



**WEST VIRGINIA
SECRETARY OF STATE**

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ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-

RULE NAME West Virginia School Bus Transportation Policy and Procedures Manual (4336) 092

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d
839 (1988)

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839
(1988)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE
EFFECTIVE DATE OF THIS RULE IS

Monday, July 01, 2013

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-092



Rule Id: 8967



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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 92
WEST VIRGINIA SCHOOL BUS TRANSPORTATION POLICY
AND PROCEDURES MANUAL (4336)**

§126-92-1. General.

1.1. Scope. - This legislative rule provides regulations for school transportation.

1.2. Authority. - W. Va. Const., Art. XII, §2, W. Va. Code §§17C-12-3, 17C-14-12, 18-2-5, 18-5-13, 18-8-1, 18A-4-8e, and Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U. S. C. 11431 et seq.).

1.3. Filing Date. - April 11, 2013.

1.4. Effective Date. – July 1, 2013.

1.5. Repeal of former rule - This legislative rule amends W. Va. §126CSR92 "West Virginia Transportation Policy and Procedures Manual (4336)" filed September 12, 2008 and effective October 14, 2008 with the exception of appendices that consist of other legislative rules.

§126-92-2. Incorporation by Reference.

2.1. A copy of the West Virginia School Bus Transportation Policy and Procedures Manual is attached and incorporated by reference. Copies may be obtained in the Office of the Secretary of State and in the West Virginia Department of Education, Division of Student Support Services.

2.2. These regulations shall be read in conjunction with other West Virginia Board of Education (hereinafter "State Board") policies referenced herein, including W. Va. §126CSR99, Policy 4373, Expected Behavior in Safe and Supportive Schools, W. Va. §126CSR162, Policy 5902, Employee Code of Conduct, , W. Va. §126CSR25A, Policy 2422.7, Standards for Basic and Specialized Health Care Procedures, W. Va. §126CSR27, Policy 2422.8, Medication Administration, W. Va. §126CSR51, Policy 2423, Communicable Disease Control, and W. Va. §126CSR92, Policy 5500.02, County Service Personnel Staff Development.

§126-92-3. Severability.

3.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**WEST VIRGINIA SCHOOL BUS TRANSPORTATION POLICY
AND PROCEDURES MANUAL**

1. Introduction

1.1. West Virginia Motor Vehicle Code, §17C-14-12 (a), School Bus Regulations, provides that, "The West Virginia Board of Education by and with the advice of the motor vehicle commissioner shall adopt and enforce rules.....to govern the design and operation of all school buses...."

1.2. The Executive Director of the Office of School Transportation (hereinafter, "State Director"), West Virginia Department of Education (hereinafter, "State Department") serves as the liaison with county school systems in the implementation of this policy.

1.3. The object of this manual is to provide guidelines to county school bus transportation systems to insure safe, high quality programs for the students transported to the public schools in West Virginia.

2. Inspection and Maintenance of School Buses

2.1. Pursuant to W. Va. Code §16C-16-2, "Inspection of Vehicles," a member of the West Virginia State Police may stop and inspect a school bus at any time.

2.2. Qualified bus inspectors employed by the State Department may also inspect a school bus at any time.

2.3. All school buses transporting students to school and/or school related events shall be inspected two (2) times annually by a qualified inspector employed by the State Department.

2.4. The State Director shall supervise the scheduling of the school bus inspections.

2.5. Vehicle Inspection

2.5.1. School bus operators shall present to the inspector a valid commercial drivers license, a first aid certificate and a State of West Virginia certification card when requested.

2.5.2. All school buses transporting students shall be inspected and display the inspection certificate.

2.5.3. The State Director may require additional inspections of school buses.

2.5.4. All school buses used to transport students shall be inspected by West Virginia Department of Education bus inspectors and approved for use after a major repair or accident which would include damage to any steering component, front axle, or frame.

2.5.5. Any school bus used to transport students which is declared unsafe is to be marked with the appropriate rejection sticker.

2.6. New Vehicle Inspection

2.6.1. All new school buses shall be inspected to validate that they meet all state and federal requirements.

2.6.2 A West Virginia Division of Motor Vehicles (hereinafter, "DMV") inspection sticker shall be displayed on all vehicles.

2.7. County School Bus Maintenance

2.7.1. The county school system shall establish a school bus maintenance program. It may be delivered by the county school system or through a private contractor.

2.7.2. The maintenance program shall employ mechanics and service employees skilled in bus maintenance.

2.7.3. The county school system shall insure that the maintenance staff members are annually trained to ensure quality maintenance.

2.7.4. An inventory of the bus vehicle parts shall be completed annually and made available at the county maintenance center.

2.7.5. Maintenance records for buses shall be current and made available at the center.

2.7.6. Preventative maintenance shall be performed on all school buses every two months during the school year, and a maintenance schedule for each school bus shall be posted in the service center.

2.7.7. Additional State Board recommendations regarding maintenance are listed in Appendix A.

3. School Bus Passenger Regulations

3.1. The school bus operator shall be in charge of any passengers riding the bus. The school bus operator shall follow the W. Va. §126CSR99 West Virginia Board of Education (hereinafter "State Board") Policy 4373, "Expected Behavior in Safe and Supportive Schools" (hereinafter, "Policy 4373") to provide discipline on school buses.

3.2. County boards of education will provide training on Policy 4373 to bus operators.

3.3. Enrolling or enrolled students, employees or persons approved previously by a county board of education are the only passengers to be transported by the county school transportation system.

3.4. All students living greater than two miles from their assigned school or nearest bus route will be eligible for school transportation services.

3.5. Twice annually, students will participate in emergency evacuation drills. The first drill is to be completed by October 31 and the second by April 30 of each year.

4. Regulations for Students Transported on School Buses

4.1. Responsibilities of parents. Parents shall:

4.1.1. Provide written guidance regarding any special care a student may need while riding the bus.

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4.1.2. Provide supervision at all bus stops until the bus arrives for both pickup and delivery.

4.2. Responsibilities of students. Students shall:

4.2.1. Walk on the left side of the road facing traffic.

4.2.2. Wait on the bus at the designed stop in an orderly manner.

4.2.3. Board the bus in an orderly manner.

4.2.4. Follow the school bus operator's/aide's instructions at all times.

4.2.5. Comply with Policy 4373.

4.2.6. Be responsible for vandalism that occurs on a seat in which they ride.

4.2.7. Not eat, drink, or place objects in their mouth that may cause a choking hazard while on the bus except for medically necessary foods or medications according to W. Va. §126CSR27 State Board Policy 2422.8, "Medication Administration" (hereinafter "Policy 2422.8").

4.2.8. Change seats only with permission of the school bus operator when the bus is not in motion.

4.2.9. Avoid unnecessary conversation with the school bus operator.

4.2.10. Keep heads and arms inside bus windows at all times.

4.2.11. Report any open exit or released hatch to the school bus operator immediately.

4.2.12. Provide enrollment information to the school bus operator.

Students shall not:

4.2.13. Ride in stepwell or forward of front row seats.

4.2.14. Stand while bus is in motion, at any time a seat is available.

4.2.15. Throw, or pass, any object of any nature into or from the bus through a door or window.

4.2.16. Use profane or obscene language.

4.2.17. Open emergency exits, except during emergencies, unless directed by the school bus operator.

5. Regulations for Transporting Students with Disabilities Requiring Special Transportation

5.1. Students with disabilities' Individualized Education Plan (hereinafter, "IEP"), individualized health care plans, and 504 Plans shall specify the bus modifications and support required for transporting the student when appropriate.

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5.2 . When transportation of a student with disabilities necessitates a transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the county school system.

5.3 . Vehicle requirements for use in transporting students with disabilities shall be guided by W. Va. §126CSR89 State Board Policy 4334, "Minimum Requirements for Design and Equipment of School Buses for West Virginia."

5.4 . The county school system may terminate bus transportation service if the parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.

5.5. The school bus operator and/or the bus aide, when appropriate, shall:

5.5.1. Assist and supervise students with disabilities.

5.5.2. Complete first aid and Cardio Pulmonary Resuscitation (hereinafter, "CPR") training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section 1 of the "West Virginia School Bus Operators Training Manual."

5.5.3. All school bus operators shall receive six (6) hours initial and one (1) hour of refresher training annually for the transportation of students with special health care needs including the requirements of W. Va. §126CSR25A State Board Policy 2422.7, "Standards for Basic Health Care Procedures" (hereinafter "Policy 2422.7").

5.6. The special education director designee and/or school nurse shall provide the following information to the transportation director or designee as specified in Policy 2422.7.

5.6.1. Student's name and address.

5.6.2. Parent's name, address, home and work telephone numbers.

5.6.3. Emergency health care plan information and/or individualized health care plan.

5.7. When the IEP, individualized health care plan or 504 Plan requires that medicine is to be provided to a student with disabilities while being transported, the procedures shall be in accordance with Policy 2422.8.

5.7.1. Aides shall be delegated to and receive training by the school nurse in medication administration or in the delivery of medication and other basic or specialized health care procedures as specified in Policy 2422.7.

5.8. Parents/guardians of students with disabilities shall assist in the transportation of their child by:

5.8.1. Providing documentation on the special care needed.

5.8.2. Bringing the student to the bus stop and providing the necessary supervision.

5.8.3. Picking up the student at the designated time at the designated bus stop.

5.8.4. Contacting the school bus operator if the child is to be absent.

5.9 . The school transportation system shall implement Policy 4373 in conjunction with W. Va. 126CSR16 State Board Policy 2419, "Regulations for the Education of Students with Exceptionalities."

6. Regulations for Transporting Homeless Students

6.1. County boards of education shall ensure compliance with Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the local education agency (hereinafter, "LEA") in which the school of origin is located, that LEA shall provide or arrange for the child's or youth's transportation to and from the school of origin.

6.2 . If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

7. Procedures for Disciplining Students Transported by School Buses

7.1. The school bus operator shall immediately notify the school principal when any transported student has violated Policy 4373. Written notification shall be completed by the school bus operator as soon as possible.

7.1.1. The student to be excluded from the bus shall be notified by the school bus operator. The parents/guardians of the student shall be notified by the school principal/designee.

7.1.2. All students shall be transported until the parent/guardian has been properly notified about the exclusion.

7.1.3. An excluded student shall be readmitted to the bus only after the principal/ designee notifies the school bus operator that the student may be readmitted. Parents/guardians will also be notified by the school principal/designee when their son/daughter may resume riding the bus.

7.1.4. If a student has been disciplined three times in one year by the school bus operator, a conference to discuss the student's disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present with the school bus operator and the principal/designee. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

8. Student Conduct on School Buses

8.1. The school bus operator shall display the following major concepts of Policy 4373 in his/her school bus.

8.1.1. All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.

8.1.2. Students shall help create an atmosphere free from bullying, intimidation, harassment or

any other inappropriate behavior.

8.1.3. Students shall demonstrate honesty and trustworthiness.

8.1.4. Students shall treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.

8.1.5. Students shall demonstrate responsibility, use self-control and be self-disciplined.

8.1.6. Students shall demonstrate fairness, play by the rules, and will not take advantage of others.

8.1.7. Students shall demonstrate compassion and caring.

8.1.8. Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

8.1.9. Students shall have proper approval to exit the school bus other than their regularly assigned bus stop.

9. Medical Exclusion of Students from a School Bus

9.1. The school nurse or administrator, as per W. Va. §126CSR51, State Board Policy 2423, “Communicable Disease Control” and W. Va. Code §18A-5-1 and §18-5-22) shall notify the bus operator when a student shall be excluded from the school bus due to an infectious disease.

9.2. The student will be returned to the bus transportation program when the appropriate medical official has given the student a written statement signifying that the student may again be transported with other students.

10. School Bus Stop Locations

10.1. Ideally, bus stops should be located out of the traffic stream at least .20 miles apart.

10.2. For bus stop locations near a railroad crossing, consideration should be given to the traffic flow in the area and to assure that adequate distance is allowed for traffic to clear the railroad tracks. The safety of the general motorists should be taken in consideration.

10.3. With irregular terrain, the highest priority in establishing a bus location should be the safety of the students. Every effort should be made by county school officials to select a safe bus stop with ample waiting areas for students.

10.4. The minimum sight distance should be related to the approved speed of traffic. The approved speed is the posted speed limit, advisory speed limit or a value judged to most accurately represent the prevailing speed at a specific location.

10.5. Sight distance needed on a level grade for essential speeds is as follows:

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Speed (mph)	Recommended Sight Distance	Minimum Sight Distance
25	300 feet	139 feet
30	360 feet	176 feet
35	420 feet	219 feet
40	480 feet	263 feet
45	540 feet	314 feet
50	600 feet	369 feet
55	660 feet	432 feet

10.6. The West Virginia Division of Transportation (hereinafter, "DOT") and District Traffic Engineers will provide assistance in the selection and the use of school bus STOP signs which warn motorists of the presence of students at a bus stop. The county shall request the DOT for assistance if needed.

10.7. Bus stops should be located to minimize students walking along unsafe highways.

10.8. A school bus operator shall contact the county transportation director when a bus stop is determined to be unsafe. The county transportation director shall evaluate and take action to relocate the stop to a safer place, if necessary.

10.9. School bus operators are to pick up and discharge students only at the designated locations.

10.10. When possible, a bus stop shall be 200 feet from the crest of a hill or a curve, if the view of approaching traffic is obstructed.

11. Loading and Unloading of Student Passengers

11.1. Approaching the Stop

11.1.1. Do not change the location of a bus stop without written approval from the appropriate school district official.

11.1.2. When approaching the stop, you should:

11.1.2.a. Approach cautiously at a slow rate of speed. Look for pedestrians, traffic, or other objects before, during, and after coming to a stop. Continuously check all mirrors.

11.1.2.b. Activate alternating flashing amber warning lights at least 200 feet or approximately 5-10 seconds before the school bus stop or in accordance with state law.

11.1.2.c. Continuously check mirrors to monitor the danger zones for students, traffic, and other objects.

11.1.2.d. Move as far as possible to the right on the traveled portion of the roadway.

11.1.2.e. Bring school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop. This forces the students to walk to the bus so you have a better view of their movements.

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11.1.2.f. Place transmission in Park, or if there is no Park shift point, in Neutral and set the parking brake at each stop.

11.1.2.g. Open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the school bus.

11.1.2.h. Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.

11.2. Loading Procedures

11.2.1. Perform a safe stop as described in subsection. Students should wait in a designated location for the school bus, facing the bus as it approaches.

11.2.2. Students should board the bus only when signaled by the driver. Monitor all mirrors continuously.

11.2.3. Count the number of students at the bus stop and be sure all students board the bus. If possible, know names of students at each stop.

11.2.4. If there is a student missing, ask the other students where the student is.

11.2.5. Have the students board the school bus slowly, in single file and use the handrail.

11.2.6. The dome light should be on while loading in the dark.

11.2.7. Wait until students are seated and facing forward before moving the bus.

11.2.8. Check all mirrors. Make certain no one is running to catch the bus. If you cannot account for a student outside, secure the bus, take the key, and check around and underneath the bus.

11.2.9. When all students are accounted for, prepare to leave by:

11.2.9.a. Closing the door.

11.2.9.b. Engaging the transmission.

11.2.9.c. Releasing the parking brake.

11.2.9.d. Turning off alternating flashing red lights.

11.2.9.e. Checking all mirrors again.

11.2.9.f. Allowing congested traffic to disperse.

11.2.10. When it is safe, move the bus to enter traffic flow and continue the route.

11.2.11. The loading procedure is essentially the same wherever you load students, but there are slight differences. When students are loading at the school campus, you should:

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11.2.11.a. Turn off the ignition switch.

11.2.11.b. Remove key if leaving driver's compartment.

11.2.11.c. Position yourself to supervise loading as required or recommended by your local regulations.

11.3. Unloading Procedures on the Route

11.3.1. Perform a safe stop at designated unloading areas as described in subsection 11.1.2.

11.3.2. Have the students remain seated until told to exit.

11.3.3. Check all mirrors.

11.3.4. Count the number of students while unloading to confirm the location of all students before pulling away from the stop.

11.3.5. Assure that all exiting students are at his/her authorized stop. Tell students to exit the bus and walk at least 10 feet away from the side of the bus to a position where the driver can plainly see all students.

11.3.6. Check all mirrors again. Make sure no students are around or returning to the bus.

11.3.7. If you cannot account for a student outside the bus, secure the bus and check around and underneath the bus.

11.3.8. When all students are accounted for, prepare to leave by:

11.3.8.a. Closing the door.

11.3.8.b. Engaging transmission.

11.3.8.c. Releasing parking brake.

11.3.8.d. Turning off alternating flashing red lights.

11.3.8.e. Checking all mirrors again.

11.3.8.f. Allowing congested traffic to disperse.

11.3.9. When it is safe, move the bus, enter the traffic flow and continue the route.

11.3.9.a. If you have missed a student's unloading stop, do not back up. Be sure to follow local procedures.

11.4. Additional Procedures for Students That Must Cross the Roadway.

11.4.1. If a student or students must cross the roadway, they should follow these procedures:

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11.4.1.a. Students shall walk approximately 10 feet away from the side of the school bus to a position where you can see them.

11.4.1.b. Walk to a location at least 10 feet in front of the right corner of the bumper, but still remaining away from the front of the school bus.

11.4.1.c. Stop at the right edge of the roadway. The school bus operator should be able to see the student's feet.

11.4.1.d. When students reach the edge of the roadway, they should:

11.4.1.d.1. Stop and look in all directions, making sure the roadway is clear and is safe.

11.4.1.d.2. Check to see if the red flashing lights on the bus are still flashing.

11.4.1.d.3. Wait for the driver's signal before crossing the roadway.

11.4.1.d.4. Upon your signal, the students shall: Cross far enough in front of the school bus to be in your view.

11.4.1.d.5. Stop at the left edge of the school bus, stop, and look again for the driver's signal to continue to cross the roadway.

11.4.1.d.6. Look for traffic in both directions, making sure roadway is clear.

11.4.1.d.7. Proceed across the roadway, continuing to look in all directions.

11.5. Unloading Procedures at School

11.5.1. When unloading at the school you should follow these procedures:

11.5.1.a. Perform a safe stop at designated unloading areas as described in subsection 10.

11.5.1.b. Secure the bus by:

11.5.1.b.1. Turning off the ignition switch.

11.5.1.b.2. Removing key if leaving driver's compartment.

11.5.1.b.3. Have the students remain seated until told to exit.

11.5.1.b.4. Position yourself to supervise unloading as required or recommended by your state or local regulations.

11.5.1.b.5. Have students exit in orderly fashion.

11.5.1.b.6. Observe students as they step from bus to see that all move promptly away from the unloading area.

11.5.1.b.7. Walk through the bus and check for hiding/sleeping students and items left by

students.

11.5.1.b.8. Check all mirrors.

11.5.1.b.9. Make certain no students are returning to the bus.

11.5.1.b.10. If you cannot account for a student outside the bus and the bus is secure, check around and underneath the bus.

11.5.1.c. When all students are accounted for, prepare to leave by:

11.5.1.c.1. Closing the door.

11.5.1.c.2. Fastening safety belt.

11.5.1.c.3. Starting engine.

11.5.1.c.4. Engaging the transmission.

11.5.1.c.5. Releasing the parking brake.

11.5.1.c.6. Turning off alternating flashing red lights.

11.5.1.c.7. Turning on left turn signal.

11.5.1.c.8. Checking all mirrors again.

11.5.1.c.9. Allowing congested traffic to disperse.

11.5.1.d. When it is safe, pull away from the unloading area.

11.6. Special Dangers of Loading and Unloading

11.6.1. Dropped or Forgotten Objects. Always focus on students as they approach the bus and watch for any who disappear from sight.

11.6.2. Handrail Hang-ups. Clothing, accessories or even parts of students' bodies can get caught in the handrail or door as they exit the bus. Closely observe all students exiting the bus to confirm that they are in a safe location prior to moving the bus.

11.7. Railroad-highway Crossing Procedures

11.7.1. Approaching the Crossing:

11.7.1.a. Slow down, including shifting to a lower gear in a manual transmission bus, and test your brakes.

11.7.1.b. Activate hazard lights approximately 200 feet before the crossing. Make sure your intentions are known.

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11.7.1.c. Scan your surroundings and check for traffic behind you.

11.7.1.d. Stay to the right of the roadway if possible.

11.7.1.e. Choose an escape route in the event of a brake failure or problems behind you.

11.7.2. At the Crossing:

11.7.2.a. Stop no closer than 15 feet and no farther than 50 feet from the nearest rail, where you have the best view of the tracks.

11.7.2.b. Place the transmission in Park, or if there is no Park shift point, in Neutral and press down on the service brake or set the parking brakes.

11.7.2.c. Turn off all radios and noisy equipment and silence the passengers.

11.7.2.d. Open the service door and driver's window. Look and listen for an approaching train.

11.7.3. Crossing the Track:

11.7.3.a. Check the crossing signals again before proceeding. Close the entrance door.

11.7.3.b. At a multiple-track crossing, stop only before the first set of tracks. When you are sure no train is approaching on any track, proceed across all of the tracks until you have completely cleared them. Close the driver's window and turn the emergency flashers off and continue your route.

11.7.3.c. Cross the tracks in a low gear. Do not change gears while crossing.

11.7.3.d. If the gate comes down after you have started across, drive through it even if it means you will break the gate.

11.7.4. Special Situations

11.7.4.a. Bus Stalls or Trapped on Tracks. If your bus stalls or is trapped on the tracks, get everyone out and off the tracks immediately. Move everyone far from the bus at an angle, which is both away from the tracks and toward the train.

11.7.4.b. Police Officer at the Crossing. If a police officer is at the crossing, obey directions. If there is no police officer and you believe the signal is malfunctioning, call your dispatcher to report the situation and ask for instructions on how to proceed.

11.7.4.c. Obstructed View of Tracks. Do not attempt to cross the tracks unless you can see far enough down the track to know for certain that no trains are approaching. Passive crossings are those that do not have any type of traffic control device. Be especially careful at "passive" crossings. Even if there are active railroad signals that indicate the tracks are clear, you must look and listen to be sure it is safe to proceed.

11.7.4.d. Containment or Storage Areas. If it won't fit, don't commit! Know the length of your bus and the size of the containment area at highway-rail crossings on the school bus route, as well as any crossing you encounter in the course of a school activity trip. When approaching a crossing with a signal or stop sign on the opposite side, pay attention to the amount of room there. Be certain the bus has enough containment or storage area to completely clear the railroad tracks on the other side if there is a need to stop.

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Add 15 feet to the length of the school bus to determine an acceptable amount of containment or storage area.

11.8. In accordance with W. Va. Code §17C-12-7 and §17C-12-9, the school bus operator may report to the appropriate law enforcement official any motorist who violates the state law regarding the stopping of motor vehicles when a school bus is loading and unloading.

11.9. Counties shall formulate a policy to assure that a young child's guardian be at the bus stop for pickup and delivery of his/her child.

12. Idling of School Buses

12.1. In normal weather, a school bus operator shall not idle the bus while waiting for or loading students.

12.2. Buses will be allowed to idle when the temperature is 40 degrees Fahrenheit or colder, when the driving windows need to be defrosted, when the safety and comfort of the students is in question, or when emergency dictates.

12.3. School bus operators are prohibited from idling the buses for more than 10 minutes unless defrosting of windows is needed: in this case idling shall be limited to thirty minutes.

13. General Operating Procedures

13.1. The school bus operator shall wear a seat belt as specified.

13.2. The school bus operator shall not knowingly operate an unsafe bus and shall perform all inspections and duties set forth in Appendix B and any inspections and duties required by the county not inconsistent with Appendix B.

13.3. The school bus operator shall possess, in the operator's compartment, a copy of this manual developed by the State Director and a current school bus schedule (by the end of the first month).

13.4. The school bus operator shall not permit any unauthorized person to occupy the driver's seat or tamper with the bus.

13.5. The school bus operator shall observe all speed limits. Truck speed limits apply to school buses. Adverse weather conditions require reduced speeds.

13.6. School bus operators shall use proper signals as required by law when operating a school bus.

13.7. The school bus operator shall not leave the bus when it is running unless the bus is equipped with a lift and with safety interlocks for FMVSS 403 and 404 lift equipment and the driver is assisting the loading or unloading of a student with the lift.

13.8. When the school bus operator leaves the bus, the keys shall be in possession of the operator and the emergency brake engaged with the exception referred to in 13.7.

13.9. The school bus operator shall not drive the bus in reverse while at the school or while loading or unloading students except in an emergency. The school bus operator shall use the assistance of a school official or another adult when the situation requires such a movement.

13.10. The school bus operator shall use the route as specified by the County Director/Supervisor of Transportation, unless an emergency authorized by county administrators necessitates a change. The County Director/Supervisor shall conduct a "Potential Hazard Audit" annually prior to the first day of school. (See Appendix C.)

13.11. All bus schedule changes, made by the County Director/Supervisor of Transportation, shall be communicated to the parents and students as quickly as possible.

13.12. In case of an accident or a mechanical failure while students are being transported, the school bus operator shall provide for the safety of the students and request assistance as soon as possible.

13.13. The school bus operator should only disengage the clutch while making a complete stop or shifting gears.

13.14. The school bus operator shall conduct and supervise emergency exit drills at least twice a year (three times for Pre-K students) (Federal Highway Safety Standard No. 17). Copies of these standards are available through the Office of the State Director. The procedures are as follows:

13.14.1. Drills are to be conducted in a safe place.

13.14.2. School officials shall assist in the drills as the need arises.

13.14.3. The drills shall include exiting through the front and rear door, the use of exist windows, roof hatches and other instruments used to assist with emergencies.

13.14.4. Upon completion, the date of the drills shall be reported to the County Director/Supervisor of Transportation.

13.15. Signage including but not limited to advertisements, banners, photos, stickers, posters, are not permitted to be displayed in or on the school buses except those approved by the State Department's Division of Student Support Services, Office of School Transportation.

13.16. Students transported with baggage, freight or merchandise shall use the following procedures.

13.16.1. Animals are not permitted on a school bus unless it is a certified service animal.

13.16.2. Only property of students, county property or school property may be transported.

13.16.3. Items too large to be stored on a student's lap or between his/her feet shall be secured in a safe location on the bus. All aisles shall be free of any objects.

13.16.4. Highly flammable materials, firearms, explosives and all deadly or dangerous weapons including aerosol cans are prohibited. Aerosol cans such as windshield de-icer shall be stored in an outside storage box on the school bus.

13.17, Bus Safety Equipment

13.17.1. Approved bus directional triangles shall be carried on each bus and used as a warning device during emergencies. (W. Va. Code §17C-15-39 and §17C-15-40.)

13.17.2. Bus flashing lights (4-way) should also be used in emergencies.

13.17.3. Link-type bus tire chains shall be used when emergency weather conditions dictate or when directed by the County Director/Supervisor of Transportation. School bus operators shall be trained in the installation and use of chains. Automatic chains cannot take the place of regular chains as per manufacturer's specifications.

13.17.4. Fire extinguishers shall be charged and available for use in all school buses.

13.17.5. First aid/body fluid cleanup kits and web cutters shall be readily available in the school bus.

13.18. General Reports

13.18.1. Drivers shall be monitored annually for driver performance by a "state certified" trainer or the county director/supervisor.

13.18.2. School bus operators are to compile monthly reports and submit them to the County Director/Supervisor of Transportation.

13.18.3. The County Director/Supervisor of Transportation shall submit, state reports through the West Virginia Education Information System (hereinafter, "WVEIS") no later than 10 working days following the last day of the school month.

13.18.4. The Bus Fleet Report shall be submitted through WVEIS by June 30 of each year.

13.18.5. All students transported to and from school shall have their transit times entered into WVEIS by the end of the second month of school and updated as necessary.

13.18.6. Road hazards are to be reported immediately to the County Director/Supervisor of Transportation.

13.19. Accident Reports

13.19.1. A school bus accident is to be reported when the bus bumps or touches another vehicle, person or object and causes damage.

13.19.2. A verbal report is to be given as soon as possible and a written report provided on the next business day to the County Director/Supervisor of Transportation. Bodily injuries should be reported as per county procedure or policy.

13.19.3. All bus accidents involving bodily injury, a fatality, extensive property damage or structural damage to a school bus shall be reported immediately via phone to the State Director. A written report is to follow to the State Director within one week. All other accidents shall be reported monthly to the State Director.

13.20. Cellular Phones

13.20.1. The use of cellular phones or other portable electronic devices – even those equipped

with hands-free devices – while driving is prohibited.

13.20.2. The use of cellular phones while supervising the loading and unloading of students is prohibited.

13.20.3. If communication with the Transportation Department is necessary, the bus must be stopped.

13.21. Safe Drivers' Programs. The State Board encourages county boards of education to support school bus operator safe drivers' programs such as those listed in Appendix D.

14. School Bus Operator Assignments

14.1. Any person accepting employment as a school bus operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited, or interfered with, by any commitment as a result of any other employment.

14.2. Any person who performs responsibilities as a school bus operator shall not be eligible to operate a school bus without a minimum of six (6) consecutive hours of off duty time, for proper rest between the conclusion of the previous day's regularly scheduled afternoon run and immediately prior to the beginning of the next day's regularly scheduled morning run. Also:

14.2.1. More than 10 hours following 8 consecutive hours off duty; or

14.2.2. For any period after having been on duty 15 hours following 8 consecutive hours off duty.

14.2.3. No school bus operator shall drive a passenger-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after:

14.2.3.a. Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

14.2.3.b. Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

15. Criteria for the Certification of School Bus Operators

15.1. All school bus operator candidates shall be initially certified by the State Superintendent of Schools (hereinafter "State Superintendent") at the request of the county or the public institution seeking to regularly employ them. All school bus operators' certification shall be renewed on an annual basis at the request of their current or intended employer for the upcoming school year.

15.1.1. Professional personnel hired to drive board owned, rented or leased vehicles with less than 10 passenger capacity shall have a valid driver's license and need not be certified by the State Superintendent.

15.2. The school bus operator candidate shall meet the following criteria to be certified:

15.2.1. The candidate shall be at least 21 years of age.

15.2.2. The candidate shall have a high school diploma or a General Equivalent Diploma

(hereinafter, "GED").

15.2.3. The candidate shall have at least three years of driving experience as a licensed operator of any vehicle and be eligible to obtain a valid commercial driver's license permit. A permit will allow the candidate to take the required on-road training.

15.2.3.a. The candidate shall complete a form granting the employing county permission to obtain his or her driving record from the DMV of the appropriate state(s). Appendix E contains a sample permission form to be used for the West Virginia DMV and a sample cover letter to accompany the executed form.

15.2.4. The candidate shall submit to the county or institution seeking to employ him or her a certification application completed on the State Department form, attached as Appendix F in addition to a set of fingerprints for analysis as set forth in Section 15.2.10 below. The county shall forward the application form and fingerprint card(s) to the State Department.

15.2.5. All candidates for initial school bus operator certification shall be fingerprinted by the West Virginia State Police or its designee. The fingerprints shall be analyzed by the state police for a state criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation for a national criminal history record check.

15.2.5.a. Information contained in either the central abuse registry record or the Federal Bureau of Investigation record may form the basis for the denial of a certificate for cause in accordance with W. Va. Code §18A-3-2a and §18A-3-10.

15.2.5.b. State Analysis for Employment within Ninety Days. - Upon written consent to the State Department by the candidate and within ninety days of the state fingerprint analysis, the results of a state analysis may be provided to a county board or institution with which the candidate is applying for employment without further cost to the candidate.

15.2.5.c. Disclosure Provisions. Information maintained by the State Department or a county board which was obtained for the purposes of W. Va. Code §18A-3-10 is exempt from disclosure as provided by W. Va. Code §29B-1-4. Disclosure or publication of information in a statistical or other form that does not identify the individuals involved or provide personal information is not prohibited.

15.2.6. The candidate shall successfully complete a minimum of 40 hours of non-driving instruction provided by the county or institution seeking to employ the candidate from the West Virginia School Bus Operators Instruction Manual, including Policy 5902, Policy 4373 and Policy 2421.

15.2.7. The candidate shall successfully complete a minimum of twelve hours on-the-road training including 2 hours of night driving by the county or institution in the operation of school bus with a certified school bus operator instructor on board and no student passengers.

15.2.8. The candidate shall receive appropriate training by the county or institution in the transportation of special education students. (See Section 5 of this manual.)

15.2.9. The candidate shall have first aid and CPR certification from a program approved by the State Director.

15.2.10. The candidate shall pass a physical examination from a Medical Examiner, defined by

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the Federal Motor Carrier Safety Administration (hereinafter “FMCSA”) regulations to be doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses and doctors of chiropractic (hereinafter “Medical Examiner”). The medical examiner shall meet all requirements and regulations set forth by the FMCSA.

15.2.10.a. The examination shall be conducted not earlier than six months prior to taking the State Department certification tests.

15.2.10.b. Physical examinations shall be recorded on the State Department Medical Examination Report form by the Medical Examiner as found in Appendix G.

15.2.10.c. The examination required by the DOT for a commercial driving license may be used if within the six month time frame.

15.2.10.d. The physical examination shall cover all health issues set forth in section 17 below. Prior to employment, the examination must also demonstrate that the applicant is free of tuberculosis by a tuberculin skin test, chest x-ray or physician’s certification.

15.2.11. The candidate shall be subject to pre-employment drug testing for the use of certain controlled substances and alcohol as per all regulations of the U. S. Department of Transportation, the Omnibus Transportation Employment Testing Act (hereinafter, “OTETA”).

15.2.12. Prior to the candidate taking any examination or test provided by or administered by the State Department, the candidate shall obtain a commercial driver’s license (hereinafter, “CDL”) with appropriate endorsements.

15.2.13. The candidate shall pass a written examination provided by the State Department online and administered by the county seeking to employ him or her.

15.2.13.a. The candidate who fails the online examination may retake it three times if necessary during a twelve month period at the discretion of the county or institution seeking to employ him or her.

15.2.14. Upon successful completion of the online examination, the candidate shall pass additional tests on skills and performance administered at the request of the county or institution seeking to employ the candidate by a qualified bus inspector employed by the State Department using vehicles owned or leased by the county.

15.2.14.a. Should a candidate fail any portion of the skills or performance tests, the remainder of the test(s) shall not be administered.

15.2.14.b. The skills and performance tests shall be administered to a candidate no more than two times annually or three after consultation with the test examiner. Retesting will be done only at the request of the county or institution seeking to employ the candidate.

15.3. The State Superintendent may refuse to certify a candidate for school bus operator who is not of good moral character and physically, mentally and emotionally qualified to perform the duties of school bus operator safely and efficiently. Conduct supporting a refusal to certify includes the following reasons.

15.3.1. Failure to complete and pass any of the following:

15.3.1.a. Physical examination

15.3.1.b. Training provided by the county or public institution

15.3.1.c. Online examination developed by the West Virginia Department of Education

15.3.1.d. Skills and performance tests administered by the West Virginia State Department of Education

15.3.1.e. Drug and alcohol screen

15.3.1.f. Accumulation of six or more points on the candidate's driving record from any state DMV. Points that have been removed by the operation of law shall not be considered.

15.3.1.g. Conviction of one drug/alcohol related driving offense within the last two years. Conviction of two or more drug/alcohol related driving offenses shall permanently bar a candidate from receiving certification.

15.3.1.h. Use or possession of any illegal controlled substance or any controlled substance that is a prescribed medication without a valid prescription, within the last five years as demonstrated by a preponderance of evidence.

15.3.1.i. Pattern of abuse of alcohol within the last five years regardless of the candidate's driving record, as demonstrated by a preponderance of evidence.

15.3.1.j. A criminal background history that otherwise demonstrates a lack of good moral character.

15.3.1.k. Conduct constituting sexual abuse or assault of a minor whether or not criminally charged, as demonstrated by a preponderance of evidence.

15.4. When the State Director recommends to the State Superintendent that a candidate be denied certification for any reasons set forth in Sections 15.3.1.e g through 15.3.1.k, the candidate will receive notice of the recommended denial for cause and afford him or her the opportunity for a hearing before the School Bus Operator Review Panel in accordance with W. Va. §126CSR94 State Board Policy 1340, Rules of Procedure for Administrative Hearings and Appeals.

16. Physical Qualifications for School Bus Operators

16.1. The school bus operator shall have no mental, nervous, organic or functional disease or psychiatric disorder and take no medication likely to interfere with his or her ability to operate the bus safely. See Appendix H (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability. Any questions regarding this matter will be decided by the school transportation certification advisory board as set forth in paragraph 17.4 below.

16.2. The duties to be performed by a school bus operator include the following:

16.2.1. Walk from the operator's seat to the rear of the bus.

16.2.2. Open all emergency exits.

16.2.3. Install snow chains on a bus.

16.2.4. Raise the hood of a conventional school bus and check oil levels and antifreeze levels.

16.2.5. Remove obstructions from wind shield and under wiper blades.

16.2.6. Adjust all outside mirrors.

16.2.7. Secure a wheelchair.

17. Physical Examination for School Bus Operators

17.1. The school bus operator shall pass a physical examination from a Medical Examiner. This examination shall be conducted no earlier than April 1 to receive certification for the following school term.

17.2. The County Superintendent of Schools (hereinafter "County Superintendent") shall maintain the original of the physical examination of each school bus operator.

17.2.1. The original of the physical examination of designated Head Start school bus operators is to be sent to the State Director. A copy shall also be filed in the Head Start personnel office.

17.2.2. Physical examinations shall be recorded on the State Department Medical Examination Report form by a Medical Examiner as found in Appendix G.

17.3. The physical examination for all school bus operators shall insure that:

17.3.1. There is no past or present history of convulsive seizures.

17.3.2. There is no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control unless the DOT provides an interstate waiver.

17.3.3. There is no loss of use of joints of either hand that interferes with prehension or power grasping such that the applicant cannot receive or would not be able to renew a CDL with the appropriate endorsements.

17.3.4. Hearing loss in the better ear of the school bus operator shall not be greater than 40 decibels at 500 Hz, 1000 Hz, and 2000 Hz. When needed, an approved hearing aid with back up batteries shall be used by the school bus operator.

17.3.5. There is no current clinical diagnosis of:

17.3.5.a. Myocardial infarction

17.3.5.b. Angina pectoris

17.3.5.c. Coronary insufficiency

17.3.5.d. Thrombosis.

17.3.6. There is no cardiovascular disease of a variety that is accompanied by:

17.3.6.a. Syncope

17.3.6.b. Dyspnea

17.3.6.c. Collapse

17.3.6.d. Congestive cardiac failure.

17.3.7. Blood pressure is less than 140 systolic and 90 diastolic or current CDL requirements. If blood pressure equals or exceeds 140/90, the bus operator/applicant shall meet the requirements outlined in FMCSA regulation 49 CFR 391.41 Physical Qualifications for Drivers. If the employee fails the initial blood pressure test, the employee shall provide medical evidence of three separate blood pressure readings below the above levels on three different days within a seven day period prior to certification. These readings shall be certified by a Medical Examiner. When a school bus operator is required to use a pacemaker, his/her return to work shall be approved by a panel of three cardiologists.

17.3.8. While performing school bus operator duties, the school bus operator shall wear a truss for any small hernia. Large hernias shall be surgically repaired.

17.3.9. There is no medical history or clinical diagnosis of the following which interferes with the ability to operate a bus safely:

17.3.9.a. Rheumatic disease

17.3.9.b. Arthritic disease

17.3.9.c. Muscular disease

17.3.9.d. Neuromuscular disease

17.3.9.e. Vascular disease.

17.3.10. Both eyes are functional and the school bus operator:

17.3.10.a. Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses.

17.3.10.b. Does not have monocular vision.

17.3.10.c. Has a field of vision no less than 70 degrees in the horizontal meridian of each eye.

17.3.10.d. Is able to identify the colors red, green, amber, and blue.

17.3.10.e. Wears corrective lenses, if necessary, while operating a bus.

17.3.11. The school bus operator shall have no mental, nervous, organic or functional disease or psychiatric disorder and take no medication likely to interfere with his or her ability to operate the bus safely.

See Appendix II (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability. Any questions regarding this matter will be decided by the school transportation certification advisory board as set forth in paragraph 17.4 below.

17.3.12. All school bus operators shall be subject to pre-employment, random, post-accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per all regulations of OTETA. County boards of education shall provide the State Department, by certified mail, the name and Social Security number of employees who hold safety sensitive positions as described by the OTETA, and who test positive for the tested substances. The State Department shall maintain the positive test records for two years.

17.3.13. The “Medical Examiner” has PRINTED his/her name in the designated area as well as providing his/her signature on the physical form.

17.4. A school transportation certification advisory board shall be convened by the State Superintendent to advise on medical criteria relevant to the certification of school bus drivers.

17.4.1. The school transportation advisory board will consist of health care professionals.

17.4.2. If the school transportation certification advisory board determines a bus driver to have a condition described in paragraph 17.3.10 above, the bus driver may be required to furnish the advisory board with a complete medical report. After receiving the medical report, the advisory board considers the information and advises the State Superintendent as to whether the bus driver should be certified. The final decision will rest with the State Superintendent.

18. Responsibilities of Certified School Bus Operators and Renewal of Certification-

18.1. The school bus operator shall notify the county transportation supervisor and Medical Examiner of any illness or the use of any controlled and/or over-the-counter substance that may interfere with the safe operation of a school bus. See Appendix II (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability.

18.2. The County Superintendent has the right to require a physical and/or psychological examination from a designated health care provider when he or she has any reasonable questions regarding the ability of a school bus operator and the safety of students or the sufficiency of an annual physical examination.

18.3. All school bus operators shall be subject to random, post-accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per all regulations of the OTETA.

18.3.1. A county superintendent, Regional Educational Service Agency Director or other employer of school bus operators licensed by the State Department, who knows of any acts on the part of a school bus operator for which a certificate may be revoked in accordance with W. Va. Code §18A-4-8e or Section 19 of this Transportation Manual shall report the same, together with all facts and evidence, to the State Superintendent.

18.4. All school bus operators shall receive at least twelve hours of professional development in transportation related subjects annually as part of the staff development program for job related training for service personnel as set forth in W. Va. §126CSR150A State Board Policy 5500.02, “County Service Personnel Staff Development Councils.”

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18.5. All school bus operators shall pass an online examination developed by the State Department and administered by the county or public institution on line.

18.5.1. For a bus operator with regular employee status and continuing contract status who has been employed less than five consecutive years, the test is administered bi-annually and may not be administered more frequently;

18.5.2. For a bus operator with regular employee status and continuing contract status who has been employed at least five consecutive years, the test is administered every third year and may not be administered more frequently; and

18.5.3. For a substitute bus operator or for a bus operator with regular employee status but on a probationary contract, the test is administered annually.

18.5.4. The school bus operator who fails the online examination may retake it.

18.6. The county or public institution currently employing the school bus operator shall submit a request for renewal of certification for the following school term to the State Director showing:

18.6.1. Results of the physical examination;

18.6.2. Passage of the online examination;

18.6.3. Completion of 12 hours of transportation related professional development;

18.6.4. Results of an annual report of the operator's DMV record;

18.6.5. Current first-aid and CPR certification; and

18.6.6. Current CDL and appropriate endorsements.

19. Reasons for Suspension, Revocation or Non-renewal of Certification of School Bus Operators

19.1. The State Superintendent may after ten days' notice and upon proper evidence, suspend, revoke or refuse to renew the certification or impose any condition upon the certification of any school bus operator upon just and sufficient cause as set forth below. The State Board finds that there is a rational nexus between the conduct set forth below and the performance of the job as school bus operator. For purposes of this section, a conviction includes any plea of guilty, conditional pleas or pleas of no contest.

19.1.1. Failure to meet the physical and mental/emotional requirements set forth in Sections 16 and 17 above, as indicated from the results of any physical or psychological examination.

19.1.2. Failure to pass the online examination.

19.1.3. Failure to complete the annual minimum 12 hours of transportation related professional development.

19.1.4. Accumulation of ten or more points on DMV driving record following initial certification or conviction of reckless driving, as defined by W. Va. Code §17C-5-3 or conviction for leaving the scene of an accident involving physical injury or death, as defined by W. Va. Code §17C-4-1, or conviction for

obstructing an officer or fleeing an officer as defined by W. Va. Code §61-5-17.

19.1.5. Conviction of a felony.

19.1.6. Conviction of and/or DMV suspension or revocation of license, on a charge of operating a motor vehicle while under the influence of alcohol, controlled substances, any other drugs or the combination thereof, or by a preponderance of evidence, including but not limited to, positive breath or blood test or field sobriety results, of operating a motor vehicle under the influence of same. The applicant/employee shall not be certified to operate a school bus for at least two years subsequent to a first offense for such conviction or suspension/revocation. For a second offense certification shall be revoked and refused permanently.

19.1.7. Failure of any drug or alcohol test administered by the school bus operator's employer or submission of an adulterated specimen. The school bus operator shall not be certified to operate a school bus for at least two years subsequent to a positive or adulterated test result. For a second positive test result or adulteration, certification shall be revoked and refused permanently.

19.1.8. Intentional disengagement of school bus safety equipment, including bus cameras, without prior authorization of county directors or supervisors of transportation.

19.1.9. Conviction of any charge involving sexual misconduct with a minor or student. The school bus operator may also have certification renewal refused or certification suspended or revoked when it is shown by a preponderance of evidence that he/she has a consensual sexual or amorous relationship with a student irrespective of any criminal prosecution.

19.1.10. Demonstrations by a preponderance of evidence of frequent violations of traffic laws, sound safety practices, regulations or ordinances while operating a school bus, or any single violation while operating a school bus that threatened the safety of student passengers, or other users of streets or highways.

19.1.10.a. Violations of W. Va. Code §17E-1-14a, which makes texting while driving a commercial motor vehicle a misdemeanor crime will be deemed a single violation that threatened the safety of student passengers and/or other users of streets or highways, regardless of whether a school bus operator is prosecuted.

19.1.10.b. Violations of W. Va. Code §17C-14-15, which makes talking on a cell phone while driving any vehicle, may be deemed a single violation while operating a school bus that threatened the safety of student passengers and/or other users of streets or highways, given surrounding circumstances, regardless of whether a school bus operator is issued a traffic ticket.

19.2. The State Superintendent may after ten days' notice and upon proper evidence, suspend, revoke or refuse to renew the certification or impose any condition upon the certification of any school bus for intemperance, untruthfulness, cruelty, immorality or use of fraudulent, unapproved or insufficient credit to obtain the certificate only if there is a rational nexus between the conduct of the bus operator and the performance of the job.

19.3. With respect to conduct for which a school bus operator has been disciplined by the employing county board with less than termination or has been placed upon an improvement plan that he or she is meeting or has met as determined by the county board, the school bus operator's certificate may not be revoked unless it can be proven by clear and convincing evidence that the bus operator has committed one of the offenses listed in Section 19 and his or her actions render him or her unfit to operate a school bus.

19.4. If a school bus operator's certificate has been renewed through an error, oversight or misinformation, the State Superintendent may recall the certificate and make such corrections as will conform to the requirements of law and State Board rules.

20. Procedures for Due Process on the Suspension, Revocation and Recall of School Bus Operator's Certification and Establishment of the School Bus Operator Review Panel

20.1. When the State Superintendent receives information concerning any of the violations set forth in Section 19, the certification holder shall be notified of the pending action against him/her and afforded the opportunity for a hearing before the School Bus Operator Review Panel in accordance with W. Va. §126CSR94 State Board Policy 1340, "Rules of Procedure for Administrative Hearings and Appeals."

20.2. The State Board establishes the West Virginia School Bus Operator Review Panel ("Review Panel") to conduct hearings on school bus operator certificate denials, suspensions, revocations or recalls and to make recommendations for action by the State Superintendent.

20.2.1. The Review Panel shall consist of seven (7) members representing the major constituents within the educational and transportation community. Included in the membership shall be: three currently employed school bus operators; one county superintendent or principal; one county transportation director or supervisor; one designee of the State Superintendent of Schools; and one employee of the DOT's Division of Highways with experience in commercial driver licensing and/or highway safety.

20.2.2. The members of the Review Panel shall be chosen as follows: two school bus operators shall be chosen by the West Virginia School Service Personnel Association from its membership, and one school bus operator shall be chosen by the West Virginia Education Association from its membership; the Division of Highways representative shall be chosen by the Division of Highways Commissioner; the remaining three members shall be chosen by the State Superintendent of Schools.

20.2.3. Terms of all members shall be for a period of three years. Members may serve no more than two consecutive three-year terms. Members who have filled an unexpired term of one year or more are eligible for only one additional consecutive three-year term. All terms begin on July 1 and end on June 30.

20.2.3.a. Initial appointments beginning July 1, 2013, shall have staggered terms, with two members having an initial term of one year, two members having an initial term of two years and three members having an initial term of three years.

20.2.4. Vacancies shall be filled as quickly as possible by the appropriate appointing authority. Any vacancies remaining unfilled for 90 days shall be filled by the State Superintendent.

21. Guidelines for Curricular and Extracurricular Trips

21.1. County boards of education providing transportation for students participating in curricular and extracurricular activities shall require participating school officials to submit a planned schedule to the County Superintendent or his/her designee for approval. Procedure shall be as follows:

21.1.1. The County Director/Supervisor of Transportation shall receive a copy of the approved schedule far enough in advance to arrange safe and adequate transportation.

21.1.2. Schedules for approved trips shall not interfere with the regular transportation schedule.

21.1.3. Only school bus operators employed by the county board of education shall operate type A1, A2, B, C, and D buses on such trips.

21.1.4. All school buses used for such trips shall be covered by insurance as provided in W. Va. Code §18-5-13.

21.1.5. Students transported in a school bus on such trips shall, in addition to the school bus operator, be supervised by a least one professional employee of the county board of education who shall provide a list of all persons on the bus to the school bus operator. Each additional bus shall be supervised by a professional employee or person approved by the county board and assurances that provisions for specialized health care needs are made if necessary.

21.2. Counties providing curricular and extracurricular transportation shall file through the WVEIS, at the end of each month, a report on curricular and extracurricular trips.

21.3. Professional personnel hired to drive board owned, rented or leased vehicles with less than 10 passenger capacity shall have a valid driver's license.

21.4. Students may be transported to a school-sponsored activity in a vehicle that has a seating capacity of sixteen or more passengers which is not owned and operated by the county board only as follows:

21.4.1. Automobile insurance coverage;

21.4.1.a. A Certificate of Insurance must be issued as follows:

21.4.1.a.1. The Certificate Holder will be the County School System

21.4.1.a.2. The Certificate of Insurance must evidence a minimum of \$5,000,000 per occurrence of Auto Liability.

21.4.1.a.3 . The certificate should provide for thirty day (30) notice of cancellation. Any Certificate of Insurance limited to a specific event or date is not acceptable.

21.4.1.a.4. Acceptance will be for all locations and operations of the school system.

21.4.1.a.5. In order for the charter bus company to remain eligible to provide service a **new** Certificate of Insurance **must** be supplied to the county school system whenever the insurance is **renewed**, which normally occurs on an annual basis. The school system will **not** contact the bus company before suspending the company from providing charter service due to an expired certificate.

21.4.1.a.6. Any notice from the insurance company that a bus company's insurance has been cancelled for any reason will result in the bus company's suspension from providing charter service to the school system.

21.4.2. Vehicle safety specifications;

21.4.3. School bus or public transit ratings;

21.4.4. Driver training, certification and criminal history record check;

21.4.5. The vehicle owner shall provide to the county board proof that the vehicle and driver satisfy the requirements of the State Board rule

21.5. Lease school buses pursuant to rules established by the county board.

21.5.1. Leased buses may be operated only by bus operators regularly employed by the county board.

21.5.2. The lessee shall bear all costs and expenses incurred by, or incidental to the use of, the bus.

21.5.3. The county board may lease buses to:

21.5.3.a. Public and private nonprofit organizations and private corporations to transport school-age children for camps or educational activities

21.5.3.b. Any college, university or officially recognized campus organization for transporting students, faculty and staff to and from the college or university. Only college and university students, faculty and staff may be transported pursuant to this paragraph. The lease shall include provisions for:

21.5.3.b.1. Public and private nonprofit organizations, including education employee organizations, for transportation associated with fairs, festivals and other educational and cultural events.

21.5.3.c. Compensation for bus operators;

21.5.3.c.1. Consideration for insurance coverage, repairs and other costs of service; and

21.5.3.d. Any rules concerning student behavior.

21.5.4. The county board may charge fees in addition to those charges otherwise required by this subsection.

22. Guidelines for School Bus Routing

22.1. The recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions are as follows:

22.1.1. For elementary school students, thirty minutes;

22.1.2. For middle school, intermediate school and junior high school students, forty-five minutes; and

22.1.3. For high school students, sixty minutes.

22.2. A county board may not create a new bus route for the transportation of students in any of the grade levels prekindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after the first day of July, two thousand eight, which exceeds by more than fifteen minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the State Board in accordance with subsection 22.1 of this section unless:

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22.2.1. The county board adopts a separate motion to approve creation of the route and request written permission of the State Board to create the route; and

22.2.2. Receives the written permission of the State Board to create the route.

22.3. A county board may not create, nor may the State Board permit, the creation of a new bus route for the transportation of students in any of the grade levels prekindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after the first day of July, two thousand eight, which exceeds by more than thirty minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the State Board in accordance with subsection 22.1 of this section.

22.4. The State Board shall provide technical assistance to county boards with the objective of achieving school bus transportation routes for students which are within the recommended time durations established by the State Board.

APPENDIX A

RECOMMENDATIONS FOR COUNTY SCHOOL
BUS TRANSPORTATION SYSTEMS

In addition to the pertinent sections of the West Virginia Code and the preceding regulations, the West Virginia Board of Education recommends the following:

1. School bus maintenance center equipment should include:

- 1.1 Hoists, jacks, lifts and/or service pits to enable repair and servicing in a safe and efficient manner.
- 1.2 Adequate diagnostic equipment to facilitate preventive adjustments and repairs.
- 1.3 The necessary tools for efficiency in performing the service.
- 1.4 An adequate place for washing buses, preferably inside.
- 1.5 Adequate storage for stocking and identifying parts.
- 1.6 Protective equipment.

2. Personnel/Staffing

- 2.1 Maintenance center staff shall vary with the number of vehicles to be maintained.
 - 2.1.1 One mechanic for nine buses.
 - 2.1.2 One mechanic and one assistant for a fleet of ten to eighteen buses.
 - 2.1.3 One additional mechanic and one additional assistant for each additional sixteen buses over eighteen.
- 2.2 The county superintendent shall ultimately determine the structure and staff needed to deliver a quality program.

3. Training

Maintenance center personnel shall:

- 3.1 Participate in job related continuing education as approved by the county school service personnel staff development council. A minimum of eighteen hours is required annually.

- 3.2 Participate in specific industry job related maintenance and repair workshops.
- 3.3 Participate in state and regional job related workshops and seminars.
 - 3.3.1 Those individuals designated as Director of Transportation shall undergo training in school bus operation, emergency procedures and personnel laws and regulations. Annual in-service shall include 6-10 hours of content in safety and transportation.

4. Transportation to Alternative Education Sites

Buses transporting students to these sites should be equipped with the following:

- 4.1 An effective means of communication such as cellular phone or two-way radio.
- 4.2 A large mirror in rear of the bus.
- 4.3 A video camera.
- 4.4 An aide, another school bus operator or a staff member from the alternative school.

5. Transportation of Students With Disabilities

- 5.1 It is recommended that buses used to transport students with disabilities should be equipped with cellular telephones and/or two way radios.

APPENDIX B

SCHOOL BUS OPERATOR'S INSPECTIONS

School bus operators are required to make the appropriate inspection of the school bus and complete specified duties in order to insure the safe transport of all passengers. The following is a list of the required inspections and duties.

1. Pre-Trip Daily Inspections and Duties

The school bus operator shall:

- 1.1 Check tires for proper inflation and condition.
- 1.2 Check wheels for loose hub bolts, wheel lugs, lube leaks, etc.
- 1.3 Check steering for proper functioning of all components.
- 1.4 Check radiator coolant, windshield washer fluid, power steering fluid, oil and fuel.
- 1.5 Check alternator, fan and power steering belts.
- 1.6 Check lighting system(s), windshield wiper/washer and horn.
- 1.7 Check brakes, including warning light and buzzer.
- 1.8 Check all emergency exits.
- 1.9 Check first aid kit, fire extinguisher, communication system(s) and emergency traffic warning devices.
- 1.10 Check back-up alarm.
- 1.11 Check stop arm and crossing arm.
- 1.12 Check exhaust for leaks to determine, as far as possible, that fumes are not reaching the bus interior.
- 1.13 After each run, walk to the rear of the bus and check for students, objects left on bus, and vandalism.
- 1.14 Sweep the floor and dust the seats immediately following the morning run.
- 1.15 Clean windshield, windows, mirrors, all light lenses and identification lettering.
- 1.16 Keep stepwell and aisle clean and free of debris.
- 1.17 Remove markings found on walls/ceiling.
- 1.18 Keep loose objects, brooms, tire chains, wheel chair restraints, etc., off the

floor.

1.19 Keep glove compartment clean and well-organized.

1.20 Be sure that there are no aerosol cans inside the school bus.

2. Weekly Duties:

The school bus operator shall:

2.1 Mop the school bus floor.

2.2 Clean interior upholstery with a damp cloth.

2.3 Wash the exterior of the bus.

APPENDIX C
Checklist for Identifying Potential
School Bus Route
Fixed Driving Hazards

Railroad Grade Crossings

Railroad Grade Crossing Identification Number _____

Location _____

How many tracks are present? _____

What are the times of the scheduled trains? _____

What types of trains use the track? Passenger _____ Freight _____ Commuter _____

What are the travel speeds of the scheduled trains? _____

1. Are the regulatory signs (crossbucks) clearly visible? Yes _____ No _____
2. Are there regulatory devices (lights/gates/bells) present? Yes _____ No _____
3. Are there any unique characteristics to the operation of the crossing controls? What are they? _____
4. When stopped approximately 15 feet from the nearest railroad track, is there an unobstructed sight distance of approximately 1,000 feet in both directions? Yes _____ No _____
5. Is there at least enough room on the other side of the furthest railroad track for the largest school bus to stop without encroaching on the train's right-of-way? Yes _____ No _____
6. Are there any roadway design features that could affect the safe operation of a school bus at the railroad crossing? Yes _____ No _____ What are they? _____

Dangerous Intersections and Roadways

Location _____

1. Is this a high-frequency crash location? Yes _____ No _____
2. Are traffic control devices present? Yes _____ No _____
3. Are there visibility obstructions? Yes _____ No _____
4. What are they? _____
5. Are there areas with no shoulders? Yes _____ No _____

Appendix C (continued)

6. Are there peculiar roadway features? Yes _____ No _____
7. What are they? _____

Bridges, Tunnels/Underpasses and Overpasses

Location _____

1. Is the weight capacity of the bridge/overpass sufficient for a fully-loaded school bus?
Yes _____ No _____
2. Is the height of the tunnel/underpass adequate for the tallest school bus, including open roof hatches? Yes _____ No _____
3. Is the lane width of the bridge, tunnel/underpass, or overpass adequate for the widest school bus, including the mirrors? Yes _____ No _____

Queuing/Storage Areas

Location _____

1. Is there sufficient area for the largest school bus in the acceleration/deceleration lane?
Yes _____ No _____
2. Is there sufficient area for the largest school bus in the median area between a multi-lane road?
Yes _____ No _____
3. Is there sufficient area for the largest school bus in the turning lane? Yes _____ No _____

Industrial Intersections and Construction Zones

Location _____

1. Do heavy vehicles enter/exit/cross the roadway frequently? Yes _____ No _____
2. Are there highway signs alerting drivers of the industrial/construction traffic?
Yes _____ No _____
3. Are there traffic controls in the area? Yes _____ No _____

Steep Downgrades

Location _____

1. Are there highway signs alerting drivers to the downgrade? Yes _____ No _____
2. Are there signs alerting drivers to "Check Brakes"? ? Yes _____ No _____

Appendix C (continued)

3. Are there areas marked and designated for vehicles to safely leave the road (runoff areas)?
Yes _____ No _____

Areas of Significant Speed Differential Between Vehicles

Location _____

1. Is there sufficient space to accelerate/decelerate a school bus when entering/exiting a high-speed road? Yes _____ No _____
2. Does slow-moving farm equipment operate on the road? Yes _____ No _____
3. Do non-motorized vehicles, e.g., horse-drawn carriages, operate on the road?
Yes _____ No _____
4. Are there roadway conditions, e.g., mountainous terrain, that result in vehicles operating at high speeds and low speeds? Yes _____ No _____

What are they? _____

Pedestrian Areas

Location _____

1. Are there difficulties seeing pedestrians at school bus stops? Yes _____ No _____
2. Are there narrow streets with parked vehicles where children may run into the street?
Yes _____ No _____
3. Are there areas of heavy pedestrian congestion, e.g., shopping and business areas?
Yes _____ No _____

Other Conditions Identified in Local Area

Location _____

1. Are there unique roadway conditions?
 - a. roads without guardrails that pose a danger, e.g., next to rivers, lakes, quarries?
Yes _____ No _____
 - b. dirt or gravel roads that could affect braking? Yes _____ No _____
2. Others? What are they? _____

Appendix C (continued)

3. Are there roadway conditions that make it difficult to make a “right turn on red?”

Yes _____ No _____

a. What are they? _____

4. Are there areas with visibility problems due to industrial smoke, air quality, etc.?

Yes _____ No _____

5. Are there areas where emergency equipment operate on a regular basis, e.g., fire stations or

hospitals? Yes _____ No _____

APPENDIX D

SCHOOL BUS OPERATOR SAFE DRIVERS' PROGRAMS

National Safety Council - Safe Driver's Award

The West Virginia Board of Education encourages county boards of education to continue their support of the Safe Driver Award Programs sponsored by the National Safety Council.

School Bus Safety Rodeo

The West Virginia Department of Education annually sponsors a "School Bus Safety Rodeo" as a means of developing and refining the bus handling skills of school bus operators.

To maximize the skill development potential, and to recognize those who achieve excellence in school bus handling skills it is recommended that:

School transportation administrators in each county provide, as a part of their school bus operator in-service training, some type of skill development exercise in bus handling.

All school bus operators be given an opportunity to annually participate in a county and/or regional school bus safety rodeo.

All school bus operators who win recognition for their safe driving skills in local competition be provided an opportunity and encouraged to compete in regional and/or state rodeos.

The county school administrators provide the opportunity and encouragement for county school bus operators who win recognition in the state "School Bus Safety Rodeo" to compete in the national event.

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APPENDIX E

**WEST VIRGINIA DIVISION OF MOTOR VEHICLES
REQUEST FOR DRIVING RECORDS
(Form on Following Two Pages)**

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DMV-101-PS-1
Rev. 06/18/2007

WEST VIRGINIA DIVISION OF MOTOR VEHICLES
REQUEST FOR DRIVING RECORDS

This form may be used for multiple requests and a fee of \$5.00 per name must accompany each request. You may duplicate this form or contact the Division of Motor Vehicles for additional forms or any questions by telephoning (304) 558-3900. Driver's license number and last name must be provided. If you do not have the driver's license number, you must provide the social security number and/or date of birth with an additional \$1.00 fee. **All fees are non-refundable.**

Driver's License Number	Name	Social Security Number	Date of Birth

Please return requested records to the following address:

(Please print Company name, if applicable)

(Mailing address)

(City, State and Zip)

(Telephone Number)

Any person may request their own driving record at any DMV regional office. You must provide your state-issued driver's license or state-issued identification card for proof of identification.

All other requests must be sent to the address provided below. You may not obtain information about others without their signed written consent (attached form DMV-101-PS-2) or unless the request is made on company/business letterhead and provides a legitimate and detailed reason for the request as defined in the Uniform Motor Vehicles Records Disclosure Act (17A-2A-1 et seq.). EACH REQUEST FORM SUBMITTED MUST INCLUDE A COPY OF THE REQUESTOR'S STATE-ISSUED DRIVER'S LICENSE OR STATE-ISSUED IDENTIFICATION CARD. If you do not meet these requirements, your reason will be reviewed and if accepted, you will receive a driving record that excludes all personal information from the record.

Any person who knowingly or willfully obtains information under false pretenses will be in violation of federal law, and if convicted, will be fined not more than \$1,000 and/or imprisoned not more than one year. I hereby certify that the information obtained from the Division of Motor Vehicles will be used for the sole purpose stated above.

Signature of Requestor: _____ ID Verified By: _____

**A COPY OF YOUR REQUEST MAY BE FORWARDED TO THE PERSON
WHOSE RECORDS YOU ARE REQUESTING.**

If you do not qualify for the information requested, you may submit a Message Forwarding Form. On this form, you may write a message and the Division of Motor Vehicles will forward the form with all information you provide to the licensee at their current address in our records. This service has a non-refundable fee of \$5.00. The Division of Motor Vehicles does not guarantee delivery or a response.

Any request for a driving record other than the individual's own, must be submitted to the WV Division of Motor Vehicles at the address listed below. DMV Regional Offices are prohibited from dispensing driving records to anyone requesting another individual's record.

BEFORE MAILING, BE SURE YOU HAVE INCLUDED: COMPLETED DMV-101-PS-1 FORM, APPLICABLE FEES, COPY OF DRIVER'S LICENSE OR PHOTO ID, LETTERHEAD EXPLANATION AND A COMPLETED DMV-101-PS-2 (IF APPLICABLE).

Please mail your request to: Division of Motor Vehicles
Insurance Section/ Driving Records
1800 Kanawha Blvd., East, Bldg. 3
Charleston, WV 25317

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DMV- 101-PS-2
02/14/2008

IF YOUR ATTORNEY OR ANOTHER PARTY INTENDS TO REQUEST INFORMATION ON YOUR BEHALF, PLEASE COMPLETE THE RELEASE AUTHORIZATION SECTION BELOW.

RELEASE AUTHORIZATION

I, _____ / _____
(PLEASE PRINT NAME) (PLEASE SIGN NAME)

hereby authorize the West Virginia Division of Motor Vehicles to release any of my information found within the Division's records to:

(Individual name and Company name, if applicable)

ALL REQUESTORS FOR INFORMATION MUST COMPLETE THE REQUEST FOR DRIVING RECORDS FORM (DMV-101-PS-1) AND THIS FORM (DMV-101-PS-2) OR THE REQUEST WILL NOT BE PROCESSED. THE INDIVIDUAL RELEASED TO RECEIVE INFORMATION MUST INCLUDE A COPY OF THEIR GOVERNMENT ISSUED ID OR DRIVERS LICENSE. ALL REQUESTS FOR INFORMATION MUST HAVE THIS FORM COMPLETED OR THE REQUEST MAY NOT BE PROCESSED.

PLEASE CHECK APPROPRIATE FEE

- ☐ \$5.00 - DRIVING RECORD WITH DRIVER'S LICENSE NUMBER
- ☐ \$5.00 – CERTIFIED DRIVING RECORD WITH DRIVER'S LICENSE NUMBER
- ☐ \$6.00 - DRIVING RECORD WITHOUT DRIVER'S LICENSE NUMBER
- ☐ \$6.00 – CERTIFIED DRIVING RECORD WITHOUT DRIVER'S LICENSE NUMBER
- ☐ \$5.00 – MESSAGE FORWARDING SERVICE
- ☐ \$.25 PER PAGE – COPY OF SUSPENSION/REVOCATION/DISQUALIFICATION FILE

ADMINISTRATIVE HEARING DOCUMENT FEES

- ☐ \$1.50 PER PAGE – PRODUCTION OF ORIGINAL TRANSCRIPT OF HEARING
- ☐ \$.50 PER PAGE – COPY OF EXISTING TRANSCRIPT OF HEARING
- ☐ \$30.00 – COPY OF RECORDED TESTIMONY IN CD FORMAT
- ☐ \$25.00 – COPY OF RECORDED TESTIMONY IN CASSETTE FORMAT
- ☐ \$15.00 – COPY OF VIDEO TAPE SUBMITTED INTO EVIDENCE

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APPENDIX F

**WEST VIRGINIA DEPARTMENT OF EDUCATION APPLICATION
FOR BUS OPERATOR CERTIFICATION
(Form on Following Two Pages)**

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West Virginia Department of Education Application for Bus Driver Certification

Instructions –

Applicant – Submit this document to the County Transportation Director.

Transportation Director – Submit this document to WVDOE with fingerprint card and background check information.

Last Name	First Name	Middle Initial	
Address	City	State	Zip Code
Telephone Number	Cell Phone Number	Email Address	
Date of Birth	Social Security Number	Operator/CDL License Number	

Employment History

Employer Name & Address	Date of Employment (From/To)	Reason for leaving
Employer Name & Address	Date of Employment (From/To)	Reason for leaving
Employer Name & Address	Date of Employment (From/To)	Reason for leaving
Employer Name & Address	Date of Employment (From/To)	Reason for leaving

* Attached additional sheets if needed.

Do you have a High School Diploma or a GED?

Yes No

Do you have a current CDL license? If so, list the State.

Yes No State -

Do you currently have a valid operator license? If so, list the State.

Yes No State -

West Virginia Department of Education Application for Bus Driver Certification**Instructions –****Applicant –** Submit this document to the County Transportation Director.**Transportation Director –** Submit this document to WVDOE with fingerprint card and background check information.**List all traffic violations within that past 5 years**

Violation	Location	Date
Violation	Location	Date
Violation	Location	Date
Violation	Location	Date
Violation	Location	Date

*Attached additional sheets if needed.

Disclosure of Background Information

If you answer yes to any question below, SUBMIT with your application a complete narrative. Include dates, locations, school systems, and any other appropriate information.

1) Have you ever had adverse action taken against any application, certificate, or license in any state, including any operator or commercial driver's license? Adverse action includes the following: letter of warning, reprimand, denial, suspension, revocation, voluntary surrender or cancellation.	Yes	No
2) Have you ever been disciplined, reprimanded, suspended, or discharged from any employment because of allegations of misconduct?	Yes	No
3) Have you ever resigned, entered into a settlement agreement, or otherwise left employment as a result of alleged misconduct?	Yes	No
4) Is any action now pending against you for alleged misconduct in any school district, court, or before any educator licensing agency?	Yes	No
5) Have you ever been arrested for or under indictment for a felony? *	Yes	No
6) Have you ever been arrested for a misdemeanor? (For the purpose of this application, all moving traffic violations should be reported) Charges or convictions for driving while intoxicated (DWI) or driving under the influence of alcohol or other drugs (DUI), reckless driving, must be reported. *	Yes	No

* For a YES response to items 5 & 6, the following must be included: * 1) Judgment Order -OR- 2) Final Order -OR- 3) Magistrate Court Documentation -AND- 4) all other relevant court documents.

I swear or affirm under the penalty of false swearing that all information provided in or with this application is true, correct, and complete to the best of my knowledge. I understand that any false statements, misrepresentations, or omissions of fact in or with this application are grounds for denial, suspension, or revocation of the license(s) that I am seeking or currently hold.

Signature of Applicant

Date

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APPENDIX G

**WEST VIRGINIA DEPARTMENT OF EDUCATION
MEDICAL EXAMINATION FORM FOR BUS OPERATORS
(Form on Following Eight Pages)**

Medical Examination Report

The West Virginia Department of Education

649-F (6045)

1. DRIVER'S INFORMATION Driver completes this section							
Driver's Name (Last, First, Middle)		Social Security No.	Birthdate M / D / Y	Age	Sex ☐ M ☐ F	New Certification ☐ Recertification ☐ Follow-up ☐	Date of Exam
Address	City, State, Zip Code	Work Tel: ()	Driver License No.		License Class ☐ A ☐ C ☐ B ☐ D ☐ Other	State of Issue	
		Home Tel: ()					

2. HEALTH HISTORY Driver completes this section, but medical examiner is encouraged to discuss with driver.		
Yes No ☐ ☐ Any illness or injury in the last 5 years? ☐ ☐ Head/Brain injuries, disorders or illnesses ☐ ☐ Seizures/epilepsy ☐ medication _____ ☐ ☐ Eye disorders or impaired vision (except corrective lenses) ☐ ☐ Ear disorders/loss of hearing or balance ☐ ☐ Heart disease or heart attack/other cardiovascular condition ☐ medication _____ ☐ ☐ Heart surgery (valve replacement/bypass, angioplasty, pacemaker) ☐ ☐ High blood pressure ☐ medication _____ ☐ ☐ Muscular disease ☐ ☐ Shortness of breath	Yes No ☐ ☐ Lung disease, emphysema, asthma, chronic bronchitis ☐ ☐ Kidney disease, dialysis ☐ ☐ Liver disease ☐ ☐ Digestive problems ☐ ☐ Diabetes or elevated blood sugar controlled by: ☐ diet ☐ pills ☐ insulin ☐ ☐ Nervous or psychiatric disorders, e.g., severe depression ☐ medication _____ ☐ ☐ Loss of, or altered consciousness	Yes No ☐ ☐ Fainting/dizziness ☐ ☐ Sleep disorders, pauses in breathing while asleep/daytime sleepiness and snoring ☐ ☐ Stroke or paralysis ☐ ☐ Missing or impaired hand, arm, foot, leg, finger, toe ☐ ☐ Spinal injury or disease ☐ ☐ Chronic low back pain ☐ ☐ Regular, frequent alcohol use ☐ ☐ Narcotic or habit-forming drug use
For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently. _____ _____ _____		

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature _____ Date _____

Medical Examiner's Comments on Health History (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below.)

TESTING (Medical Examiner completes Section 3 through 7) Name: Last, _____

First, _____

Middle, _____

3. VISION**Standard:** At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.**INSTRUCTIONS:** When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. *Monocular drivers are not qualified.*

Numerical readings must be provided.

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors? ☐ Yes ☐ No

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/	Right Eye °
Left Eye	20/	20/	Left Eye °
Both Eyes	20/	20/	

Applicant meets visual acuity requirement only when wearing:
☐ Corrective LensesMonocular Vision: ☐ Yes ☐ No

Complete next line only if vision testing is done by an ophthalmologist or optometrist

Date of Examination _____

Name of Ophthalmologist or Optometrist (print): _____

Tel. No. _____

License No./ State of Issue _____

Signature _____

4. HEARING**Standard:** a) Must first perceive forced whispered voice $\geq$ 5 ft., with or without hearing aid, or b) average hearing loss in better ear $\leq$ 40 dB
☐ Check if hearing aid used for tests. ☐ Check if hearing aid required to meet standard.**INSTRUCTIONS:** To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500Hz, -10dB for 1,000 Hz, -8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

Numerical readings must be recorded.

a) Record distance from individual at which forced whispered voice can first be heard.	Right ear Feet	Left Ear Feet
--	-------------------	------------------

b) If audiometer is used, record hearing loss in decibels (acc. to ANSI Z24.6-1951)

Right Ear			Left Ear		
500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
Average:			Average:		

5. BLOOD PRESSURE/ PULSE RATE

Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure	Systolic	Diastolic
----------------	----------	-----------

Driver qualified if less than 140/90

Pulse Rate: ☐ Regular ☐ Irregular

Record Pulse Rate: _____

Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	One year if less than 140/90. One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months.	1 year from date of exam if less than 140/90
$\geq$ 180/110	Stage 3	6 months from date of exam if less than 140/90	6 months if less than 140/90

6. LABORATORY AND OTHER TEST FINDINGS

Numerical readings must be recorded.

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD SUGAR
----------------	---------	---------	-------------

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.

Other Testing (Describe and record): _____

7. PHYSICAL EXAMINATION

Height: _____ (in.) Weight: _____ (lbs.)

Name: Last, _____

First, _____

Middle, _____

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See *Instructions to the Medical Examiner* for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.			7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.		
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about: retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.			8. Vascular System	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.		
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.			9. Genito-urinary System	Hernias.		
4. Mouth and Throat	Irremediable deformities likely to interfere with breathing or swallowing.			10. Extremities- Limb impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger. Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.		
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.		
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/ or xray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.		

***COMMENTS:** _____

Note certification status here. See *Instructions to the Medical Examiner* for guidance.

- ☐ Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
☐ Does not meet standards
☐ Meets standards, but: periodic monitoring required due to _____
 Driver qualified only for: ☐ 3 months ☐ 6 months ☐ 1 year ☐ Other

Temporarily disqualified due to (condition or medication): _____

Return to medical examiner's office for follow up on _____

- ☐ Wearing corrective lenses
☐ Wearing hearing aid
☐ Accompanied by a _____ waiver/ exemption. Driver must present exemption at time of certification.
☐ Skill Performance Evaluation (SPE) Certificate
☐ Driving within an exempt intracity zone (See 49 CFR 391.62)
☐ Qualified by operation of 49 CFR 391.64

Medical Examiner's signature: _____

Medical Examiner's name: _____

Address: _____

Telephone Number: _____

If meets standards, complete a **Medical Examiner's Certificate** as stated in 49 CFR 391.43(h). (Driver must carry certificate when operating a commercial vehicle.)

Physical Qualifications for Drivers

THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short relay (drivers return to their home base each evening); long relay (drivers drive 9-11 hours and then have at least a 10-hour off-duty period); and straight through haul.

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours: extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularity in work, rest, and eating patterns; adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: lifting, installing, and removing heavy tire chains and inspecting the vehicle. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle and frequent entering and exiting of the bus.

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

PHYSICAL QUALIFICATIONS FOR DRIVERS

(a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.

(2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a bus safely.

(7) Has no established medical history or clinical diagnosis of rheumatism, arthritis, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely;

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber;

(11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing device when the audiometric device is calibrated to the American National Standard (formerly ASA Standard) Z34.5-1951;

(12) (i) Does not use a controlled substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or any other habit-forming drug.

(i) Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who: (A) Is familiar with the driver's medical history and assigned duties; and (B) Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and (13) Has no current clinical diagnosis of alcoholism.

INSTRUCTIONS TO THE MEDICAL EXAMINER

General Information

The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, **The Driver's Role**.

In addition to reviewing the **Health History** section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate the driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner in light of the driver's job responsibilities, work schedule and potential for the conditions to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. **Under current regulations, the certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring.** In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-1790 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

Interpretation of Medical Standards

Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called Advisory Criteria to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in italics and its reference by section is highlighted.

Federal Motor Carrier Safety Regulations -Advisory Criteria-

Loss of Limb:

§391.41(b)(1)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no loss of a foot, leg, hand or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.

Limb Impairment:

§391.41(b)(2)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping, or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle, or (iv) Has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.

A person who suffers loss of a foot, leg, hand or arm or whose limb impairment in any way interferes with the safe performance of normal tasks associated with operating a commercial motor vehicle is subject to the Skill Performance Evaluation Certification Program pursuant to section 391.49, assuming the person is otherwise qualified.

With the advancement of technology, medical aids and equipment modifications have been developed to compensate for certain disabilities. The SPE Certification Program (formerly the Limb Waiver Program) was designed to allow persons with the loss of a foot or limb or with functional impairment to qualify under the Federal Motor Carrier Safety Regulations (FMCSRs) by use of prosthetic devices or equipment modifications which enable them to safely operate a commercial motor vehicle. Since there are no medical aids equivalent to the original body or limb, certain risks are still present, and thus restrictions may be included on individual SPE certificates when a State Director for the FMCSA determines they are necessary to be consistent with safety and public interest.

If the driver is found otherwise medically qualified (391.41(b)(3) through (15)), the medical examiner must check on the medical certificate that the driver is qualified only if accompanied by a SPE certificate. The driver and the employing motor carrier are subject to appropriate penalty if the driver operates a motor vehicle in interstate or foreign commerce without a current SPE certificate for his/her physical disability.

Diabetes

§391.41(b)(3)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

Diabetes mellitus is a disease which, on occasion, can result in a loss of consciousness or disorientation in time and space. Individuals who require insulin for control have conditions which can get out of control by the use of too much or too little insulin, or food intake not consistent with the insulin dosage. Incapacitation may occur from symptoms of hyperglycemic or hypoglycemic reactions (drowsiness, semi-consciousness, diabetic coma or insulin shock).

The administration of insulin is, within itself, a complicated process requiring insulin, syringe, needle, alcohol sponge and a sterile technique. Factors related to long-haul commercial motor vehicle operations, such as fatigue, lack of sleep, poor diet, emotional conditions, stress, and concomitant illness, compound the dangers, the FMCSA has consistently held that a diabetic who uses insulin for control does not meet the minimum physical requirements of the FMCSRs.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (202) 366-1790 for an application for a diabetes exemption. (See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Cardiovascular Condition

§391.41(b)(4)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.

The term "has no current clinical diagnosis of" is specifically designed to encompass: "a clinical diagnosis of" (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term "known to be

accompanied by" is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse or congestive cardiac failure.

It is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not unqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1790 for additional recommendations regarding the physical qualification of drivers on coumadin.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Respiratory Dysfunction

§391.41(b)(5)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not unqualifying once optimum dose is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>

Hypertension

§391.41(b)(6)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle safely.

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebrovascular disease, is present. This regulatory criteria is based on FMCSA's Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period. Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one-time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive

on maximal or near-maximal doses of 2-3 pharmacologic agents.

Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic disease.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(b)(7)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with the ability to control and operate a commercial motor vehicle safely.

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter period of time may be issued. (See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Epilepsy**§391.41(b)(8)**

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.

If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6 month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

Drivers with a history of epilepsy/seizures off antiseizure medication and seizure-free for 12 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off antiseizure medication for a 5-year period or more.

(See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Mental Disorders**§391.41(b)(9)**

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely.

Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention, and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "ragging" pain may be present to such a degree that certification for commercial driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification.

Many bus and truck drivers have documented that "nervous trouble" related to neurotic personality, or emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior patterns. Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid or severely depressed behavior greatly interfere with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of medications and potential hazards for driving.

(See Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Vision**§391.41(b)(10)**

A person is physically qualified to drive a commercial motor vehicle if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses; distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses; field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber

The term "ability to recognize the colors of" is interpreted to mean if a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudoisochromatic, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescopic lenses acceptable for the driving of commercial motor vehicles.

If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

CMV drivers who do not meet the Federal vision standard may call (202) 366-1790 for an application for a vision exemption.

(See Visual Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Hearing**§391.41(b)(11)**

A person is physically qualified to drive a commercial motor vehicle if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly A44 Standard) Z24.5-1951.

Since the prescribed standard under the FMCSRs is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.

If an individual meets the criteria by using a hearing aid, the driver must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18,

22, etc. The examiner should not use any sibilants as sounding materials. The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate: "Qualified only when wearing a hearing aid." (See Hearing Disorders and Commercial Motor Vehicle Drivers at <http://www.fmcsa.dot.gov/rulesregs/mecreports.html>).

Drug Use

§391.41(b)(12)

A person is physically qualified to drive a commercial motor vehicle if that person

Does not use a controlled substance identified in 21 CFR 1308.11

Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties, and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit-forming drug, it may be cause for the driver to be found medically unqualified. Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.

A test for controlled substances is not required as part of this biennial certification process. The FMCSA or the driver's employer should be contacted directly for information on controlled substances and alcohol testing under Part 392 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.

(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at <http://www.fmcsa.dot.gov/rulesregs/mecreports.html>).

Alcoholism

§391.41(b)(13)

A person is physically qualified to drive a commercial motor vehicle if that person

Has no current clinical diagnosis of alcoholism

The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol-use problem, he or she should be referred to a specialist. After counseling and/or treatment, he or she may be considered for certification.

MEDICAL EXAMINER'S CERTIFICATE		
I certify that I have examined _____ in accordance with the Federal Motor Carrier Safety Regulations, 49 CFR 391.41-391.49, and with knowledge of the driving duties of the person's occupation, and, if applicable, only when:		
☐ wearing corrective lenses	☐ driving within an exempt intrastate zone (49 CFR 391.62)	
☐ wearing hearing aid	☐ accompanied by a Skill Performance Evaluation Certificate (SPE)	
☐ accompanied by a _____ waiver exemption	☐ Qualified by operation of 49 CFR 391.64	
The information I have provided regarding this driver's examination is true and complete. A complete examination form with any attachments embodies my findings completely and correctly, and is on file in my office.		
SIGNATURE OF MEDICAL EXAMINER	TELEPHONE	DATE
MEDICAL EXAMINER'S NAME (PRINT)	☐ MD ☐ DO ☐ Chiropractor ☐ Physician Assistant ☐ Advanced Practice Nurse	
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE		
SIGNATURE OF DRIVER	DRIVER'S LICENSE NO.	STATE
ADDRESS OF DRIVER		
MEDICAL CERTIFICATE EXPIRATION DATE		

APPENDIX H

<INSERT ORGANIZATION NAME HERE>

**Prescription and Over-The-Counter
Medication Policy****PURPOSE**

The National Transportation Safety Board (NTSB) issued a directive to the Federal Transit Administration (FTA) to educate service agencies on the potential safety risks associated with the use of prescription (Rx) and over-the-counter (OTC) medications by employees who perform (insert job duties here) .

In the interest of complying with this directive and protecting employees and others, <INSERT ORGANIZATION NAME HERE> has developed this Rx/OTC policy. As such, all safety-sensitive employees must make sure that any prescribed drug, any over-the-counter medication, or combination of drugs being taken will not adversely impact their job performance. The employee must inform the prescribing medical practitioner of the employee's job duties performed and the medical practitioner must approve the medications to ensure that the employee's job duties can be performed safely.

APPLICABILITY

This policy applies to all (insert applicable positions here) . The procedure set forth herein applies only to medications that are to be taken or that would have an effect while at work.

PRESCRIPTION MEDICATIONS

The appropriate use of legally prescribed medications is not prohibited. However, the employee has the responsibility to discuss the potential effects of any prescription medication with the prescribing medical practitioner including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing (insert job duties here) any time their ability to safely perform their job duties is adversely impacted by the use of a prescription medication.

1. A legally prescribed drug means the employee has a prescription or other written approval from a medical practitioner for his/her use of a drug in the course of medical treatment. The written statement must include the employee's name, the name of the substance, quantity/amount to be taken, and the period of authorization.
2. The misuse or abuse of prescription medications is prohibited. Examples of misuse and/or abuse include:
 - a. Use of a medication that is not prescribed by the employee.
 - b. The employee exceeds the prescribed dosage.
 - c. Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
 - d. The use of any prescription medications that adversely impacts the employee's ability to safely perform his/her assigned duties.

<INSERT ORGANIZATION NAME HERE> requires that all (insert applicable positions here) obtain a statement from their medical practitioner for each medication prescribed indicating whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the

treatment. The statement must be provided to the <insert management title here> where it will be kept in the employee's confidential medical file.

OVER-THE-COUNTER MEDICATIONS

The appropriate use of over-the-counter (OTC) medications is not prohibited. However, the employee has the responsibility to read all warning labels and contraindication notices and if necessary discuss the potential effects of any OTC medication with a medical practitioner or pharmacist including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing a safety-sensitive function any time his/her ability to safely perform their job duties is adversely impacted by the use of OTC medications.

1. The misuse or abuse of OTC medications is prohibited. Examples of misuse and/or abuse include:
 - a. Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
 - b. The use of any OTC that adversely impacts the employee's ability to safely perform his/her job duties.
 - c. Using an OTC for other than its intended purpose.
 - d. Exceeding the recommended dosage.

<INSERT ORGANIZATION NAME HERE> requires that all (insert applicable positions here) obtain a statement from their medical practitioner or pharmacist for each OTC used that has a warning label or caution that indicates that mental functioning, motor skills, or judgment may be adversely affected. As an example, the warning label might indicate: "May cause drowsiness. Use care when operating a car or heavy machinery." The statement should indicate whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the treatment. The statement must be provided to the <insert management title here> where it will be kept in the employee's confidential medical file.

MEDICAL DISQUALIFICATION

Ultimately, the employee is the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to inform the medical practitioner/pharmacist of performance altering side effects and request medical disqualification from performance of their duties. The employee is encouraged to discuss/consider alternative treatments that do not have the performance altering side effects.

An employee will be medically disqualified from the performance of safety-sensitive functions if the medical practitioner/pharmacist determines that the side effects of the medication being taken pose a potential threat to the safety of co-workers, the public and/or the employee.

The medical practitioner/pharmacist determination is subject to review by the <INSERT ORGANIZATION NAME HERE> company physician. The company physician may consult with the medical practitioner/pharmacist to obtain additional information as necessary. Based on the information provided, the company physician may determine that the employee should be medically disqualified. The company physician's decision will be deemed final.

The medical practitioner/pharmacist statements and any other medical information obtained through this process are confidential information and will be maintained in confidential medical files in the

<INSERT ORGANIZATION NAME HERE> office.

PROCEDURAL GUIDELINES

The employee has the responsibility to assess his/her fitness for duty while using Rx/OTC prescription medication. As such, the employee has the following responsibilities:

- The employee has the responsibility to discuss the potential effects of any OTC drug with a medical practitioner or pharmacist, including any adverse impact on the safe performance of their job duties. The employee is encouraged to discuss with their medical practitioner/pharmacist alternative treatments that do not have performance altering side effects.
- The employee has the responsibility to inform the medical practitioner/ pharmacist of performance altering side effects experienced and request medical disqualification from the performance of safety-sensitive job duties.
- The employee must have medical practitioner/pharmacist determine if he/she should be medically disqualified from the performance of safety-sensitive job duties based on the side effects of the OTC. The employee must subsequently request the medical practitioner/pharmacist to complete a statement indicating whether or not the employee should be medically disqualified, and if so, the duration of the disqualification. An example of the form to be used is provided in Appendix A of this policy.
- Employees are required to provide the medical practitioner/pharmacist statement in a sealed envelope to the <insert management title here> . The envelope should be sealed and marked confidential.
- The employee must notify their immediate supervisor of the duration of his/her medical disqualification. The employee will be immediately removed from duty.
- Employees will be allowed to use their accumulated sick leave, personal time, and/or vacation for the duration of the medical disqualification.

The <INSERT ORGANIZATION NAME HERE> will periodically publish a list of medications that are of the greatest concern. The list will be provided as a guide only and should not be considered all-inclusive. Use of the list to identify potential problem medications does not exempt the employee from the process as defined herein, but should be used to trigger more in depth discussions with the medical practitioner/pharmacist.

CONSEQUENCES OF POLICY VIOLATION

An employee who fails to report the use of an Rx/OTC medication or who performs safety-sensitive functions when his/her performance is being adversely impacted by an OTC medication will be subject to the following discipline.

- Failure to report (1st Offense) <insert disciplinary action here>

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- Failure to report (2nd Offense) <insert disciplinary action here>
- Performance of safety-sensitive function when adversely impacted by OTC medication <insert disciplinary action here>
- Falsification of medical practitioner/pharmacist statement Discharge