On the other hand, fewer belt-induced injuries can be expected to the abdomen of children using properly adjusted seat belts on firm school bus seats, as compared with the softer seats in passenger cars, because of better belt fit and the reduced potential for submarining."

The following appeared in the 1986 New York State LCCTC Report to the Legislature:

"Children are more resistant than adults to impact injury in all parts of their body. Experimental and accident investigation studies have shown that the bones of children have greater tensile strength and are more resistant to fractures, that ligaments, muscles, and blood vessels of the periphery have greater tensile strength. Field accident experience bears this out. Spinal cord injury is virtually unknown in children under age 14."

The following medical associations have supported the installation of seat belts on school buses:

American Medical Association
American Academy of Pediatrics
Society for Adolescent Medicine
American College of Emergency Physicians
Physicians for Automobile Safety

There is no officially agreed-upon definition of "correct" seat belt use, but the generally accepted meaning appears to be that the belt is worn low on the hips below the crest of the ilium. Correct placement of the belt relieves possible stress to the abdomen and prevents passengers from sliding under the seat belt and out of their seat. Proper adjustment of the belt is important to passenger safety, and therefore, it may be necessary at first to assist young children in tightening and buckling the belt. Effective training programs must be established to insure correct use of seat belts.

ISSUE: Evacuation

One of the greatest fears of every school bus driver is the catastrophic accident where a bus is engulfed with flames or sinking in deep water, and there are only seconds in which to evacuate the students. Fortunately, such catastrophies are rare. This is reflected in NHTSA fatal school bus accident data for the United States for the period 1982 through 1986. During that five-year period, there was only one large school bus which caught fire after a collision in which passengers were killed. Eight passengers died in that accident but none as a result of the fire.

Concerns have been raised about the ability of children to unbuckle themselves and quickly exit the bus in these kind of accidents. However, once buckling and unbuckling on the bus have become a habit, the children will do it automatically in any situation. Because of time constraints, students will often be responsible for rescuing themselves and fellow passengers before help arrives. Students who are unconscious or hanging from seat belts in an overturned bus need to be removed from the bus by another person. In most cases, this will be the bus driver, another student, or a bystander. When the unconscious student is belted, removal can be done in two ways. One way is to unbuckle the seat belt and carry or drag the child from the bus.

Another way is to use the seat belt cutter. The seat belt cutter should be mounted within reach of the driver's seat because the driver may need to cut him/herself out first. By using a good cutter, the amount of time needed to cut a taut belt is minimal.

Bus drivers must be trained to remove both seated and suspended passengers in the case of an accident. They should be trained to do this both with and without the use of a seat belt cutter. Students should also be instructed that they may need to do this for another passenger, in the instance that the driver is seriously injured. Students who have been held in place by seat belts will most likely be less injured and better able to evacuate themselves than unbelted students who have been tossed from their seats and injured. Seat belts should have little effect on the time required to complete a school bus evacuation.

As noted above, there were no large school bus accidents in which lives were lost because of submersion in water during the period 1982 through 1986. However, two school bus accidents which occurred in 1988 and 1989, involving a large loss of life, prove that these forms of accidents can happen and must be anticipated.

One tragic accident occurred on September 21, 1989 in Alton, Texas when a school bus with 81 students collided with a Coca-Cola delivery truck. After the collision, the school bus continued off the road and dropped 24 feet into an excavation pit partially filled with water. The bus came to rest on its left side, totally submerged in approximately 10 feet of water. The bus front boarding door was jammed shut, but the rear emergency exit door was operable. No other emergency exits were on the bus. Twenty-one students died as a result of drowning, three were seriously injured, and 46 received minor injuries. The National Transportation Safety Board found that there was a lack of a sufficient number of emergency exits on the bus to accommodate the rapid egress of all 81 students. In addition, the Safety Board concluded that school bus emergency evacuation drills would have improved the occupants chances to escape. (New York State buses of 67 passengers or more are manufactured with three emergency doors, one on each side and one in the rear, and two roof hatches. Buses with a capacity of more than 42 pupils have at least two push out windows on each side. Buses with a side emergency door can substitute such doors on a one-for-one basis with the push-out windows.)

A second tragic accident occurred near Carrollton, Kentucky on May 14, 1988. A church-owned bus carrying 66 passengers was traveling on an interstate when it was hit on the right front side by a pickup truck operated by a drunk driver who was traveling northbound in the southbound lane. The edge of the bus's leaf spring pierced the fuel tank and the bus burst into flames, trapping the terrified passengers inside. Three adults and 27 children died as they struggled to reach the only emergency door, a back door partially obstructed by the rear seats. The bus which was manufactured in March 1977, was not equipped with a protective cage enclosing the fuel tank. Such cages, which have been required by federal safety standards since April 1, 1977, make damage to the fuel tank less likely. In addition, the chance of such fires is further reduced in New York State where nearly all full-size buses are ordered with diesel engines. Diesel fuel, which is less volatile than gasoline, reduces but does not eliminate the chance of a postcrash fire.

ISSUE: Liability

Generally, boards of education and school administrators have the utmost concern for the safety of the students riding on school buses. Nevertheless, one can understand why there may be a reluctance to implement a policy of mandated seat belt usage. School officials are conscious of the fact that the school district may be the target of lawsuits if students are injured while wearing a seat belt, and it is that fear which may keep them from mandating seat belt usage.

One of the best ways to reduce a school district's exposure to liability is to reduce the number of injuries on the school bus. Seat belt use will improve student behavior, reduce injuries resulting from fighting and pushing, and decrease the number of accidents caused by driver distraction. Since students will not fall or slide from their seats, injuries from bus maneuvers or sudden stops will also be reduced. In minor collisions, students will be held in the seat compartment and avoid injury. Accordingly, where a board of education can show that it has adopted policies and implemented practices which enhance school bus safety through appropriate seat belt instruction, training and usage, the district's exposure to liability may actually decrease.

Sections 3635-a and 3813(4) of Education Law and Section 156.3(i) of Commissioner's Regulations contain the guidelines that school districts must follow relative to the use of seat belts on school buses. These laws and regulations are included in Appendix C at the end of this memorandum.

ISSUE: Student Behavior

It is well recognized that seat belts on motor vehicles are primarily designed to protect passengers by holding them in their seats and keeping them from being tossed about or thrown from the vehicle. In school buses, seat belts provide an additional benefit which may often be overlooked. This added benefit is the improved student behavior which results from the students being held in their seats.

When students are wearing belts they cannot leave their seats and consequently there is less rough play and fighting. It is easier for the driver to control the students since as soon as a student stands up, that student has violated the seat belt use policy and the disciplinary process can begin. The result is fewer discipline problems, a quieter trip, and less distractions for the driver. Comments received from the school districts which mandate seat belt usage, relative to improved student behavior, are included in Appendix A at the end of this memorandum.

Historically, driver distraction has been a cause of many school bus accidents. When one considers all of the possible distractions which the driver of a five ton school bus may face, the list would appear to be endless. Such a list would include: road conditions; engine performance; pedestrians or bicyclists; construction zones; other motorists; radio messages; side streets; traffic control devices; and students boarding and disembarking. When you add to the above the fact

that the driver is operating a bus full of young students, any inappropriate student behavior could significantly impact on the safe operation of the school bus. This type of distraction can be controlled in large part by the implementation of mandated seat belt usage.

Conclusion

The committee that produced **Special Report 222** concluded that ... "the use of seat belts on large, post - 1977 school buses may reduce the likelihood of death or serious injury to school bus passengers by up to 20 percent. If all large school buses were equipped with seat belts and students used them 50 percent of the time on average, one life might be saved, and several dozen serious injuries might be avoided each year". The committee further held that ... "school districts that require seat belts on school buses must ensure not only that all school bus passengers wear the belts, but that they wear them correctly. Research suggests that any program to require the use of seat belts on school buses can be effective only if it has the support of the school board, school administrators, teachers, parents and school bus drivers. With this support it is easier to teach children to wear seat belts correctly and they will be more willing to comply with the requirement that they wear them".

The New York State Legislative Commission on Critical Transportation Choices, in its 1986 report to the Legislature, concluded that "providing safety belts in school buses will save lives and prevent or reduce the severity of injuries."

In the manual Seat Belts and School Buses (see page 2 of this memorandum), it was concluded that "...the best and most effective way to spend school bus safety dollars to reduce fatalities on the school bus is to develop and implement educational programs that promote safety outside of the school bus where most fatalities occur. Effective ways to reduce injuries on the school bus include: mandated seat belt use to protect children inside of the bus; middle loading of students on the bus; elimination of standees on the bus; and 28" high seat backs. These strategies, when combined with consistent safety training, provide effective protection for passengers."

In view of the information now available, the Education Department supports the use of seat belts on school buses. We believe that seat belts are a cost-effective method for increasing safety inside of a school bus. Belt usage should reduce injuries inside the bus, since the belts will keep children safe in the seat "compartment" (closely spaced 28" high-backed seats). In addition, student behavior should improve because belts will deter students from leaving their seats. As a result, driver distraction should be reduced and that should result in a safer trip.

**Summary of Responses to 1997 Education Department
Seat Belt Questionnaire**

1. (a) Who, if anyone, checks to see that the pupils are using the belts?
 - Just about all responses indicated that inspections were made by the driver or an aide.
 - (b) How and when is such an inspection made?
 - "Prior to the trip home, drivers walk through the bus."
 - "Pupils are told to wear belts as they board the bus."
 - "Drivers make a general announcement to buckle-up before leaving on P.M. trips".
 - "On AM trips, selected students are reminded, at the driver's discretion, to use the belts".
 - "Aides check belts during the run."
 - "Drivers use mirror to check, prior to run, and check periodically during the run."
 - "Students assist drivers in checking belts."
 - "Drivers ask children whether they are buckled-up."
 - (c) Do trips take more time to complete because of such inspections?
 - Eleven responses indicated that trips took more time, while thirteen responses indicated that trips took no additional time.
 - "Trips took more time at the beginning of the year, but not once the practice was established."
 - "Sometimes, when pupils are standing, the driver will pull over and stop the bus to check the belts."
2. Who, if anyone, checks to see that the belts are properly adjusted? If so, when is such a check made?
 - A few responses indicated that no one checks for proper adjustment of the belts.
 - "Drivers check just before the run."
 - "Drivers remind pupils to tighten the belts as they walk through the bus."
 - "Students and aides check the belts."
 - "Drivers adjust the belts for young children."
 - "Teachers check on field trips."
 - "Each AM, the drivers check the belts and record problems on a chart which is used as the basis for repairs."
 - "Pupils are assigned seats. Therefore, after the initial adjustment, little subsequent adjusting is needed."
3. Do pupils use the belts without being reminded?
 - Sixteen responses indicated that most pupils use the belts without being reminded. Three responses indicated that pupils need to be reminded.
 - "The lower grades are more cooperative."
 - "Drivers are instructed to remind pupils each time they board the bus."
 - "Most of the older pupils cooperate, but some do not."

4. Have any pupils refused to use the belts? When this happens, how is such a situation handled?
- Eight responses indicated that no pupils had refused to use the belts.
 - "When a pupil refuses, he or she is written up."
 - "First, a verbal warning is given, then a written report."
 - "An aide reminds the pupil that it is district policy. If belts not used, the pupil is reported to a school official and the transportation director."
 - "A letter is sent to the parents."
 - "Students are alerted to the need to wear belts for safety. We speak to the student personally, but do not force the use of belts."
 - "Mostly, drivers will not move the bus until belts are buckled. If student still refuses, a discipline report is sent to the principal."
 - "We do not force high school students to use the belts, but we encourage them."
 - "First, a warning, then detention, and finally, a loss of riding privileges."
 - "None have refused, but have asked "why". A video of an actual accident has been used to educate pupils. Education seems to be the key to acceptance."
5. Can you identify any specific instances, such as an accident or a sudden stop, where pupils have benefited or been protected by using the belts? Please describe in detail.
- Twenty responses indicated that the districts had not experienced any instances where pupils had been protected by the belts.
 - "A small station wagon ran under the rear of a large bus stopped at a red light and stuck its frame. The crash caused slight damage to the left rear of the bus. Four students were treated for minor injuries. A couple complained that they bumped their head or sprained their ankle. They were all, in fact, wearing their seat belts, which the district's Transportation Director thinks prevented a lot of injuries."
 - "The belts keep pupils from slipping off the seats."
 - "Students control has improved. They cannot jump up and down or seat hop. There are less distractions to the driver."
 - "A bus went off the road; all pupils were wearing belts."
 - "Discipline is a lot better on the buses, plus it is quieter."
 - "Belts seem to control the conduct of students."
6. Have any pupils suffered injuries as a result of wearing belts? Please describe in detail.
- Twenty-three responses indicated that no pupils had suffered injuries as a result of wearing belts.
 - "No pupils have been injured, other than by pupils swinging the belts."
 - "When a bus has had to stop short, children have suffered stomach pains."
7. Have any pupils who were not using belts suffered injuries which the belts most likely would have prevented? Please describe in detail.
- Twenty-four responses indicated that no pupils had suffered injuries that belts most likely would have prevented.

- "A pupil out of his seat was thrown to the floor causing a bloody nose when the bus stopped suddenly."

8. Have young pupils experienced difficulty with fastening or releasing the belts?

- Ten responses indicated that pupils experience difficulty with fastening or releasing belts. Ten other responses indicated no difficulty with belts.
- "Kindergarten and first grade children require assistance until they master the procedure."
- "Grades K-2 have difficulty adjusting the belts; older students assist them."
- "More likely, the young pupils need instruction on tightening the belts."
- "Problems were experienced only at the beginning of the school year."
- "Often, young pupils cannot release the buckle, and in winter, they have problems because of their mittens."
- "An aide helps the pre-schoolers."
- "We tested 220 incoming kindergarten children. All but one could put on and take off the belts without assistance."

Additional Comment by School District Official

"The most important aspect is that seat belts are a great management tool for student behavior, because the students are seated. There is (1) less fighting and physical contact; (2) the trip is quieter; and (3) less confusion and fewer distractions for the driver. The result is a safer trip."

**1998 Seat Belt Usage Survey
State Education Department
Conducted by the Pupil Transportation Safety Institute**

The following information was received from the 26 school districts that require students to use the seat belts on school buses:

1. In 19 of the districts, all age groups are required to use the belts, one district requires usage for elementary students only, and one other district for grades K-3 only.
2. The most common method used to make the general public and parents aware of their seat belt policy was through district newsletters. The next most common method was the local newspaper. Multiple methods were used by some districts.
3. Parents were receptive to the seat belt policy in 24 of the districts.
4. The seat belt policy was most commonly communicated to students by the driver; 15 districts gave this response.
5. All 26 districts indicated that bus drills were used to train students in proper seat belt use.
6. Students were receptive to seat belt use in the following number of districts:

Elementary- 24 districts	Middle School-6 districts	High School-1 district
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7. Drivers and monitors were receptive to mandated seat belt use in 21 of the districts.
8. The following percentage of students actually use the seat belts:

Elementary - 88%	Middle School - 71%	High School - 47%
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9. The mandated use of seat belts has resulted in improved student behavior in the following number of districts:

Elementary-20 districts	Middle School-10 districts	High School-9 districts
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10. Four districts indicated that seat belts had prevented injuries when a school bus was involved in a minor to moderate accident that would have dangerously jostled students out of their seats.
11. Only one district responded that there had been negative effects from using seat belts: more time was consumed in boarding the bus.
12. Bumps and bruises to the head were experienced in four of the districts, and a laceration of the lip in a fifth district, because of the misuse of seat belts, which in three districts involved the swinging of belts.
13. The driver oversees the use and proper adjustment of belts in 21 of the districts.
14. Nineteen of the districts responded that they have a policy for discipline procedures in cases of student noncompliance.

15. Seven of the districts indicated that vandalism rates are higher as a result of the use of seat belts.

Education Law, Section 3635-a:

1. A board of education or board of trustees may, in its discretion, following a public hearing for the purpose of determining whether a resolution shall be adopted, provide for the use of seat safety belts on such school buses, in accordance with regulations and standards established by the commissioner under subdivision one of section thirty-six hundred thirty-eight of this chapter.
2. Such public hearing, conducted upon reasonable notice, shall be held to consider: (a) whether the district shall install seat safety belts on buses purchased and/or contracted for prior to the effective date of this section and require their use; (b) when such installation shall be provided; and (c) whether use of safety belts shall be required on all school buses within the district so equipped after a date to be determined by the board of education or board of trustees.
3. Such hearings shall consider the effect of seat safety belts installation on the total number of students that can be transported on such buses.
4. Within twenty days after the public hearing, the board of education or board of trustees shall, by resolution, determine whether to require installation and use of seat safety belts on some or all school buses.
5. This section shall apply only to vehicles owned or leased by school districts and nonpublic schools, and to vehicles used to perform contracts with such school districts and nonpublic schools for the purpose of transporting school children for hire.
6. Nothing in this section shall be construed to impose a duty upon boards of education or boards of trustees to provide seat safety belts on school buses purchased or contracted for prior to the effective date (effective August 29, 1986) of this section, nor shall any board of education or board of trustees be held liable for failure to provide seat safety belts pursuant to this section. A school board member or trustee shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of the provisions of this section provided that such persons shall have acted in good faith. For the purpose of any proceeding, civil or criminal, the good faith of any such person shall be presumed.
7. The provisions of this section shall not apply to school districts which are using safety belts on school buses or have installed or have contracted for the installation of seat safety belts prior to the effective date of this section.

Education Law, Section 3813:

4. In any action for personal injuries by a passenger on a school bus against a school district, school bus operator under contract with a school district, or any agent or employee of a district or operator (including, but not limited to, bus drivers, matrons, teachers serving as chaperones and volunteers) no such person shall be held liable solely because the injured party was not wearing a seat safety belt; provided, however, that nothing contained herein shall be construed to grant immunity from liability for failure to:
 - (a) maintain in operating order any equipment required by statute, rule or regulation;
 - (b) comply with applicable statutes, rules or regulations.

Commissioner of Education Regulations, Section 156.3:

- (i) Instruction on use of seat belts. In each school district in which pupils are transported on school buses equipped with seat safety belts, such district shall insure that all pupils who are transported on any school

bus owned, leased or contracted for by the district shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three times each year to both public and nonpublic school pupils who are so transported and shall include, but not be limited to;

- (1) proper fastening and release of seat safety belts;
- (2) acceptable placement of seat safety belts on pupils;
- (3) times at which the seat safety belts should be fastened and released; and acceptable placement of the seat safety belts when not in use.