



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Amid Multiple Allegations of Child Abuse on Buffalo School Buses, Kennedy Calls for Comprehensive State Investigation into Recent Incident and School Bus Safety Statewide

TIMOTHY M. KENNEDY January 25, 2016

| ISSUE: **CHILDREN, SCHOOLS, CHILD SAFETY**

*NYSED Currently Oversees Qualifications for Hiring School Bus Drivers, Monitors and Attendants; Responsible for School District Provision of Student Transportation Services*

*Kennedy: Students Shouldn't Be Fearful of Receiving an Education; Our Schools and Our Buses Should Be Safe Haven for New York State's Children*

BUFFALO, N.Y. – Senator Tim Kennedy (D-Buffalo) today called on New York State Department of Education Commissioner MaryEllen Elia to launch an investigation into the recent allegations of sexual abuse of a 6-year-old and 9-year-old child on a Buffalo school bus, and to greater examine safety protocols on all school buses across New York State. In a letter to NYSED, Kennedy asked for a thorough look into any incidents of abuse or violence reported on school buses over the past year, and an examination into whether bus aides were present on the vehicles at the time of the alleged incidents.

Currently, NYSED oversees school district provision of transportation for students attending both public and nonpublic schools. The department also has authority over hiring qualifications for school bus drivers, monitors and attendants, and administers an annual School Bus Driver Safety Training Program, which educates employees on safety protocols.

According to its website, approximately 2.3 million students ride 50,000 school buses each day across New York State.

“The recent allegations of abuse are disturbing, heartbreaking and above all unacceptable,” said Senator Tim Kennedy. “Our children deserve to be protected without question, both in and outside the classroom, which is why I’ve asked New York State Department of Education Commissioner Elia to fully investigate the state of our school bus operations statewide. If statutory or regulatory reforms or additional resources are needed to ensure the well-being of our students, New York State has an obligation to step up to the plate, and we will see to it that the appropriate changes are discussed and considered at that time.”

Kennedy’s call comes while police and school officials with the Catholic Diocese of Buffalo continue to investigate allegations that a 6-year-old boy was sexually abused by a 12-year-old while riding a Buffalo school bus back in December. A local parent group has since filed a federal complaint, and is pushing for the Buffalo Public Schools to require bus aides on every school bus. In a separate case, the mother of a 9-year-old South Buffalo elementary school student claimed that her son was physically and sexually assaulted on a school bus without an aide back in November.

Kennedy continued, “Just as these allegations are being investigated by authorities, New York State must perform its own investigation into the alleged incidents and the safety standards our school buses currently abide by. As a Western New York native, I know Commissioner Elia has strong ties to our region and its children, which is why I’m urging her to prioritize this request. I look forward to hearing back from the department on its findings.”

You can find the full text of Kennedy’s letter to NYSED below:

*MaryEllen Elia*

*Commissioner of Education & President of the University of the State of New York*

*New York State Education Building*

*89 Washington Avenue*

*Albany, New York 12234*

*Dear Commissioner Elia:*

*I write to bring your attention to recent allegations of abuse on school buses in the City of Buffalo, and to request that the New York State Education Department undertake an investigation of school bus safety throughout the state in order to determine what steps can be taken to prevent future incidents. As the department holding jurisdiction over safety training requirements, along with hiring qualifications for drivers, monitors, and attendants, I believe that NYSED is best-suited to undertake such an investigation.*

*As you may know, in recent months there have been at least two complaints of sexual assault against young students on school buses in Buffalo. In November of last year, a 9-year-old boy claimed he was physically assaulted, and also alleged he was forced to perform a sexual act on another student. Later on, in December, a 6-year-old on a different bus alleged that he was forced to perform a sexual act on another student. As a father of three children, these allegations horrify me, as they should horrify everyone who hears about them. If these are ultimately proven to be true, there must be serious ramifications at both the local and state levels.*

*However, regardless of the final outcome of these cases, the fog around these events makes it clear that there is a pressing need to review current practices. For example, Chapter 10 of the 1999 Basic Course of Instruction for School Bus Drivers Instructor's Guide lays out how a case of sexual harassment should be addressed by a driver. It does not, however, address how cases of sexual assault are to be handled by the driver. I believe that in the process of this investigation, there should be a review of whether drivers are properly prepared to recognize signs of sexual assault, and are equally prepared to intervene in order to protect the student.*

*I also request that NYSED review their school bus monitor policies and training requirements, to determine whether more monitors are needed on buses throughout the state in order to adequately monitor the children. As a society, we find it troubling when class sizes exceed thirty students, yet many buses can hold up to 90 children on them and are staffed only by a single driver. That driver must focus on the road, while also working to keep dozens of children under control – a difficult prospect even under the best conditions.*

*Again, I respectfully request that NYSED investigate recent allegations of sexual assault on buses, and determine whether existing regulations regarding sexual assault and school bus monitors are adequate. Thank you for your attention to this important matter. Should you have any questions, as always, I welcome your call.*

*Sincerely,*

*Timothy M. Kennedy*

*New York State Senator, 63<sup>rd</sup> District*

*Cc: Mary Faherty Sansaricq, New York State Education Department, State Director of Pupil Transportation*

*Dr. Kriner Cash, Buffalo Public Schools, Superintendent*

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