

*Replaced**10/17/93*

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 92
REVISION OF WEST VIRGINIA SCHOOL
TRANSPORTATION REGULATIONS (4336)

§126-92-1. General.

1.1. Scope. -- This Legislative rule establishes qualifications and responsibilities of school bus drivers, operations and maintenance of school buses, and recommended practices.

1.2 Authority. -- W. Va. Code §§17C-14-12; 18-2-5; 18-5-13(6)

1.3. Filing Date. -- May 15, 1978

1.4. Effective Date. -- August 15, 1978

§126-92-2. Incorporation by reference.

2.1 Copy of rules and regulations are attached. Copies may be obtained in the office of the Secretary of State and in the West Virginia Department of Education, Bureau of Finance and Services.

2.2 Summary of rules and regulations below:

The laws of West Virginia provide a legal basis and the conditions for transporting youth of school age to and from school and other places of educational opportunity. This publication sets forth the regulations and refers to laws governing the operation of school buses. School transportation is the largest single transportation program in West Virginia. The magnitude of our State program has grown through a constant increase of services provided, the improved safety features of buses, improved practices in their operation, increase skill and proficiency in maintenance, and the upgrading of competencies and efficiency of program administrators. School bus operators in each of our fifty-five (55) counties have established and maintained commendable driving records. West Virginia school bus operators enjoy the prestige of being professional motor vehicle operators. To those of the profession, who so appropriately exemplify this image, this publication is dedicated.

**WEST VIRGINIA SCHOOL
TRANSPORTATION REGULATIONS**

1978-Revised Edition

Approved and Made Effective August 1978

by

THE WEST VIRGINIA BOARD OF EDUCATION

Prepared and Published by the
WEST VIRGINIA DEPARTMENT OF EDUCATION

Division of School Transportation

FIFTH PRINTING 1986

Charleston, West Virginia 25305

FOREWORD

The laws of West Virginia provide a legal basis and the conditions for transporting youth of school age to and from school and other places of educational opportunity. This publication sets forth the regulations and refers to laws governing the operation of school buses. School transportation is the largest single transportation program in West Virginia. The magnitude of our State program has grown through a constant increase of services provided, the improved safety features of buses, improved practices in their operation, increase skill and proficiency in maintenance, and the upgrading of competencies and efficiency of program administrators. School bus operators in each of our fifty-five counties have established and maintained commendable driving records. West Virginia school bus operators enjoy the prestige of being professional motor vehicle operators. To those of the profession, who so appropriately exemplify this image, this publication is dedicated.



Tom McNeel, *State Superintendent of Schools*

AUTHORITY

The authority of the West Virginia Board of Education to promulgate school bus transportation regulations to be followed by the county school districts in West Virginia is found in Chapter 18, Article 2, Section 5, and Chapter 18, Article 5, Section 13.

Section 18-2-5 states that the State Board of Education "shall make rules for carrying into effect the laws and policies of the State relating to education," and Section 18-5-13 states that the county boards "subject to the . . . rules and regulations of the State Board, shall have the authority to provide at public expense adequate means of transportation. . . for all children of school age."

1. Submission to the West Virginia Board of Education - April, 14, 1978
2. Promulgation Date - May 12, 1978
3. Filed with Secretary of State's Office - May 15, 1978
4. Effective Date - August 15, 1978
5. Rule - Section 4336 of *Policies, Rules and Regulations of the West Virginia Board of Education (Revision of "West Virginia School Transportation Regulations," Approved July, 1972)*

INTRODUCTION

This publication is provided as a guide to the daily responsibilities of school transportation personnel. It contains State Board regulations, recommended practices and, in the appendices, pertinent State laws and information pertaining to safe driving awards. It is intended as a ready reference for transportation directors, school bus operators and all who are concerned with pupil transportation. It is not intended to substitute for, or take the place of the *School Laws of West Virginia* or the *West Virginia Motor Vehicle Laws*.

Careful study should be made of each item presented herein in order to acquire a clear understanding of the responsibilities of school administrators, school transportation administrators, school bus operators and maintenance personnel. A safe and efficient school transportation program requires personal knowledge, loyalty, discipline, skill and teamwork.

Major emphasis is directed to the responsibilities of the professional school bus operators and their image as professionals in this area of public service.

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STATE BOARD OF EDUCATION REGULATIONS

Upon the recommendation of the State Superintendent of Schools and in cooperation with the Department of Public Safety and Department of Motor Vehicles, the State Board of Education has approved the following regulations governing school transportation effective August 15, 1978. These regulations supersede all previous regulations governing school transportation.

INSPECTION AND MAINTENANCE OF SCHOOL BUSES

Pursuant to West Virginia Motor Vehicle Laws, Chapter 17C, Article 16, "Inspection of Vehicles," the West Virginia State Police may stop and inspect a school bus at any time. If it is found to be unsafe the bus operator shall discontinue its use. Such bus, by permission of the inspecting officer, may be driven to the nearest county school bus maintenance center for repair. The inspecting officer may declare the vehicle unsafe for movement on the highway under its own power. Under such circumstances the vehicle shall be towed to the service center or other designated place for repair.

The West Virginia Board of Education requires that all school buses be inspected a minimum of two (2) times each year. These inspections will be made by qualified persons employed by the Board, by State Police officers or other qualified personnel approved by the Board. Such inspections are not to take the place of the daily inspection of school buses by the school bus operators, the periodic inspections by the county school bus maintenance per-

sonnel, or the annual inspection of all motor vehicles required by the Commissioner of Motor Vehicles. These inspections (minimum of two) shall be scheduled at such times and places which shall best protect the safety and welfare of transported students. All school buses being operated to transport students shall be inspected and bear a certificate of inspection on or before the following dates of the year:

First inspection	September 15
Second inspection	March 1
Third inspection	June 15 (for designated buses to be used for summer programs)

All other school buses which includes new buses purchased and buses on which repair and/or reconditioning has been completed shall be inspected before they are put in service.

PRE-TRIP INSPECTION FOR MECHANICAL DEFECTS AND SAFETY EQUIPMENT

Prior to the morning and afternoon trips and also prior to any other assigned trip, the school bus operator shall make an inspection of the bus. This inspection shall include, but not be limited to, the following:

1. Check tires for cuts, air pressure and tread wear.
2. Check wheels of loose hub and rim lugs.
3. Check steering for loose components.
4. Check radiator coolant, oil and gasoline.

5. Check alternator and fan belts.
6. Check lighting system and horn.
7. Check brakes, including warning light and buzzer.
8. Check emergency exit door and window alarms.
9. Check service door and operating mechanism.
10. Check first aid kit, fire extinguisher and reflector kits.
11. Check back-up alarm.
12. Check stop arm.

INSPECTION OF NEW BUSES FOLLOWING DELIVERY

It shall be the responsibility of the county school transportation director, or other person designated by the county superintendent of schools, to inspect each new school bus immediately following delivery from the manufacturer. Such inspection shall insure that all applicable State standards, federal standards and any item set forth in the purchase contract have been met. Any exception will have to be approved by the Division of School Transportation.

MAINTENANCE OF SCHOOL BUSES

County boards of education shall be responsible for the establishment of a school bus maintenance program that will assure,

insofar as is possible, the safe operating condition of all buses in the transportation of school pupils. Such programs may be implemented by a school-system-operated maintenance center or by a private concern.

School-system-operated maintenance centers shall be staffed with maintenance and service personnel who are skilled in the art of planned maintenance and who are capable of maintaining a high standard of workmanship.

The staff of school-system-operated maintenance programs shall include administrative, maintenance, and service personnel in numbers that are commensurate with the number of vehicles to be maintained and serviced.

The school system shall make available to maintenance and service personnel the required maintenance and service publications for the equipment being serviced.

The school system shall provide maintenance personnel opportunities to upgrade their competencies through their participation in meetings, conferences, institutes, and/or other types of inservice training programs pertinent to school transportation.

Maintenance and service records of each vehicle in the school bus fleet shall be maintained at the service center.

An inventory of school bus chassis and body components that are periodically replaced shall be maintained at the maintenance center.

APPEARANCE AND CLEANLINESS OF SCHOOL BUSES

All school buses shall be maintained in a clean condition. It is the responsibility of the county board of education to provide

equipment and supplies essential for maintaining school buses in a clean condition.

Daily responsibilities of school bus operators shall include the following:

1. Sweeping the floor and dusting the seats immediately after the last morning run.
2. Keeping windows on sides of the bus reasonably clean.
3. Cleaning windshield, mirrors, glass in service door area, and rear vision window areas before morning and afternoon trips.
4. Cleaning all lenses for lamps and reflectors before morning and afternoon trips.
5. Inspecting seats for damage after each trip.
6. Keeping all lettering on bus clean so that it can be read by approaching motorists.
7. Cleaning of stepwell.
8. Removing any marks found on inside wall panels.
9. Checking exhaust to make sure, as far as it is possible, that no exhaust fumes are reaching the interior of the bus.
10. Keeping loose objects, such as brooms and tire chains, off the floor.

The above responsibilities shall apply to extracurricular and curricular trips also.

Weekly responsibilities of school bus operators shall include the following:

1. Mopping floors.
2. Cleaning upholstery with a damp cloth.
3. Washing the outside of the bus, if possible. In no instance, should a bus be used more than two weeks without being washed.
4. Checking windshield washer fluid.
5. Checking the condition of, and being sure that a clean red flag is being maintained.
6. Checking the condition of, and being sure that a clean and well-organized glove compartment is being maintained.
7. Checking level of liquid in battery and condition of battery terminals.

AUTHORITY AND RESPONSIBILITY OF COUNTY SCHOOL PERSONNEL IN PROVIDING SCHOOL TRANSPORTATION SERVICES

Pursuant to Chapter 18A, Article 5, Section 1, and Chapter 18, Article 5, Section 13, Subsection 6, West Virginia School Law, the following regulations are established:

1. The school bus operator shall not transport any person who is not a pupil enrolled or to be enrolled in school, a

teacher, or other employee of the county board of education, or a person approved by the board.

2. The school bus operator is in charge of the bus, pupils and any other passengers. It is the responsibility of the school bus operator personally and with the cooperation of school administrative and instructional personnel to maintain proper discipline on the school bus at all times.
3. The school bus operator shall post a copy of "Regulations for Pupils Transported in School Buses," in a prominent place in the operator's compartment of the bus and shall replace same as needed. He shall further cooperate and assist in instructing the pupils and any other passengers in such rules and regulations.
4. At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices, and participate in emergency evacuation drills. It shall be the duty of the principal and teachers to aid in instructing the pupils in said rules and regulations governing transported pupils. The principal and teachers shall acquaint all students with transportation regulations. Special emphasis should be given to pupil discipline on extracurricular and curricular trips.
5. The county superintendent of schools or transportation director may suspend any passenger's right to ride on a school bus if that person persists in violating duly established regulations. Such passenger or passengers shall be forbidden, by the bus operator, the right of further transportation on a school bus until permission has been restored. The school principal, school bus operator, the person involved in the suspension, and the parents if the passenger is a student, shall be notified immediately. Re-

instatement to ride the school bus shall be granted by the county superintendent of schools or the transportation director and should be based on a satisfactory understanding among the school principal, transportation director or supervisor, parent, student and school bus operator. Incidents of serious nature that may require action while enroute must be handled by the bus operator through exercising his best judgment in applying appropriate disciplinary measures in accordance with county board of education policy. It is imperative that the school bus operator explore and consider every possible alternative for handling an emergency situation before asking a student to leave the bus while enroute. The hazards of such action could result in serious risk to the student(s) involved, particularly students who are of the compulsory school attendance age.

6. A principal or teacher who is a passenger on a school bus must assume responsibility as an instructor and as a disciplinarian in the school system. The bus operator must have a common understanding with such principal or teacher so that proper discipline is assured at all times.
7. The number of passengers to be transported on a school bus at any one time shall not exceed the number that can be safely seated, which number is to be determined by the county superintendent or transportation director. In a case of extreme emergency where the best interest of students involved can be protected, standees may be permitted on a temporary basis.
8. County boards of education shall provide, on school buses transporting handicapped students exclusively, an adult aide to supervise and assist in the loading, transporting and unloading of such students. For the purpose

of this regulation only, "handicapped" shall mean those students who have been appropriately identified as Special Education students and who cannot be transported by conventional school buses. Persons employed as school bus aides shall be required to hold at least a valid first aid certificate and successfully complete Unit D of the **Advanced Section of the West Virginia School Bus Operator Training Manual**.

9. The school bus operator shall not operate any bus that he or she knows to be unsafe while pupils are aboard.
10. The bus operator shall not stop and pick up or discharge passengers except at regularly designated stops, which shall be designated by the county board of education or its authorized agent. No exceptions shall be made unless such exceptions are explicitly stated in the written county school transportation policy.
11. The school bus operator shall make a full stop for pupils to enter and leave the school bus, and shall activate flashing warning signal lights at least 100 feet prior to reaching all such stops. It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped, or is in the process of stopping on a highway for the purpose of permitting school children to board or alight from said school bus. (Chapter 17C, Article 12, Section 8, Subsections a and b, Motor Vehicle Law)
12. The school bus operator shall exercise special caution when activating flashing warning lights so as not to trap, or establish a hazardous stopping situation for the drivers of vehicles approaching the bus from the front or the rear.

13. The bus operator, when making stops to take aboard or discharge passengers, shall pull off the pavement or mainly traveled roadway where his bus passengers are not permitted to cross the roadway as pedestrians, and where conditions permit the establishing of a loading and/or unloading zone which may be a part of or adjacent to such highway. In such instances the school bus operator may not activate the flashing warning signal lights which will permit traffic to proceed without jeopardizing the safety of any passenger being transported.
14. When the school bus is stopped off the roadway it must clear the pavement or lane of traffic adjacent to it so as to have an adequate margin of safety. The bus shall be stopped on the roadway, in its proper traffic lane, when
 - passengers being discharged have to cross to the opposite side.
15. If a pupil or pupils must cross the roadway after alighting from the school bus, the bus operator is cautioned to be alert to the conditions affecting the safety of such pupils. The county school transportation director, when conditions warrant, may direct the school bus operator to provide the assistance needed.
16. The school bus operator must not stop to pick up or discharge passengers within 200 feet of the crest of a hill or curve where he is not in full view of oncoming traffic. He shall avoid jerky starts, sudden turns or swerves, and abrupt stops. Proper traffic signals must be given by the bus operator in all traffic situations where required by law and in other instances where communication with motorists and/or pedestrians may prevent accidents.
17. The school bus operator shall report to school officials the license number, and if possible other facts pertinent

his

to the incident, of any motor vehicle driven in violation of any state law pertaining to the stopping or slowing down of motor vehicles approaching or passing a school bus which has stopped to load or unload passengers. Additionally, the bus operator shall report the operation of any motor vehicle in violation of State Motor Vehicle Law that appears to endanger the safety of pupils being transported.

18. At the close of each school day the bus operator shall use the following procedures in loading the pupils:
 - (a) See that his bus is parked before the close of school at the place where the pupils regularly board it.
 - (b) See that all pupils are aboard before the bus starts.
 - (c) Start his bus only after he is sure that no one outside the bus is in an unsafe position in relation to the bus.
 - (d) At the school the loading and unloading shall be done off the highway in a loading zone, or on the school grounds in a special area designated for such purpose. The bus must be facing traffic in a legal direction and in such direction that it has freedom to drive from the school without undue maneuvering. If such practice is impossible, the bus hazard warning lights shall be activated while loading and unloading pupils on the roadway.
 - (e) Drive with extreme care away from the school grounds and under no circumstances shall the

bus exceed a speed of fifteen (15) miles per hour in the vicinity of the school building(s).

19. The bus operator shall see that all aisles leading to the doors are kept free from books, lunch boxes and other objects.
20. The bus operator shall not allow any pupil to occupy such a position in his bus as will interfere with his vision to the front and sides or by means of the mirror to the rear, or interfere with the operator of the school bus.
21. The bus operator shall not permit pupils at any time to extend arms or head out bus windows.
22. The bus operator shall not allow at any time while the bus is in motion any student, including a student monitor, to stand forward of the stanchion or barrier at back of operator's seat.
23. The school bus operator shall not allow any unauthorized person to occupy his seat, drive the bus, or tamper with the motor or any of its controls.
24. The school bus operator shall not leave his bus at any time either while the engine is running or the parking brakes are released.
25. The school bus operator shall not drive the bus backward on the school grounds or at a loading or unloading point unless it is absolutely unavoidable, and then only when pupils are not in close proximity of the bus and or there is a designated member of the school staff on the ground directing such movement. Responsibility for backing a school bus safely is, without exception, entirely that of the school bus operator.

26. The school bus operator shall see that the service door is closed at all times when the bus is in motion, except when crossing railroads.
27. The school bus operator shall bring his bus to a full stop not more than 50 feet, nor less than 15 feet, from the nearest rail of any railroad, open the service door and the window to his left before crossing any railroad, electric or tram car line. Proceed in first or second gear across tracks. When tracks have been cleared, close service door and return to normal operating speed. Do not change gears while crossing tracks.
28. The school bus operator shall observe the established limits of all segments of his route or routes established by the school authorities. No extension, cutback, or change of route shall be made, except in case of an emergency, without the permission of the transportation director.
29. The school bus operator shall post, in the bus no later than the end of the first month of school, the bus schedule showing the time the bus should arrive at each designated stop.
30. In the event of a change in the bus route or time schedule the pupils and/or parents shall be notified in advance by the transportation director or school bus operator insofar as is reasonably possible. If for any reason the school bus operator is caused to make a detour in his route, he shall report same to the transportation director or his supervisor immediately.
31. In case of an emergency which may require the bus to stop on the traveled portion of the highway for any

length of time the school bus operator shall promptly display warning devices as required in West Virginia Motor Vehicle Law, Chapter 17C, Article 15, Section 40. It is the responsibility of the school bus operator to see that such warning devices are carried in the bus at all times. Warning flashing hazard lights shall also be activated.

32. In case of accident or breakdown while the bus is transporting pupils, the bus operator shall not leave the bus to summon help until provision has been made for the care and safety of all passengers.
33. The school bus operator shall not operate the school bus on any street or roadway without tire chains when the existence of ice and/or snow on such street or roadway creates any doubt in his mind as to whether it is safe to drive without chains.
34. The school bus operator shall not operate the bus while the clutch is disengaged except when coming to a stop.
35. All road hazards shall be reported to the county director of transportation by the school bus operator as soon as possible after observing or encountering them. The bus operator is responsible further to report their being corrected or not being corrected.
36. The bus operator shall direct and supervise emergency exit drills at appropriate times during the school year as directed by, and in compliance with regulations prescribed by the county board of education and Federal Highway Safety Standard No. 17. All students should be so instructed for their own protection and welfare. The bus operator shall direct and supervise the bus pas-

sengers in emergency exits from the bus by way of the rear or emergency door, and also by the front service door. He shall also explain the purpose of, and to a reasonable extent, show the passengers how they may quickly and safely exit by way of the emergency push-out windows. Such windows must not be opened by the students unless in an emergency or as directed by the bus operator. Emergency exit drills shall be held in a school loading or parking area or on street areas where oncoming traffic will not jeopardize the safety of the participating students. Local school authorities, including principals and teachers, shall assist the school bus operator in conducting such drills as the need arises. All such drills shall be reported each month to the county superintendent of schools and transportation director.

37. The bus operator shall not permit the display of any advertising signs inside or outside his bus. This prohibition does not apply to the proper use of approved professional safety posters. The use of banners and/or posters pertaining to athletics, band and other activities are not permitted.
38. The bus operator shall transport no freight, baggage, or merchandise of any kind while the bus is transporting pupils, except the property of the passengers or that of the county board of education.
39. The school bus operator shall be responsible to see that his bus is equipped with an approved first aid kit that is fully equipped and in good condition. The first aid kit shall be kept in its regular place.
40. The school bus operator shall be responsible to see that the fire extinguisher is ready for effective use at all times.

41. The school bus operator shall not transport with pupils any highly flammable material, firearms, explosives, or anything of a dangerous or objectionable nature. Animals transported by pupils as laboratory specimens shall be properly restrained and transported only with permission of the school bus operator.
42. The school bus operator shall make a verbal report immediately, and within twenty-four (24) hours, a written report to the proper school officials of any and all accidents, including those resulting in the slightest bodily injury and/or property damage in which his bus or passengers are involved. He shall make such additional written reports as are required by West Virginia Motor Vehicle Law.
43. The school bus operator shall observe the legal speed limit for school buses which is that speed limit posted for trucks of 8,000 GVW or greater.
44. The school bus operator shall complete accurately and file promptly all daily, weekly, monthly and other reports which may be required of him by the county board of education.

RESPONSIBILITIES AND RECOMMENDED SAFETY PRACTICES OF STUDENTS BEING TRANSPORTED

Transported pupils' behavior shall be in compliance with the following responsibilities and recommended safety practices:

1. It is a responsibility of the parent to have the student at the designated bus stop at the scheduled time for bus ar-

rival and on the proper side of the roadway. (Except in cases where the safety of the students involved may be jeopardized, the proper side of the roadway shall mean the side of the road on which the bus is traveling.)

2. The pupil in a less desirable seat may move to another seat which is more comfortable, but only with permission of the bus operator, and when the bus is not in motion.
3. The school bus operator is in charge of the bus and pupils and may assign seats for which the pupil will be held responsible for vandalism to those seats.
4. Pupils will observe the following:
 - (a) Cooperate with and respect any monitor on duty.
 - (b) Walk on left side of road facing traffic.
 - (c) Never stand or play on roadway while waiting for a school bus.
 - (d) Cooperate with the bus operator in an effort to keep the bus clean.
 - (e) Avoid unnecessary conversation with the bus operator.
 - (f) Except for ordinary conversation, observe classroom conduct in the bus in order not to distract the bus operator's attention.
 - (g) Refrain from the use of profane or immoral language.

- (h) The use of tobacco, alcohol and controlled substances is prohibited on school buses.
- (i) Arms and head must be kept inside bus windows at all times.
- (j) Any damages are to be reported promptly to the school bus operator.
- (k) Get on or off the bus, or change seats in the bus, only when it is not in motion and with the permission of the school bus operator.
- (l) Proceed safely and alertly when getting on or off bus or when crossing roadway.
- (m) If emergency door or emergency window exits are found open or partially open, it must be reported to the bus operator immediately.
- (n) No object of any nature shall be thrown inside the bus, or passed into or from the bus door or window by a passenger or by others who are not passengers.
- (o) Passengers seated in the bus shall admit other passengers boarding the bus to vacant seats.
- (p) No passengers, including bus monitor, may ride in the stepwell or forward of the front row seats.
- (q) Pupils to be transported shall provide required information to the bus operator on enrollment forms provided.
- (r) No pupil, including bus monitor, shall remain standing while bus is in motion at any time when there is an available seat.

5. Two of the most careful and mature pupils being transported may be appointed by the school bus operator and principal, with the approval of the transportation director and parent, to serve as bus monitors. Some of the duties of these monitors may be as follows:
 - (a) Have all pupils aboard the bus seated before the bus is moved from the loading point.
 - (b) Assist the bus operator through encouraging pupils to remain in an orderly and safe position when bus arrives at bus stop.
 - (c) Assist the bus operator in his duties for the safety of all pupils being transported.
6. Two pupils, in addition to those mentioned above, may be appointed to assist at the emergency exits during emergencies, practice drills or demonstrations for such exits. More mature passengers should be assigned such responsibility.
7. Should any passenger persist in violating any of these regulations after due warning has been given by the school bus operator, that person's right to ride the school bus may be suspended. In case of such suspension, the school bus operator may not transport that person until directed to do so by the county superintendent of schools or transportation director.

QUALIFICATIONS FOR THE EMPLOYMENT OF SCHOOL BUS OPERATORS

1. No person shall be qualified for employment by any county board of education to drive any school bus or

motor vehicle used in the transportation of school children who has not been certified by the Department of Public Safety and State Department of Education. West Virginia Board of Education, "School Bus Operator's Certification" is obtained through satisfactorily passing special examinations which include a physical examination and also a written examination. All school bus operator applicants (new and/or experienced) shall complete these examinations prior to the time they report for the performance of such service.

2. Each school bus operator must be at least eighteen (18) years of age and must have had at least one year's experience as a licensed operator of a motor vehicle. Each school bus operator must hold a valid West Virginia chauffeur's license, however, the driving instruction and test may be taken with operator's license. Before transporting students, a candidate must successfully complete requirements as set forth in paragraph 3 of this section.
3. A new candidate for employment as a school bus operator shall have thirty (30) hours of preservice instruction prior to the date on which he is assigned to assume his responsibilities in the operation of a school bus for the purpose of transporting pupils.
 - (a) Before a candidate for school bus operator may present himself to a member of the Department of Public Safety for examination he shall have completed not less than twenty-four (24) of the required thirty (30) hours of preservice instruction and training. Such instruction must be certified by the county superintendent of schools, or his duly appointed school official. In addition to classroom instruction, enough behind-the-wheel instruction must be

given to assure applicant's ability to handle the bus safely and efficiently.

- (b) The preservice instruction shall be the **West Virginia Uniform School Bus Operator Training Program** and include a presentation and study of the county school transportation policy and the organization of the school transportation program.
4. No person shall be eligible as a school bus operator after he has attained his seventieth (70) birthday.
 5. Each school bus operator shall be able-bodied, free from communicable disease, and strong enough physically to handle the school bus with ease. In case of any physical disability resulting in the disqualification of a candidate that may be questioned by the candidate or school bus operator, a final determination shall be made by the Medical Advisory Board of the Department of Motor Vehicles as to the questioned eligibility.
 6. Before entering into the discharge of his duties as a school bus operator the applicant shall have a physical examination. The original report of the physical examination shall govern eligibility except in case of vision where correction may be made by corrective lenses and further except in the event the school authorities in charge feel that the original report is inaccurate or questionable, the applicant may be required to take another physical examination by a physician or specialist designated by the county superintendent of schools. The re-

sult of the physical examination shall be recorded on a prescribed form and become a part of the school bus operator's permanent record in the county office. One copy of the physical examination shall be mailed to the State Coordinator of School Transportation.

7. In connection with the physical examination, all new school bus operators must submit to a standard serologic test for venereal disease not more than forty-five (45) days and at least ten (10) days before being assigned to assume the duties and responsibilities of a school bus operator. The blood specimen should be sent immediately to the Hygienic Laboratory, 167-11th Avenue, South Charleston, West Virginia, 25303, or to any laboratory approved for such purpose by the West Virginia Department of Health. Subsequent blood tests may be required every three years, or at such intervals as the county superintendent of schools may direct.
8. The following additional regulations and/or conditions govern the employment or continued employment of school bus operators:
 - (a) No person shall be certified as a school bus operator who is suffering from any form of venereal disease. Neurosyphilis confirmed by the examining physician through appropriate tests and/or lack of coordination, or other physical signs, such as tabetic walk, or abnormal walking procedures, unsteadiness in body movements, nervousness, and other characteristic symptoms, shall be disqualifying.
 - (b) Urinalysis - as ordinarily performed by the examining physician, or his laboratory technician, shall be made and the results recorded on the examination form.

(c) **Vision** - Both eyes must be functional.

1. A distant visual acuity of at least 20/30 (Snellen) in each eye with or without corrective lenses, or distant binocular acuity of at least 20/30 (Snellen) in both eyes with or without corrective lenses. Field of vision shall be at least 70 degrees in the horizontal meridian of each eye.
2. Ability to identify the colors of traffic signals and devices showing standard red, green, amber and blue.
3. A school bus operator who must wear corrective lenses to meet minimum requirements of this section shall wear such lenses at all times while he is operating a school bus.

(d) **Hearing**-First perceives a forced whispered voice in the better ear at not less than 5 feet. 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. If hearing aid is required to meet this regulation, it must be worn at all times when operating the school bus. The school bus operator must also have in his/her possession a spare power source for use in the hearing aid.

(e) **Convulsive Seizures** - There is no established medical history or clinical diagnosis of convulsive seizures.

(f) **Rheumatic, Arthritic and Other Conditions** - There is no established medical history or clinical diagnosis of rheumatic, arthritic, muscular, neuromuscular or vascular disease which interferes with the ap-

plicant's ability to control and operate a school bus safely.

- (g) **Mental and Nervous Condition** - There is no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with the applicant's ability to operate a school bus safely.
- (h) **Diabetes** - There is no medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. Applicants having mild diabetes, not requiring insulin, may be recommended at the discretion of the examining physician.
- (i) **Heart** - There is 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.
 1. No person shall be eligible for employment as a school bus operator with a persistent reading of systolic blood pressure of more than 150 and/or diastolic blood pressure of more than 100.
 2. An electrocardiogram is recommended annually for all school bus operators over the age of fifty (50), and required of all school bus operators when the result of the electrocardiogram is useful in diagnosing an abnormal heart condition.
- (j) **Tuberculosis** - All school personnel shall have a chest x-ray or an approved tuberculin skin test once every two (2) years. Positive reactors to the skin test

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are to be immediately x-rayed and re-x-rayed annually or at more frequent intervals if medically indicated. Reactors who are annually x-rayed will not be required to have an annual skin test. School personnel found to have tuberculosis in a communicable stage shall have their employment discontinued or suspended until their disease has been arrested and is no longer communicable. School personnel who have not had the required examination will be suspended from employment until reports of examination are confirmed.

- (k) **Hernia** - An applicant with a hernia may be approved, providing a well-fitting truss, as approved by the examining physician, is worn at all times while performing his duties as a school bus operator. Large hernias should be surgically repaired prior to employment.
 - (l) **Extremities** - No person suffering the loss or use of more than three (3) joints of either hand shall be eligible for employment as a school bus operator. There shall be no amputation of any part of the thumb of either hand, unless such amputation is confined to the tip of the thumb and does not interfere with the movement of the first joint. Each school bus operator shall have normal use of both legs and both feet without the aid of braces or other artificial aids.
 - (m) No other physical conditions that would interfere with the applicant's performance of duty as a school bus operator.
9. Any applicant who fails to qualify as a school bus operator due to physical disability shall not be eligible to sub-

mit another physical examination report until such time as determined by the physician who performed the original physical examination.

10. Any school bus operator over fifty (50) years of age shall have a physical examination semi-annually. The initial examination shall be completed prior to the opening of the regular ten-month school term and the second examination shall be completed on or before January 31 of such term. Operators who become fifty (50) years of age on or before January 1, shall comply with the semi-annual physical examination provision stated above.

11. Each school bus operator, whether he be a regular or substitute, shall be instructed in first aid and shall hold at least a valid standard Red Cross First Aid Certificate, EMT Certificate, or a valid Miner's First Aid Certificate. The training shall be completed within the first three (3) months of employment.

12. Upon written notice from the State Coordinator of School Transportation or the State Department of Public Safety that any applicant has failed to qualify for certification, his employment as a school bus operator shall cease immediately.

13. The Superintendent of the Department of Public Safety and the State Superintendent of Schools are hereby authorized to recall or refuse any school bus operator's certification for any of the following reasons:

- (a) Failure on the part of the applicant to pass the special written examination.
- (b) Failure on the part of the applicant to meet physical requirements.

- (c) Frequent violations of traffic laws, sound safety practices, regulations or ordinances, or any single violation of a serious nature.
- (d) Evidence of any misconduct, negligence or action by the applicant or licensee which is sufficient reason to refuse or recall certification. Such misconduct, negligence or action shall not necessarily be confined to the operation of a school bus.
- (e) Evidence that the applicant or school bus operator has become physically unfit since the issuance of his certification. Another examination may be required by the County Superintendent of Schools, State Superintendent of Schools or Superintendent of Public Safety.
- (f) Conviction of a felony.
- (g) Conviction on a charge of operating a motor vehicle while under the influence of intoxicating liquor, drugs or narcotics at any time during a period of two (2) years prior to the date of his application.
- (h) Conviction on a charge of being under the influence of intoxicating liquor, drugs or narcotics in public during a period of one (1) year prior to the date of application.
- (i) Substantial evidence that person is known to be an excessive user of alcohol or who has been convicted on a charge of being under the influence of intoxicating liquor, drugs or narcotics in public.
- (j) Failure on the part of the applicant to complete first aid training.

- (k) Failure to complete the West Virginia Uniform School Bus Operator Training Program.

STEPS IN QUALIFYING FOR SCHOOL BUS OPERATOR'S CERTIFICATE

1. Following the acceptance of the written application by the county school superintendent, or his designated school official, the applicant's driving record will be investigated through the West Virginia Department of Safety and may also be checked with the Department of Motor Vehicles. The school officials, after finding the candidate eligible for consideration, will then provide the candidate a physical examination form provided by the State Department of Education, Division of School Transportation. Following the completion of the examination and the recording of the results in complete form the examination report shall be sent to the county superintendent of schools by the examining physician for review. The report being found favorable, the applicant will submit to a blood test. The blood test being found favorable (negative), the school official in charge shall arrange for the preservice instruction and the driver training phase.
2. The school transportation director or other designated school official shall request the applicant to report for preservice instruction and driver training experience at an arranged time. Such instruction and driver training shall be in compliance with the program prescribed by the State Board of Education. On completion of the prescribed instruction and driver training, it is required that the applicant be certified to the Department of Public

Safety before taking the written examination and further behind-the-wheel examination for certification as a school bus operator.

3. The procedures presented in paragraphs one and two of this section apply to all school bus operator applicants except that those who were employed in such service in West Virginia during the previous year are not required to submit to a blood test. The requirement of such test will be at the election of the county superintendent of schools in compliance with State Board of Education regulations.
4. Following the satisfactory completion of the written examination, and any behind-the-wheel examination that is required, the candidate may make application for the school bus operator's certificate.

HEALTH AND PHYSICAL FITNESS OF THE SCHOOL BUS OPERATOR DURING EMPLOYMENT PERIOD

The safety of school pupils shall be given first consideration in the planning and implementation of a school transportation program. Pursuant to this requirement school administrative personnel shall attempt to insure that school bus operators maintain a high state of physical fitness.

A person who accepts employment by a county board of education as a school bus operator shall accept such position with the understanding that the responsibilities involved therein represent his primary role of employment and further that such employment shall not be limited, or interfered with, by any commitment imposed through other employment.

Any person who performs responsibilities as an employee of any other concern, or who is self-employed during the hours of, or the greater part of the hours of, twelve o'clock midnight and six o'clock a.m., shall not be eligible for employment as a school bus operator on any day that such employment responsibilities are performed.

Accepting part-time employment beyond being employed as a full-time school bus operator shall be considered a violation of the health and physical fitness requirements of a school bus operator in the event such employment results in the bus operator reporting to assume his responsibilities in a mentally and, or physically impaired condition.

CURRICULAR AND EXTRACURRICULAR TRIPS BEYOND THE IMMEDIATE SCHOOL AREA

Transportation of school pupils participating in the curricular and extracurricular activities necessitates the operation of school buses beyond the immediate school area. The following regulations are established to govern the use of school buses for curricular and extracurricular trips:

A. Curricular Activity Trips:

1. Boards of education exercising the authority to provide transportation for pupils participating in curricular activities beyond the regular local school facilities shall require the participating school officials to submit a planned schedule of such trips to the county superintendent of schools for approval in accordance with county school transportation policy.

2. The director of school transportation shall be provided a copy of the approved schedule of trips by the county superintendent of schools at a date far enough in advance to arrange and prepare for the provision of safe and adequate pupil transportation.
3. Only school bus operators employed by the county board of education shall be used to operate school buses used for curricular activity trips.
4. Each county providing bus transportation to schools for curricular activities shall file at the end of each school month a financial and statistical report provided by the State Coordinator of School Transportation.

B. Extracurricular Activity Trips:

1. The director of school transportation shall be provided a copy of the approved schedule of trips by the county superintendent of schools at a date far enough in advance to arrange and prepare for the provision of safe and adequate pupil transportation.
2. Schedules for approved extracurricular activity trips shall not conflict with the regularly organized transportation schedule.
3. Students being transported on a school bus being operated on an extracurricular activity trip shall, in addition to the school bus operator, be supervised by at least one professional employee of the board of education, and if an additional bus or buses are used each additional bus shall, in addition to the bus operator, be supervised by at least one professional employee of the board of education, or other person approved by the board of education.

4. -- Only school bus operators employed by the county board of education shall be used to operate school buses used for extracurricular activity trips.
5. -- All buses used for extracurricular activities as defined in Chapter 18, Article 5, Section 13, Subsection 6, of the Code shall be covered by insurance as provided in Subsection 7 of the same Article.
6. -- Each county providing bus transportation to schools for extracurricular activities shall file at the end of each school month a financial and statistical report on forms provided by the State Coordinator of School Transportation.

RECOMMENDED PRACTICES

A well-planned effectively implemented school transportation program demands high quality performance by all those who are associated with it. This includes administrative and supervisory personnel, maintenance and service personnel, teachers, passengers, school bus operators and the general public.

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

1. -- School Bus Operator's Contract -- The county superintendent should thoroughly familiarize all school bus operators with the terms of their contract.
2. -- County School Transportation Policy -- Each county board of education should adopt a school transportation policy which should include, but not be limited to, the following:
 - (a) -- Qualifications of the county director of school transportation.

- (b) Position description of the county director of school transportation.
- (c) Position description of the school bus operator.
- (d) Plan for evaluation of the performance of school bus operators.
- (e) Procedures for handling emergencies enroute.
- (f) Plan for handling school and community emergency evacuations.
- (g) A program of instruction in safety for transported students.
- (h) Policies on student management.
- (i) Qualifications and job descriptions for maintenance personnel.
- (j) Eligibility of students for transportation services.
- (k) Policy with regard to the transporting of non-public school students.
- (l) Policy with regard to the transportation of exceptional students.
- (m) Policy with regard to the transportation of pupils participating in the early childhood education programs.
- (n) Policy with regard to routing and scheduling.
- (o) Policy with regard to the selection of school site as it relates to safe school transportation.
- (p) Records and who is responsible for them.
- (q) Transportation and inclement weather conditions.
(the pre-emergency plan)

- (r) Communications procedures.
- (s) Policy pertaining to the provision of transportation for special trips including both curricular and extracurricular activities.
- (t) Policy pertaining to other employment that could conflict with school bus operator responsibilities.
- (u) Policy pertaining to the provision of student shelters at school bus stops.
- (v) Policy pertaining to the wearing of uniforms by school bus operators.

Providing detailed guidelines for the establishment of county policy in all areas of the transportation program would be too voluminous. However, a few areas are treated in order to assist county school administrators in developing effective county school transportation policies.

3. Use of School Buses for Curricular and Extracurricular Trips. It is recommended that county-owned buses be used whenever possible for curricular and extracurricular trips.
4. Communication – The school system should ensure that the channels of communication are set up in such a way that any information pertaining to the school transportation program that should be known can be disseminated at the desired speed and with effectiveness. The school system should also ensure that all inquiries, requests, suggestions and recommendations are given

prompt attention and handled efficiently. Methods and purposes for the dissemination of information include, but are not limited to, the following:

METHOD	PURPOSE
Bulletins	To explain school system's transportation policy to school administrators, teachers, bus operators, parents, students and others associated with the operation.
Meetings	To provide an opportunity for those associated with the school transportation operation to share their views regarding more effective operation.
Public press	To inform parents of policy changes; route, stop and schedule changes; and of the safety record of the operation.
Conferences	To discuss with each bus operator solutions to disciplinary problems that arise, new or revised policy decisions that affect bus operators, contractors, etc.
Circular letters	To inform parents of new routes that are planned or of changes that are to be made in stops, routes and schedules.
Telephone calls	To provide quick contact between bus operators and the school, or between parents and the school in the event of emergency situations.
Radio - Television	To inform the public of the procedures school will follow in cases of severe weather conditions or other natural phenomena.

- Letters To reply to inquiries made by parents and others regarding transportation policy and procedure.
- Public address system To instruct students who are assembled to enter the bus regarding rules and regulations they are to follow while waiting for and while riding in the bus.

5. Maintenance and Service -- Staffing the School Bus Maintenance Center -- The school bus maintenance staff will vary in number according to the number of units (buses) to be maintained. It is particularly important that school bus mechanics and other maintenance or service personnel be thoroughly familiar with the equipment which they are servicing. Maintenance and service personnel should be skilled in the art of planned maintenance and should display a high degree of consciousness in the areas of safety and preventative maintenance. The National Conference On School Transportation, 1970, recommends in Standards For School Bus Operation that the following number of staff personnel represent the minimum number that may effectively operate a school bus maintenance center.

- (a) For a fleet of 9 buses, one full-time mechanic capable of completing in a competent manner all necessary repair work, including major overhauls.
- (b) For a fleet of from 9 to 18 buses, one full-time mechanic and one assistant mechanic capable of competently assisting with repair work and taking full responsibility for lubrication, tire repairs, washing the vehicles and comparable tasks.
- (c) For a fleet of more than 18 buses, a competent mechanic for each additional 16 buses, assisted by one

- (g) Extinguishing any existing fire.
- (h) Calling for help from school bus maintenance center by two-way radio, or to be seeking assistance of others, at or near the scene of the accident, who should call for police, ambulance, and/or school bus maintenance center for an alternate bus or other needed assistance.
- (i) Continuing first aid to those who were not seriously injured.
- (j) Collecting information pertinent to the accident when other persons and/or vehicles are involved.
- (k) Reporting all details of the accident, as soon as practicable after its occurrence, to the county director of school transportation.

The legal responsibility of the school bus operators with regard to accidents is set forth in the motor vehicles laws. Such laws should be studied carefully. Every school bus operator's report book contains accident report forms. In addition to this form, he should carry at least two copies of the official "Report of Motor Vehicle Accident", report form MV-121. The law requires this form to be filed in case of property damage of \$250 or more and/or in case of personal injury.

Procedures should be established for handling situations resulting in the fatal injury or disability of the bus operator. These procedures should be communicated to the students.

7. Administering First Aid - A knowledge of first aid procedures may save the lives of passengers. The Red Cross

helper for each two mechanics may be considered, as determined by the head mechanic or supervisor of transportation.

These recommendations were made on the condition that adequate maintenance facilities and equipment would be made available to maintenance personnel.

6. Handling Emergencies -- School Bus Accident -- In the event of an accident involving a school bus while transporting children, the school bus operator's first responsibility is for the care of his passengers. This and other responsibilities require specific procedures in accordance with the nature of the accident. The carrying out of all such responsibilities requires the performance of specific tasks or duties. The sequence of procedures to be employed in performing these tasks will necessarily vary as conditions surrounding the accident and/or seriousness of the emergency dictate. The tasks include, but are not limited to, the following:
 - (a) Stopping immediately.
 - (b) Turning off ignition.
 - (c) Applying parking brake firmly.
 - (d) Removing passengers from bus to safer place if conditions necessitate.
 - (e) Applying first aid to persons seriously bleeding or suffering from injury demanding quick attention.
 - (f) Protecting passengers and oncoming motorists from further accident by putting out flags and flares.

manual should be a part of every bus operator's equipment. Particular emphasis should be given those sections dealing with shock, respiration, bleeding and moving the injured.

Proficient application of first aid may mean the difference between life and death, temporary or permanent disability, limited or extensive medical treatment, immediate recovery or extended suffering of the injured.

In the event of serious injury resulting from an accident the bus operator should send for help immediately. While help is on the way he should apply first aid to the injured to prevent further injury or danger. The injured should be kept as warm and comfortable as possible. However, hurried checks should be made for hemorrhage, serious bleeding, and stoppage of breathing. Bleeding from the nose, one or both ears, is an indication of skull fracture. Never allow an unconscious person to be given liquids.

APPENDIX A

WEST VIRGINIA SCHOOL BUS OPERATOR'S SAFETY CERTIFICATE

There are several means through which boards of education can establish incentives to school bus operators in recognition for commendable safe driving records.

Pursuant to the need and favorable influence of such incentives the Department of Education, Division of School Transportation, provides a "School Bus Operator's Safety Certificate" to be awarded by county school officials on behalf of the State Department of Education, The Department of Motor Vehicles, and the State Department of Public Safety.

This safety certificate is awarded to regularly employed school bus operators who successfully operate a school bus for at least five (5) months of the school year without a preventable accident.

To be eligible for this certificate, the bus operator must not have been involved in a preventable accident during the school year. He must be recommended by the county superintendent of schools to the State Department of Education. The certificate signifies a job well done.

This award is provided to motivate every school bus operator to strive to establish and maintain an outstanding professional driving record through careful, courteous, defensive driving each mile while operating a school bus. This award further serves as a certificate of evaluation indicating proficiency.

This certificate is not to be confused with the National Safety Council Safe Driver Award, which requires a full year's work.

These are separate awards, but it requires an excellent job of driving to earn either or both of them.

The school bus operator's constant awareness that he is a "Pro" and that professional motor vehicle operators do not allow accidents to happen should result in his being a winner each year.

The State Board of Education recommends that county boards of education recognize the importance of this award and promote the enthusiastic participation of all county school bus operators in the award program.

NATIONAL SAFETY COUNCIL SAFE DRIVER AWARD

Adequate supervision in safety is one of the most essential requirements in operating an efficient school transportation program. Regardless of the size of the fleet a strong concerted effort must be made toward emphasizing safe driving procedures. The laws, regulations and recommendations presented in this publication emphasize the importance of county boards of education establishing definite policies, rules and regulations governing the safe operation of the school transportation program.

The National Safety Council provides a most rewarding Safe Driver Award Program. This award program was established in 1930, and since that time more than two million motor vehicle operators have earned awards for professional safe driving.

County boards of education, through the cooperation of the West Virginia Department of Education as promoter and coordinator, have participated in this safety service since 1947. This Safe Driver Award Program has immeasurably contributed to the envi-

able safety record that has been maintained in school transportation. The school bus operators' high standard of performance resulted in eighty-two percent of all bus operators receiving the National Safety Council's Safe Driver Award during the 1976-77 school year. Because of the marked effectiveness of this program, the Board recommends that county boards of education continue to emphasize this program's objectives through concerted participation and a persistent effort to reach the ultimate level of effectiveness. The award provided with this safety program has come to be recognized by both fleet managers and vehicle operators as the yardstick for measuring the safe driving attitude and skill required for job success as a "professional motor vehicle operator".

This Safe Driver Award is the nation's highest award for professional safe driving performance.

The Board recommends that county boards of education make this program available for all school bus operators and that an effort be made to derive maximum benefits from it.

The rules for administering the program are presented in the National Safety Council publication Safe Driver Award Rules, Revised January, 1973.

NOTE: The award cannot be earned in any year that the employee is absent from work for more than fifteen (15) of the required days of employment.

APPENDIX B

WEST VIRGINIA LAWS GOVERNING SCHOOL TRANSPORTATION SERVICES

Chapter 18, Article 5, Section 13, Subsections 6 and 7, Code of West Virginia, as amended by Act of Legislature 1974.

The boards, subject to the provisions of this chapter and the rules and regulations of the state board, shall have authority:

(6) (a) To provide at public expense adequate means of transportation, including transportation across county lines, for all children of school age who live more than two miles distance from school by the nearest available road and to provide at public expense and according to such regulations as the board may establish, adequate means of transportation for school children participating in board-approved curricular and extra-curricular activities; and to provide in addition thereto, at public expense, by rules and regulations and within the available revenues, transportation for those within two miles distance; and to provide in addition thereto, at no cost to the board and according to rules and regulations established by the board, transportation for participants in projects operated, financed, sponsored or approved by the commission on aging; Provided, that all costs and expenses incident in any way to transportation for project connected with the commission on aging shall be borne by such commission, or the local or county chapter thereof; Provided further, that in all cases the buses or other transportation facilities owned by the board of education shall be driven or operated only by drivers regularly employed by the board of education; Provided, however, that buses shall be used for extracurricular activities as herein provided only when the insurance provided for by this section shall have been effected;

(b) To enter into agreements with another to provide, on a cooperative basis, adequate means of transportation across county lines for children of school age subject to the conditions and restrictions of subdivisions (6) and (7) of this section;

(7) To provide at public expense for insurance against the negligence of the drivers of school buses, trucks, or other vehicles operated by the board; and if the transportation of pupils be let out to contract, then the contract therefor shall provide that the contractor shall carry insurance against negligence in such an amount as the board shall specify;

Chapter 18A, Article 5, Section 1:

Authority of teachers and other school personnel; exclusion of pupils having infectious diseases; suspension or expulsion of disorderly pupils.

The teacher shall stand in the place of the parent or guardian in exercising authority over the school and shall have control of all pupils enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of pupils is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the children while they are in transit to and from the school. Subject to the rules of the state board of education, the teacher shall exclude from the school any pupil or pupils known to have or suspected of having any infectious disease, or any pupil or pupils who have been exposed to such disease, and shall immediately notify the proper health officer, or medical inspector, of such exclusion. Any pupil so excluded shall not be readmitted to the school until such pupil has complied with all the requirements of the rules governing such cases, or has presented a certificate of health signed by the medical inspector or other proper health officer. The teacher shall have authority to suspend any pupil guilty of disorderly, refractory, indecent or immoral con-

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duct, and the district board of education may expel or exclude any such pupil if, on investigation, the conduct of such pupil is found to be detrimental to the progress and the general conduct of the school.

For the purpose of this section: (1) "Pupil" shall include any child, youth, or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of or in connection with any program under public school direction; Provided, that in the case of adults the pupil-teacher relationship shall terminate when the pupil leaves the school or other place of instruction or activity; (2) "teacher" shall include principals, regular teachers, substitute teachers, student teachers, teacher aides and other school employees or persons assigned responsibility for directing or supervising instructional programs or board-approved activities.

Teachers shall exercise such other authority and perform such other duties as may be prescribed for them by law or by the rules of the state board of education not inconsistent with the provisions of this chapter and chapter eighteen.

Chapter 16, Article 3, Section 4a:

Compulsory testing for tuberculosis of school children and school personnel; X rays required for reactors; suspension from school or employment for pupils and personnel found to have tuberculosis in a communicable stage.

All school personnel shall have a chest x-ray or an approved tuberculin skin test once every two years. Positive reactors to the skin test are to be immediately x-rayed and re-x-rayed annually or at more frequent intervals if medically indicated. Reactors who are annually x-rayed will not be required to have an annual skin test. School personnel found to have tuberculosis in a communicable

stage shall have their employment discontinued or suspended until their disease has been arrested and is no longer communicable. School personnel who have not had the required examination will be suspended from employment until reports of examination are confirmed.

WEST VIRGINIA LAWS GOVERNING OPERATION OF SCHOOL BUSES

Chapter 17B, Article 2, Section 4, Code of West Virginia, as amended:

Age limit for chauffeurs driving school buses and transporting persons or property for compensation; issuance of chauffeur's license to licensees under prior law.

No person who is under the age of eighteen years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The department shall not issue a chauffeur's license for either such purpose unless the applicant has had at least one year of driving experience prior thereto.

Notwithstanding the provisions of this section, a person who qualifies under all provisions of this chapter except this section, and, who at the time of the enactment of this chapter possesses a valid chauffeur's license issued under a prior act of the legislature, may be issued a chauffeur's license as provided in section twelve [§ 17B-2-12] of this article.

Chapter 17B, Article 4, Section 3 and 4:**3. Driving while license suspended or revoked**

Any person who drives a motor vehicle on any public highway of this State at a time when his privilege so to do has been lawfully suspended or revoked shall, for the first offense, be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period of forty-eight hours and, in addition to such mandatory jail sentence, shall be fined not less than fifty dollars nor more than five hundred dollars; for the second offense, such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period of ten days and, in addition to such mandatory jail sentence, shall be fined not less than one hundred dollars nor more than five hundred dollars; for the third or any subsequent offense, such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period of six months and, in addition to such mandatory jail sentence, shall be fined not less than one hundred fifty dollars nor more than five hundred dollars.

The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended lawfully shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked lawfully the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

-4. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any

highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

Chapter 17C, Article 1, Section 7:

School bus.

"School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Chapter 17C, Article 1, Section 35:

Street or highway.

"Street" or "highway" means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

Chapter 17C, Article 1, Section 37:

Roadway.

"Roadway" means that portion of a highway improved, designated or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Chapter 17C, Article 1, Section 49:

Railroad sign or signal.

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"Railroad sign" or "signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Chapter 17C, Article 1, Section 55:

School grounds.

"School grounds" includes the land on which a school is built together with such other land used by students for play, recreation or athletic events while attending school.

Chapter 17C, Article 12, Section 3:

Certain vehicles must stop at all railroad grade crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, or of any vehicle owned by an employer which, in carrying on such employer's business or in carrying employees to and from work, is carrying more than six employees of such employer, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street railway grade crossings within a business or residence district.

Chapter 17C, Article 12, Section 7:

Overtaking and passing school bus; signs and warning lights upon buses; removal of warning lights, lettering, etc., upon sale of buses; highways with separate roadways.

(a) The driver of a vehicle on any street or highway upon meeting or overtaking for either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus flashing warning signal lights, as referred to in section eight [§17C-12-8] of this article and said driver shall not proceed until such school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "school bus" shall be covered or concealed. Any school bus sold or transferred to another owner by a county board of education, agency, or individual, shall have all flashing warning lights removed; all lettering removed or permanently obscured; and such bus shall be painted a color other than chrome yellow before sale or transfer is made except when sold or transferred for the transportation of school children.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is

on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Chapter 17C, Article 12, Section 8:

Special lighting equipment on school buses.

(a) The commissioner of motor vehicles is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this chapter, but supplemental thereto, and except that such standards and specifications may designate and permit the use of flashing warning signal lights on school buses for the purpose of indicating when children are boarding or alighting from any said bus. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers.

(b) It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped or is slowing down to stop on any street or highway for the purpose of permitting school children to board or alight from said school bus.

Chapter 17C, Article 14, Section 12:

School bus regulations.

(a) The West Virginia board of education by and with the advice of the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this chapter to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any county board of education or privately owned and operated under contract with any county board of education in this State and such regulations shall by reference be made a part of any such contract with a county board of education. Every county board of education, its officers

and employees, and every person employed under contract by a county board of education shall be subject to said regulations.

(b) Any officer or employee of any county board of education who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a county board of education shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a county board of education who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such county board of education.

Chapter 17C, Article 16, Section 1:

**Vehicles not to operate without required equipment
or in unsafe condition.**

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this chapter and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon any highway. (1951. c. 129.)

Chapter 17C, Article 16, Section 2:

Inspection by department of public safety.

(a) The department of public safety may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(b) In the event such vehicle and its equipment are found to be in safe condition and in full compliance with the law, the officer making such inspection shall issue to the driver an official certifi-

cate of inspection and approval of such vehicle specifying those parts or equipment so inspected and approved.

(c) In the event such vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment the officer shall give a written notice to the driver and shall send a copy to the department. Said notice shall require that such vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of inspection and approval be obtained within five days. (1951, c. 129.)

Chapter 17C, Article 16, Section 3:

Owners and drivers to comply with inspection laws.

(a) No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the department of public safety.

(b) Every owner or driver, upon receiving a notice as provided in section two [§ 17C-16-2] of this article shall comply therewith and shall within five days secure an official certificate of inspection and approval which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the department. In lieu of compliance with this paragraph the vehicle shall not be operated, except as provided in the next succeeding paragraph.

(c) No person shall operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return such vehicle to the residence or place of business of the owner or driver, if within a distance of twenty miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter and a certificate of inspection and approval shall be obtained as promptly as possible thereafter.

(d) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said

vehicle may obtain such repair or adjustment at any place he may choose, but in every event an official certificate of inspection and approval must be obtained, otherwise such vehicle shall not be operated upon the highways of this State.

(e) "Inspection and test," as used in this article, shall mean inspections and tests as related to the actual mechanical and operating ability of such vehicle.

Chapter 17C, Article 16, Section 4:

Commissioner to require periodical inspection; acceptance of certificate of inspection from another state; suspension of registration of unsafe vehicles.

(a) The commissioner of motor vehicles shall once each year require that every motor vehicle, trailer, semitrailer, and pole trailer registered in this State be inspected and that an official certificate of inspection and approval be obtained for each such vehicle.

Such inspections shall be made and such certificates obtained with respect to the mechanism, brakes, and equipment of every such vehicle as shall be designated by the commissioner.

The commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of this section and to designate any period or periods of time during which owners of any vehicles, subject to this section, shall display upon such vehicles certificates of inspection and approval or shall produce the same upon demand of any officer or employee of the department designated by the commissioner or any police or peace officer when authorized by the commissioner.

(b) The commissioner may authorize the acceptance in this State of a certificate of inspection and approval issued in another state having an inspection law similar to this chapter and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this State during the time an inspection was required.

(c) The commissioner may suspend the registration of any vehicle which he determines is in such unsafe condition as to constitute a menace to safety or which after notice and demand is not equipped as required in this chapter or for which a required certificate has not been obtained. (1951, c. 129.)

Chapter 17C, Article 16, Section 5:

Permit for official inspection stations; fees for and certificate of inspection.

The superintendent of the department of public safety shall be responsible for the inspection as provided in this article and shall prescribe requirements and qualifications for official inspection stations. He shall select and designate such stations and shall issue permits therefor and furnish instructions and all necessary forms thereto for the inspection of vehicles as herein required and the issuance of official certificates of inspection and approval. The certificate of inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall be serially numbered and shall properly identify the official inspection station by which issued. A charge of fifty cents per sticker shall be charged by the department of public safety to the inspection station, and the funds so received shall be deposited into the state treasury and credited to the account of the department of public safety for application in the administration of the provisions of this article.

Any balance remaining in the fund on the last day of June of each fiscal year, not required for operating expenses, construction, repairs or alterations of police barracks for the ensuing fiscal year, shall be transferred to the state road fund. The superintendent is authorized to exchange stickers or to make refunds to official inspection stations for stickers on hand when permits are revoked or when, for any reason, the stickers become obsolete.

Application for permit shall be made upon an official form prescribed by the superintendent and permits shall be granted only when the superintendent is satisfied that the station is properly

equipped, and has competent personnel to make such inspections and adjustments and that the inspections and adjustments will be properly conducted. The superintendent before issuing a permit, may require the applicant to file a bond with surety approved by the superintendent, conditioned that such applicant, as a station operator, will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such station operator or employees thereof.

The superintendent shall properly supervise and cause inspections to be made of such stations and shall revoke and require the surrender of the permit issued to a station which he finds is not properly equipped or conducted. He shall maintain and post at his office and at such other places as he may select lists of all stations holding permits and of those whose permits have been revoked.

Chapter 17C, Article 17, Section 4, Subsection b:

Height and length of vehicles and loads.

(b) No motor vehicle including any load thereon shall exceed a length of thirty-five feet extreme overall dimension, inclusive of front and rear bumpers, except that any bus, truck or trackless trolley coach equipped with three axles or any school bus with two axles shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet.

The laws above are provided for quick reference. However, there are numerous other laws that must be thoroughly understood and practiced in the implementation of a safe and efficient school transportation program.

The lack of understanding or ignorance of any school law or motor vehicle law does not exonerate school transportation personnel from the blame for the infraction of same. It is therefore imperative that school transportation administrators and school bus operators become familiar with all laws pertinent to school transportation. The additional list below is to direct attention to many other laws that are among those to be studied and complied with.