



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Education

TITLE-SERIES: 126-092

RULE TYPE: Legislative
Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: Yes

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

CITE STATUTORY 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)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

January 8, 2018

126CSR92

**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 in the form of a policy and procedures manual.

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. -- December 6, 2017.

1.4. Effective Date. -- January 8, 2018.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. §126CSR92, West Virginia Transportation Policy and Procedures Manual (Policy 4336) filed April 11, 2013, and effective July 1, 2013, with the exception of appendices that consist of other legislative rules.

§126-92-2. Incorporation by Reference.

2.1. These regulations shall be read in conjunction with other West Virginia Board of Education (WVBE) policies referenced herein, including W. Va. 126CSR99, Policy 4373, Expected Behavior in Safe and Supportive Schools (Policy 4373); W. Va. 126CSR162, Policy 5902, Employee Code of Conduct (Policy 5902); W. Va. 126CSR25A, Policy 2422.7, Standards for Basic and Specialized Health Care Procedures (Policy 2422.7); W. Va. 126CSR16, Policy 2419, Regulations for the Education of Students with Exceptionalities (Policy 2419); W. Va. 126CSR51, Policy 2423, Health Promotion and Disease Prevention (Policy 2423); W. Va. 126CSR4, Policy 1340, Rules of Procedure for Administrative Hearings and Appeals (Policy 1340); W. Va. 126CSR89 Policy 4334, Minimum Requirements for Design and Equipment of School Buses for West Virginia (Policy 4334); W. Va. 126CSR150A, Policy 5500.02, County Service Personnel Staff Development Councils (Policy 5500.02); W. Va. 126CSR28, Policy 2525, West Virginia's Universal Access to a Quality Early Education System (Policy 2525).

§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 Rules, provides that the WVBE 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 (State Director), West Virginia Department of Education (WVDE) 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. The county shall ensure that this policy and all attachments are readily available to all bus operators and maintenance staff members.

2. Inspection and Maintenance of School Buses

At no time shall any other vehicle maintenance take priority over school bus maintenance.

2.1. Pursuant to W. Va. Code §17C-16-2, Inspection by Department of Public Safety, any member of a department of public safety may stop and inspect a school bus at any time.

2.2. Qualified bus inspectors employed by the WVDE, Division of Finance and Administration, Office of School Transportation may also inspect a school bus at any time without prior notice

2.3. All school buses transporting students to school and/or school related events shall be inspected a minimum of one (1) time annually beginning July 1 and ending June 30 by a qualified bus inspector employed by the WVDE. The State Director may require additional and random inspections of school buses.

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

2.5. Vehicle Inspection

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

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

2.5.3. All school buses used to transport students shall be inspected by WVDE bus inspectors and approved for use after an accident which causes damage to any steering component, front axle or frame, or any major structural damage requiring the bus to be towed.

2.5.4. Any seat belts (driver's seat belt, seat belts anchoring child restraints, wheelchair restraints, etc.) in use at the time of a moderate to severe accident shall be replaced. Additionally, the Child Safety Restraint Systems (CSRS) shall be replaced following a moderate to severe accident. CSRS do not

automatically need to be replaced following a minor accident. A minor accident is one in which ALL of the following apply:

- 2.5.4. a. The vehicle was able to be driven away from the crash site.
- 2.5.4.b. The area of the vehicle nearest the CSRS was not damaged.
- 2.5.4.c. None of the passengers in the vehicle sustained any injuries in the crash.
- 2.5.4.d. If the vehicle has air bags, they were not deployed during the accident.
- 2.5.4.e. There is no visible damage to the CSRS.

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. County School Bus Maintenance

2.6.1. 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.

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

2.6.3. The county school system shall ensure that the maintenance staff members receive at least eighteen (18) hours of professional development in school bus maintenance and repair annually.

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

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

2.6.6. Preventive maintenance shall be performed on all school buses ideally every month (or every 20 operating days) but at least every two months (or every 40 operating days) during the school year and shall include spare buses. A preventive maintenance schedule for each school bus shall be posted in the service center, made available to the bus operator, and to the WVDE bus inspector upon request.

2.6.7. All county owned facilities including school bus maintenance centers are subject to inspection by the Office of School Facilities staff per W. Va. Code §18-9D-16(c) only if facilities have received funding from the School Building Authority (SBA) or WVBE.

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 Policy 4373 to provide discipline on school buses.

3.2. County boards of education will provide training on Policy 4373 to all bus operators upon initial employment with the county, and any time Policy 4373 is revised.

3.3. Enrolling or enrolled students, employees, or persons approved previously by a county board of education are the only passengers eligible to be transported by the county school transportation system. Under no circumstances is a student to be left at a school bus stop unattended. School bus operators shall follow the county's ridership procedures.

3.4. All students living greater than two miles from their assigned school or nearest bus route will be eligible for school transportation services. Transportation services are not recommended on streets, roadways; private property developments which are not maintained by the West Virginia Department of Highways or a public municipality; a private property development in which law enforcement agencies may not respond to an accident; or anywhere visibility, sight distances, or adequate space to maneuver the bus may be in question. It shall be the responsibility of the County to develop a policy to address these issues and to determine if these conditions exist prior to establishing a bus route.

3.5. At least twice (and three times for pre-K students) annually, students shall participate in emergency evacuation drills. The first drill is to be completed by October 31 and the second by April 30 of each year.

3.6. It is recognized that compartmentalization, the passive safety restraint systems required in school buses under Federal Motor Vehicle Safety Standards (FMVSS) 222, provides a higher level of safety to children over 40 pounds, however, if a child of forty (40) pounds or under is transported, the following guidelines should be considered. All passengers under the age of five (5) should be secured in a CSRS and if secured, shall meet the following:

3.6.1. Each child shall be transported in a CSRS (suitable for the child's weight, age, height or specialized need) that meets applicable Federal Motor Vehicle Safety Standards (FMVSS).

3.6.2. Each child shall be properly secured in the CSRS.

3.6.3. The CSRS shall be properly secured to the school bus seat, using anchorages that meet applicable FMVSS.

3.6.4. The seat directly behind a child transported in a CSRS shall remain unoccupied unless occupants in that seat are in a CSRS as well, or unless the seats are of an integrated type.

3.6.5. Children under the age of five (5) shall be seated in the front of the bus away from other passengers.

3.6.6. Ideally, the services of a bus aide should be considered to assist the bus operator.

3.6.7. Lap belts shall only be used to secure a CSRS, not a child. If lap belts are used to secure a CSRS, the bus seat(s) shall be seat belt ready.

3.6.8. Any use of lap/shoulder belt combinations shall meet all Federal and State regulations.

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.

4.1.2. Parents are responsible for providing supervision for all K-3 students at all bus stops until the bus arrives for both pickup and delivery.

4.1.3. The county school system may terminate bus transportation service if a 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.

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

4.2.8. Avoid unnecessary conversation with the school bus operator.

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

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

4.2.11. Provide enrollment information to the school bus operator.

Students shall not:

4.2.12. 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 Policy 2422.7.

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

4.2.14. Stand at any time while the bus is in motion.

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 or gestures.

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

4.2.18. Wear headphones or any type of earpiece that may prevent hearing a warning signal or horn

while loading or unloading from the bus.

5. Regulations for Transporting Students with Disabilities Requiring Special Transportation

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

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 Policy 4334.

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

5.4.1. Assist and supervise students with disabilities.

5.4.2. Complete first aid and Cardiopulmonary Resuscitation (CPR) training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section I of the West Virginia School Bus Operators Training Manual.

5.4.3. All school bus operators including substitutes and any school bus operators who transfer to a bus transporting students with special healthcare needs 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 Policy 2422.7.

5.4.4. All bus aides shall be trained in the proper operation of the lift, restraints, emergency equipment, emergency procedures and proper loading and unloading procedures for students with special healthcare needs. A minimum of (1) hour of refresher training shall be completed annually

5.4.4.a. The school bus operator should remain inside the bus, receive the student from the lift, and properly secure the wheelchair. Bus aides shall assist the school bus operator as necessary. (See 13.8.)

5.4.5. Any school bus operator who normally does not operate a bus that transport students with special healthcare needs and accepts an assignment to transport those students, such as a field trip, shall at a minimum have refresher training in the proper operation of the lift, restraints, emergency equipment, emergency procedures and proper loading and unloading procedures of students prior to beginning that assignment.

5.5. 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:

5.5.1. Student's name and address.

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

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

5.6. When the IEP, individualized health care plan, or 504 Plan requires that medicine is to be administered to a student with disabilities while being transported, the procedures shall be in accordance with Policy 2422.7.

5.6.1. The school nurse shall delegate to and train the bus aides in medication administration or in the delivery of medication and other basic or specialized health care procedures as specified in Policy 2422.7.

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

5.7.1. Providing documentation on the special care needed.

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

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

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

5.8. The school transportation system shall implement Policy 4373 in conjunction with Policy 2419.

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, 42 U.S.C. 11431, et seq. (McKinney-Vento 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 (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. Student discipline is the responsibility of the principal together with the bus operator. The student to be suspended from the bus shall be notified by the principal/designee, with the bus operator's assistance. 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 suspension.

7.1.3. A suspended 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 child may resume riding the bus.

7.1.4. If a student has been recommended for discipline 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's rights to transportation services may be 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 precepts 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, follow rules, and 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 at their regularly assigned bus stop.

9. Medical Exclusion of Students from a School Bus

9.1. The school nurse or administrator, as per Policy 2423, 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 2/10 of a mile apart. School bus operators should avoid stopping at intersections whenever possible.

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 considered.

10.3. With irregular terrain, the highest priority in establishing a bus stop location should be the safety of the students. Every effort should be made by county school officials to select a safe bus stop location 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: EXCEPTION: When a bus stop is near the crest of a hill or a curve, the view of approaching traffic is obstructed, or traffic speed is thirty-five (35) mph or less, the sight distance shall be a minimum of two hundred (200) feet.

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 (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 assistance from the DOT if needed.

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

10.8. Wherever possible, stops should be located to minimize the need for students to cross the highway.

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

10.9.1. The County Director/Supervisor may request the Executive Director of School Transportation/designee to assist in evaluation of bus stop locations, but the final decision shall remain the responsibility of the county.

10.10. School bus operators are to pick up and discharge students only at the designated locations. Any transfer points should be conducted off highway, with a preference given to transferring on school property.

11. Loading and Unloading of Student Passengers (See the WVDE Office of School Transportation's Manual of Operating Procedures (MOP), which may be obtained from every county transportation director/supervisor.)

12. Idling of School Buses at Schools and School Functions (W. Va. Code §17C-12-7)

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 permitted 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 ten (10) minutes unless defrosting of windows is needed; in this case, idling shall be limited to thirty (30) minutes.

12.4. Counties shall develop a policy to address violations of this section.

13. General Operating Procedures

13.1. The school bus operator shall wear a seat belt correctly as designed anytime the vehicle is in motion.

13.2. Transportation employees are professionals and should conduct themselves in a professional manner, per Policy 5902, section 4.2. Additionally, all drivers and aides shall wear non-skid shoes. Heels of more than two (2) inches in height, sandals, clogs, open toed or open heeled shoes, and wooden soled shoes shall not be permitted.

13.3. The school bus operator shall not knowingly operate an unsafe bus and shall perform all inspections and duties set forth in MOP and any additional inspections and duties required by the county.

13.4. The school bus operator shall possess, in the operator's compartment, a copy of this Policy 4336 and a current school bus schedule (by the end of the first school month).

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

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

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

13.8. The school bus operator shall not leave the bus when it is running and has students onboard 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.

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

13.10. 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.

13.11. 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.

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

13.13. 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.

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

13.15. The school bus operator shall conduct and supervise emergency exit drills at least twice a year, according to Federal Highway Safety Standard No. 17, Section E (1), (three times for Pre-K students).

13.15.1. Drills are to be conducted on county school property whenever possible. If drills are conducted on non-school property, care shall be taken to provide for the safety of students.

13.15.2. School officials shall assist in the drills when conducted on school property.

13.15.3. The drills shall include students exiting through the front and rear door, instruction on the proper use of exit windows, roof hatches, and other instruments used to assist with emergencies.

13.15.4. Wheels shall be chocked during the drill.

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

13.16. Signage including but not limited to advertisements, banners, photos, stickers, and posters, except those approved by the WVDE, are not permitted to be displayed in or on the school buses.

13.17. Only certified service animals are permitted on a school bus.

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

13.19. Baggage and other items transported in the passenger compartment shall be stored and secured so that the aisles are kept clear and the door(s) and emergency exit(s) remain unobstructed at all times.

13.20. 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. Labelled spray bottles may be stored inside the bus, but must be stored out of sight in a secure location.

13.21. Medical support equipment and special adaptive/assistive equipment such as oxygen bottles may be transported as follows:

13.21.1. Oxygen bottles should be no larger than thirty-eight (38) cubic feet of compressed gas.

13.21.2. Tanks and valves should be located and positioned to protect them from direct sunlight, bus heater vents, or other heat sources. Stationary tanks shall be properly mounted with OEM approved mounting devices.

13.21.3. Oxygen bottles of a non-stationary type, medically prescribed for a student by a physician, shall be in a padded carrier designed for personal use and protection, and shall be in the possession of the passenger. Documentation of prescribed need should be on file.

13.21.4. Drivers and aides shall be trained in the proper transportation of special adaptive/assistive equipment such as oxygen bottles.

13.22. Bus Safety Equipment

13.22.1. Approved bus directional triangles shall be carried on each bus and used as a warning device during emergencies.

13.22.2. Bus flashing lights (4-way hazard lights) should be used only in emergencies and rail-road crossing procedures.

13.22.3. 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 tire chains shall not take the place of regular chains.

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

13.22.5. First aid/body fluid cleanup kits and belt cutters shall be readily available in the school bus. Belt cutters shall be securely mounted and within reach of the driver.

13.23. General Reports

13.23.1. Drivers shall be monitored and evaluated at least annually for driver performance by a county transportation director/supervisor. Evaluations should include verbal discussions with the driver, ride along with the driver, review of bus video or any combination thereof.

13.23.1.a. A bus video may be reviewed at any time by the WVDE State Director, a WVDE School Bus Inspector, WVDE Investigator, WVDE and/or County Attorney, a County School Bus Operator, the County Superintendent, or a County Transportation Director/Supervisor for reasons including but not limited to: safety violations or misconduct, violation of policies and procedures, driver evaluation, periodic review of

student conduct, etc. Viewing of the bus video for student misconduct shall meet the Family Educational Rights and Privacy Act (FERPA) regulations. The bus video may be viewed by the school bus with permission or consent of the County Transportation Director/ Supervisor or a designee approved by the County Superintendent.

13.23.1.b. Transportation directors/supervisors who perform evaluations shall be trained in proper evaluation procedures.

13.23.2. School bus operators are to compile monthly reports and submit them to the County Director/Supervisor of Transportation no later than three (3) working days following the last day of the school month.

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

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

13.23.5. 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.

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

13.24. Accident Reports

13.24.1. A school bus accident is to be reported to the County Transportation Director/Supervisor when the bus bumps or touches another vehicle, person, or object and causes damage.

13.24.1.a. 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.

13.24.2. 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 (1) week.

13.25. Cellular Phones

13.25.1. The use of ear pieces, ear buds, headsets, cellular phones or other portable electronic devices, even those equipped with hands-free technology, is prohibited by school bus operators while operating the school bus and by aides while students are present.

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

13.25.3. If communication with the Transportation Department is necessary, the bus must be halted in a location where the school bus can safely remain stationary -.

13.26. County Two-way Radios

13.26.1. County two-way radios shall be used to conduct transportation business only. Any use that could interfere with emergency communication shall be prohibited.

13.27. Safe Drivers' Programs. The WVBE encourages county boards of education to support school bus operator safe drivers' programs such as those listed in Section 25.

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. Transportation employees including bus drivers may be delegated and trained to administer epinephrine auto-injectors (epi pens) by the certified school nurse RN, as directed in W. Va. Code §18-5-22c and Policy 2422.7, if the county board of education elects to adopt such policy. Epinephrine auto-injectors are the only medication which county boards of education may elect to allow school nurse RNs to delegate and train bus drivers to administer during an emergency situation. Special considerations may include transportation of medications on the school bus, storage of medication, safety, return of medication to school to ensure it is properly stored and available for bus and school day, etc.

14.3. 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/or any extra curricular trip that has been assigned and immediately prior to the beginning of the next day's regularly scheduled morning run.

14.3.1. Any school bus operator who accumulates more than ten (10) hours of driving time in a twenty-four (24) hour period, shall be required to have eight (8) consecutive hours off duty; or

14.3.2. Any school bus operator who has been on duty fifteen (15) hours shall be required to have eight (8) consecutive hours off duty.

14.3.3. A school bus operator who operates a passenger carrying commercial motor vehicle must be off duty eight (8) consecutive hours for rest after having been on duty sixty (60) hours in seven (7) consecutive days or seventy (70) hours in eight (8) consecutive days. These requirements apply if the school bus operator has any additional job with a county board of education or any employer in which on duty hours accumulate. The school bus operator is responsible for monitoring total on duty hours.

14.3.3.a. "On duty" time is time for which the bus operator is being compensated by **any** employer.

14.3.3.b. "Off duty" time is defined as time uncompensated by **any** employer.

15. Criteria for the Certification of School Bus Operators

15.1. All school bus operator candidates shall be initially certified by the Office of School Transportation

as designee of the State Superintendent of Schools (State Superintendent) at the request of the county or the public institution seeking to regularly employ them.

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

15.2.1. The candidate shall be at least twenty-one (21) years of age.

15.2.2. The candidate shall have a high school diploma, a General Equivalent Diploma (GED), or a Test Assessing Secondary Completion (TASC) Diploma (formerly known as a 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 Department of Motor Vehicles (DMV) of the appropriate state(s). The Manual of Operating Procedures 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 WVDE form and permission for release of information (Form 7-Release of Information). The County shall submit to the WVDE, Office of School Transportation, the Form 7 and a copy of the application form for each school bus operator candidate in order to obtain the criminal background report.

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. Upon written consent to the WVDE by the candidate and within ninety (90) days of the state fingerprint analysis, the results of a state analysis may be provided to a county board or institution to which the candidate is applying for employment without further cost to the candidate.

15.2.5.c. Disclosure Provisions. Information maintained by the WVDE or a county board which was obtained for the purposes of complying with 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 forty (40) hours of non-driving instruction with a WVDE certified school bus operator trainer. Instructions shall be from the West Virginia School Bus Operators Instruction Manual, online training modules or a combination thereof and shall include Policy 5902, Policy 4373, and Policy 2525. Additional policies may be found at §126-92-2.2 for training purposes. Training shall not be duplicated in order to reach the required forty (40) hours of initial instruction.

Only the number of hours per section of training designated by the WVDE shall be used to reach the initial forty (40) hours of instruction. Example: If a bus operator trainer determines an applicant requires five (5) hours additional training on pre-trip inspection, the additional hours shall only be completed after the initial forty (40) hours of required instruction are complete.

15.2.7. The candidate shall successfully complete a minimum of twelve (12) hours on-the-road training including two (2) hours of night driving in the operation of school bus with a WVDE certified school bus operator instructor on board and no student passengers.

15.2.8. The candidate shall receive appropriate training 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 Executive Director, Office of School Transportation.

15.2.10. The candidate shall pass a physical examination from a Medical Examiner certified by Federal Motor Carrier Safety Administration (FMCSA). The term "Medical Examiner" is defined as doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic.

15.2.10.a. The Medical Examiner shall record physical examinations on the U.S. Department of Transportation (DOT) Medical Examination Report Form (for Commercial Driver Medical Certification) a copy of which is in the MOP.

15.2.10.b. The physical examination results may be -used for certification for a period of up to six (6) months from date of examination.

15.2.10.c. The physical examination shall cover all health issues set forth in section 17 below. Tuberculin testing is not required unless there is evidence of exposure to tuberculosis or signs or symptoms of active tuberculosis as referenced in W. Va. Code §16-3D-3.

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 (OTETA). Alcohol test shall be by breathalyzer.

15.2.12. Prior to the candidate taking any examination or test provided by or administered by the WVDE, the candidate shall obtain a commercial driver's license (CDL) with appropriate endorsements.

15.2.13. The candidate shall pass a written examination provided by the WVDE 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 (3) times if necessary during a twelve (12) 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 WVDE or a certified school bus operator examiner 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. Retesting shall be done only at the request of the county or institution seeking to employ the candidate, and shall be requested in writing and shall include reasons for retesting. The skills and performance tests shall be administered to a candidate no more than three (3) times annually only after consultation with the test examiner or Transportation Director. Candidates must wait five (5) days prior to being retested and must receive documented additional training in the areas of failure. The entire test shall be re-administered.

15.2.15. The candidate shall pass a physical performance exam, outlined in the Manual of Operating Procedures.

15.2.16. School bus aides should be able to perform the same duties as the bus operator in the event of an emergency. Aides should be given a timed modified physical performance exam prior to beginning their duties as follows:

15.2.16.a. Move from the front of the bus to the rear and exit through the rear door.

15.2.16.b. Ascend/descend the bus steps.

15.2.16.c. Repeatedly open/close the service door manually.

15.2.16.d. Lower/lift objects.

15.2.16.e. Identify, apply, and release the bus parking brake.

15.2.17. Upon successful completion of the WVDE training program and receipt of identification, the newly certified school bus operator shall initially be required to drive a minimum of two (2) school bus routes with a certified school bus operator and students onboard prior to accepting any assignment.

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 WVDE.

15.3.1.d. Skills and performance tests administered by the WVDE.

15.3.1.e. Drug and alcohol screen.

15.3.1.f. Accumulation of six (6) or more points against 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 (1) drug/alcohol related driving offense within the last two (2) years. Conviction of two (2) 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 or abuse with 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.a. 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 Policy 1340.

15.5. Counties may elect to hire an individual (contract bus operator) to transport students in passenger vehicles with a designed seating capacity of fewer than ten (10) occupants, not including driver, in areas where bus service is limited due to terrain. Under no circumstances shall designed seating capacity be exceeded.

15.5.1. The contract bus operator candidate shall comply with all federal, state and county regulations. The operator must have the minimum of a class D CDL license.

15.5.2. The contract bus operator candidate shall submit to a Criminal Investigation Bureau (CIB) background check and a DMV background check prior to being considered for employment. A candidate shall not be employed if there is an accumulation of six (6) or more points against the candidate's driving record from any state DMV. Points that have been removed by the operation of law shall not be considered. An accumulation of ten (10) or more points against the bus operator's driving record after employment shall result in termination of contract. A DMV check shall be submitted annually once employed.

15.5.3. The contract bus operator candidate shall complete an approved first-aid and CPR class and shall follow all guidelines for re-certification once employed.

15.5.4. The contract bus operator candidate shall pass a physical examination from a Medical Examiner, defined by the FMCSA, annually once employed.

15.5.5. The contract bus operator candidate shall be subject to pre-employment drug and alcohol testing and random testing once employed.

15.5.6. The contract bus operator candidate shall receive a minimum of eight (8) hours of training

with a WVDE certified school bus operator instructor, online training modules, or a combination thereof, including but not limited to: loading and unloading procedures, railroad crossings, student conduct, emergency procedures, and County policies. A driving exam and state certification are not required.

15.5.7. The contract bus operator once employed shall have automobile liability coverage in place. The Certificate of Insurance must evidence a minimum of \$1,000,000 per occurrence of Auto Liability. Copies shall be made available to the County Superintendent/designee.

15.5.8. The vehicle used to transport students shall have a DMV inspection annually, be subject to periodic maintenance with proper documentation of any repairs, and the documentation shall be made available to the County Superintendent/designee upon request.

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 A (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability.

16.2. The duties to be performed by a school bus operator include but are not limited to 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 tire 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 windshield 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 1st to receive certification for the following school term.

17.2. The 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 maintained by the employing agency.

17.2.2. Physical examinations shall be recorded on the U.S. DOT Medical Examination Report Form (for Commercial Driver Medical Certification) found in the Manual of Operating Procedures. It is preferred

that the physical examination be performed by an FMCSA Certified Medical Examiner because other medical providers may not be sufficiently informed regarding the physical requirements for bus operators to safely transport students.

17.2.3. All bus operator physical examinations are considered confidential and protected under the Health Insurance Portability and Accountability Act (HIPAA) and shall only be reviewed by approved administrative staff. Members of the certifying agency (WVDE) may also review this information at any time.

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. Average hearing loss in the better ear of the school bus operator shall not be greater than forty (40) decibels at 500 Hz, 1000 Hz, and 2000 Hz with or without hearing aids. 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 (heart attack).

17.3.5.b. Angina pectoris (chest pain).

17.3.5.c. Coronary insufficiency.

17.3.5.d. Thrombosis (blood clots).

17.3.5.e. Stroke (mini-strokes/TIA, paralysis or weakness).

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

17.3.6.a. Syncope (fainting or passing out).

17.3.6.b. Dyspnea (difficulty breathing or shortness of breath).

17.3.6.c. Collapse (unconsciousness).

17.3.6.d. Congestive cardiac failure.

17.3.6.e. Any protein, blood or sugar found in the urinalysis may be indication for further testing to rule out underlying medical conditions prior to the final determination that a school bus operator is medically qualified.

17.3.7. If any of the conditions in 17.3.5 or 17.3.6 exists, a letter from a cardiologist must be presented to the County Transportation Director stating that the school bus operator is medically qualified to operate a school bus.

17.3.8. Blood pressure is less than or equal to 140 systolic and 90 diastolic (140/90). If the employee fails the blood pressure test, the employee shall provide medical evidence of three separate blood pressure readings below the identified levels on three different days within a seven (7) 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 two cardiologists not affiliated with each other.

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

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

17.3.10.a. Rheumatic disease.

17.3.10.b. Arthritic disease.

17.3.10.c. Muscular disease.

17.3.10.d. Neuromuscular disease.

17.3.10.e. Vascular disease.

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

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

17.3.11.b. Does not have monocular vision.

17.3.11.c. Has a field of vision no less than seventy (70) degrees in the horizontal meridian of each eye.

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

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

17.4. All bus operators using CPAP devices must meet the requirements of FMCSA as follows:

17.4.1. According to the FMCSA a bus operator having Obstructive Sleep Apnea (OSA) precludes an individual from obtaining unconditional certification to drive a CMV. However, it should not exclude all individuals with the disorder. An individual with an OSA diagnosis who is receiving positive airway pressure (PAP) treatment may be certified to drive if that individual meets the following criteria:

17.4.1.a. Be referred to a clinician with relevant expertise;

17.4.1.b. Adequate PAP established through one (1) of the following means:

17.4.1.b.1. An in-laboratory titration study; or

17.4.1.b.2. An auto-titration system without an in-laboratory titration.

17.4.2. Individuals with OSA who have been treated with PAP may be certified if they have been successfully treated for a minimum of one (1) week. Successful PAP treatment is defined as follows:

17.4.2.a. Demonstration of good compliance with treatment; and

17.4.2.b. Resolution of excessive sleepiness when driving.

17.4.3. Individuals with OSA who are treated with PAP must demonstrate compliance with treatment by objective documentation.

17.4.4. Compliance is defined as using PAP for the duration of total sleep time, or as prescribed by the treating provider.

17.4.5. Optional treatment efficacy occurs with seven hours or more of use during sleep; however, four (4) hours of documented time at pressure per major sleep episode is minimally acceptable.

17.4.6. Based on current standards of practice, an acceptable CPAP use is at least four (4) hours of use per night on at least five (5) nights per week.

17.4.7. Prior to a driver being allowed to resume driving, the clinician must provide a statement that the treatment and the driver meet these criteria. It is the bus operator's responsibility to keep a log of his/her compliance and provide documentation to the county on a quarterly basis. Counties shall maintain all such records.

17.5. 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 template in Appendix A, Prescription and Over the Counter Medication Policy.

17.6. 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. For alcohol, the test shall be administered within two (2) hours of the accident. If the test cannot be administered within two (2) hours, the employer shall prepare and maintain a record that states the reason the test could not be administered. For controlled substances, the test shall be administered as soon as practical but within thirty-two (32) hours of the accident. Further information on required timelines may be found in FMCSA 382.303. Post-accident drug and alcohol tests shall be required after crashes according to the following chart:

Type of Accident Involved	Citation Issued to the Driver	Test Must Be Performed by Employer
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily Injury With Immediate Medical Treatment Away From the Scene	Yes	Yes
Bodily Injury With Immediate Medical Treatment Away From the Scene	No	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	Yes

17.6.1. County boards of education shall provide the WVDE, 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 WVDE shall maintain the positive test records for two (2) years.

17.7. The Medical Examiner has PRINTED his/her name in the designated area as well as providing his/her SIGNATURE on the physical form.

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 A (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability. The school bus operator shall promptly notify the county transportation director/ supervisor of any DUI/DWI charge and any moving vehicle violations received while driving any vehicle.

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. The County Superintendent has the right to require a physical performance exam, as referenced in 15.2.15, be administered when he or she has any reasonable questions regarding the ability of a school bus operator to perform his/her required duties. The physical performance exam may also be required when a school bus operator is returning to work after an accident, injury, or extended illness in which the ability to

perform his/her required duties may be in question. A WVDE certified school bus operator examiner or a WVDE school bus inspector may administer the exam.

18.3.1. A County Superintendent or other employer of school bus operators licensed by the WVDE, 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, including substitutes, shall receive at least eighteen (18) 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 Policy 5500.02.

18.6. The county or public institution currently employing the school bus operator shall submit on an annual basis a request for renewal of certification for the following school term to the State Director no earlier than April 1st, showing:

18.6.1. Passage of the annual physical examination;

18.6.2. Passage of the online examination;

18.6.3. Completion of eighteen (18) 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.

18.7. Any school bus operator whose certification has not been renewed for two (2) consecutive certification terms shall be considered a new applicant and shall complete all certification requirements of a new applicant.

18.8. Any substitute school bus operator who, by reason of other employment or obligation, operates a school bus less than five (5) times in any given school year shall complete a minimum of six (6) hours behind the wheel refresher training with a WVDE certified school bus operator trainer prior to the employing county or institution requesting re-certification for any successive school year.

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

19.1. The State Superintendent may after ten (10) 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 WVBE 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 eighteen (18) hours of transportation related professional development.

19.1.4. Accumulation of ten (10) 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. Points that have been removed by the operation of law shall not be considered.

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 (2) years subsequent to a first conviction, license suspension/revocation or WVDE certification suspension/revocation. For a second offense, license suspension/revocation or WVDE certification suspension/revocation, 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 (2) 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, if proven by a preponderance of evidence.

19.1.10.b. Violations of W. Va. Code §17C-14-15, which makes talking on a cell phone while driving any vehicle, 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, if proven by a preponderance of evidence.

19.2. The State Superintendent may after ten (10) 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 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 issued or 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 Policy 1340.

20.2. The State Superintendent designates 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 (3) currently employed school bus operators; one (1) County Superintendent or principal; one (1) county transportation director or supervisor; one (1) designee of the State Superintendent of Schools; and one (1) 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 (2) school bus operators shall be chosen by the West Virginia School Service Personnel Association from its membership, one (1) representative shall be chosen by the West Virginia Education Association from its membership, one (1) representative from the American Federation of Teachers (AFT) chosen by AFT from its membership, one (1) Division of Highways representative to be chosen by the Division of Highways Commissioner; the remaining two (2) members shall be chosen by the State Superintendent of Schools.

20.2.3. Terms of all members shall be for a period of three (3) years. Members may serve no more than two (2) consecutive three (3) year terms. Members who have filled an unexpired term of one (1) year or more are eligible for only one additional consecutive three (3) year term. All terms begin on July 1st and end on June 30th.

20.2.3.a. Initial appointments shall have staggered terms, with two (2) members having an initial term of one (1) year, two (2) members having an initial term of two (2) years, and three (3) members having an initial term of three (3) years.

20.2.4. Vacancies shall be filled as quickly as possible by the appropriate appointing authority. Any vacancies remaining unfilled for ninety (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 (1) 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 with assurances that provisions for specialized health care needs are made if necessary.

21.1.5.a. Students transported in a school bus on such trips shall be instructed on the location and operation of all emergency exits and proper procedures for evacuating the bus in case of accident or breakdown.

21.2. Counties providing curricular and extracurricular transportation shall file through the West Virginia Education Information System (WVEIS), at the end of each month, a report on curricular and extracurricular trips.

21.3. Professional personnel permitted to drive board owned, rented, or leased vehicles with a designed seating capacity of fewer than ten (10) occupants, not including the driver, pursuant to W. Va. Code §18-5-13(f)(4), shall have a valid driver's license. All occupants in these vehicles shall wear restraints anytime the vehicle is in motion. Professional personnel shall be defined per W. Va. Code § 18A-1-1. No more than one (1) board owned, rented, or leased vehicle as described above shall be used. A school bus should be used for more than nine (9) students and/or passengers on curricular and extracurricular trips.

21.4. Students may be transported to a school-sponsored activity in a vehicle that has a designed seating capacity of sixteen (16) or more passengers such as a charter or public transit bus 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 (30) day 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 or a public transit 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. Preventive maintenance and maintenance records are provided;

21.4.3. School bus or public transit ratings are provided;

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

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 (1) way school bus transportation time for students to and from school under normal weather and operating conditions is as follows:

22.1.1. For elementary school students, thirty (30) minutes;

22.1.2. For middle school, intermediate school, and junior high school students, forty-five (45) minutes; and

22.1.3. For high school students, sixty (60) minutes.

22.2. A county board may not create a new bus route for the transportation of students in any of the grade levels pre-kindergarten through grade five (5) to and from any school included in a school closure, consolidation, or new construction project which exceeds by more than fifteen (15) minutes the recommended duration of the one-way school bus transportation time for elementary students in accordance with subsection 22.1 of this section unless:

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

22.2.2. Receives the written permission of the WVBE to create the route.

22.3. The WVDE 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 WVBE.

23. Recommendations for County School Bus Transportation Systems

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

23.1. School bus maintenance center equipment shall include:

23.1.1. Hoists, jacks, lifts, and/or service pits to enable repair and servicing in a safe and efficient

manner.

23.1.2. Adequate diagnostic equipment to facilitate preventive adjustments and repairs.

23.1.3. Necessary tools for efficiency in performing the service.

23.1.4. Adequate place for washing buses, preferably inside.

23.1.5. Adequate storage for stocking and identifying parts.

23.1.6. Protective equipment.

23.2. Personnel/Staffing

23.2.1. Maintenance center staff may vary with the number of vehicles to be maintained.

23.2.1.a. One (1) mechanic for nine (9) buses.

23.2.1.b. One (1) mechanic and one (1) assistant for a fleet of ten (10) to eighteen (18) buses.

23.2.1.c. One (1) additional mechanic and one (1) additional assistant for each additional sixteen (16) buses over eighteen (18) buses.

23.2.2. The County Superintendent should ultimately determine the structure and staff needed to deliver a quality program.

23.3. Training

23.3.1. Maintenance center personnel shall:

23.3.1.a. Participate in job related continuing education as approved by the county school service personnel staff development council. A minimum of eighteen (18) hours is required annually.

23.3.1.b. Participate in specific industry job related maintenance and repair workshops.

23.3.1.c. Participate in state and regional job-related workshops, seminars and conferences.

23.3.2. 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 six (6) to ten (10) hours of content in safety and transportation.

23.4. Transportation to Alternative Education Sites

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

23.4.1.a. An effective means of communication such as cellular phone or two-way radio.

23.4.1.b. A large mirror in rear of the bus.

23.4.1.c. A video camera.

23.4.1.d. An aide, another school bus operator, or a staff member from the alternative school.

23.5. Transportation of Students with Disabilities

23.5.1. It is recommended that buses used to transport students with disabilities should be equipped with cellular telephones and/or two (2) way radios.

23.5.2. The school bus operator shall conduct and supervise emergency exit drills at least twice a year. The procedures are as follows:

23.5.2.a. Drills are to be conducted on county school property.

23.5.2.b. School officials including bus aides shall assist in the drills as the need arises.

23.5.2.c. Wheels shall be chocked during the drill.

23.5.2.d. The drills shall include students exiting through the front and rear door, instructions on the proper use of exit windows, roof hatches, and other equipment/instruments used to assist with emergencies.

23.5.2.e. Care shall be given in determining the level of involvement students with disabilities may have during the drill. Some students' healthcare requirements or medical conditions may preclude them from participating, especially when in a wheelchair. However, appropriate measures shall be taken, such as preparing a plan of action to ensure the safety of all occupants, even if they cannot participate in the drill. Bus operators and aides shall have a plan in place and know their responsibilities if the need arises.

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

23.6. Sale of Surplus Items

23.6.1. Any proceeds received from the sale of surplus buses, obsolete or scrap parts or equipment, warranty claims or insurance claims are encouraged to be returned to the county transportation department for the purchase of new buses.

24. School Bus Operator Safe Drivers' Programs

24.1. National Safety Council Safe Driver Awards

24.1.a. The WVBE encourages county boards of education to continue their support of the Safe Driver Award Programs sponsored by the National Safety Council.

24.2. School Bus Safety Rodeo

24.2.a. 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.

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

24.2.b.1. 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.

24.2.b.2. All school bus operators be given an opportunity to annually participate in a county and/or regional school bus safety rodeo.

24.2.b.3. 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.

24.2.b.4. 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.

APPENDIX A

<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.

- 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