

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN III

ADMINISTRATIVE LAW DIVISION

Form #5

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2004 APR 19 P 2:52

OFFICE WEST VIRGINIA
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NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W.Va. Code §§17C-12-3, 17C-14-12, 18-2-5, 18-5-13, 18-8-1 and Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 92

TITLE OF RULE BEING AMENDED: West Virginia School Bus Transportation Policy and Procedures Manual (4336)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS May 20, 2004.



Steven L. Paine
Deputy State Superintendent of Schools

EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: **Policy 4336, West Virginia School Bus
Transportation Policy and Procedures Manual**

Background: The West Virginia Legislature amended West Virginia Code §18-5-13 that directs the West Virginia Department of Education to develop rules to reduce the idling of school buses. The West Virginia Board of Education adopted Policy 5902, Employee Code of Conduct and Policy 4373, Student Code of Conduct. This repeal and replacement of Policy 4336 will incorporate those policies by reference. The policy was also reorganized as a procedures manual for use by county school systems.

Proposals: The purpose of this policy is to provide regulations for the employees of local boards of education, students, and staff pertaining to the transportation of students to and from school and school related events. It sets standards for training, physical examinations, physical performance and administrative requirements.

Impact: The proposed policy will benefit those professional employees that are authorized to operate board owned vehicles without having to complete school bus operator training programs and will reduce the time school buses idle at the boarding area at schools. The structure of the new policy will provide a parent, school bus operator or interested county school official with better access to the guidelines which govern school bus transportation in the State of West Virginia.

**Summary
Comments** Thirty comments were received during the comment period. A comment addressing a change in the WVEIS system was not accepted because the WVEIS system is being improved to incorporate transportation times. A comment concerning sight distance was not accepted because the policy adequately covers the issue based upon national criteria. A comment concerning free space surrounding a bus that is running was not accepted because it was not feasible due to restrictions at school loading areas and could be a safety issue with students running between buses. A comment requiring bus windows remaining closed while idling was not accepted

because of the possible health hazard with high temperatures and inadequate ventilation within the bus. A comment concerning a 30 minute maximum idling time for the defrosting of windows was accepted. A comment concerning queuing of buses was not accepted because it is a practice where feasible, but is not feasible in all conditions. A comment concerning the defining of a major repair or accident was accepted. Major repair was defined as damage to the front axle, front suspension and frame. Thirteen comments concerning Section 5, Regulations for Transporting Students with Disabilities Requiring Special Transportation were accepted, which provided clearer language to the policy. Nine comments requiring bus times to be mandatory were not accepted because it would be impossible for the LEAs to meet this criteria without a significant funding increase. A comment concerning amending the pre-tripping requirements was not accepted because the present policy adequately covers this issue based upon national criteria.

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

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

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§126-92-1. General.

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

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

1.3. Filing Date. - April 19, 2004

1.4. Effective Date. - May 20, 2004

1.5. Repeal of former rule - This legislative rule repeals and replaces W.Va. §126CSR92 "West Virginia Transportation Regulations (4336)" filed May 12, 2000 and effective June 12, 2000.

§126-92-2. Incorporation by Reference.

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

2.2. These regulations shall be read in conjunction with 126CSR99, West Virginia Board of Education Policy 4373, Student Code of Conduct and 126CSR162, Policy 5902, Employee Code of Conduct.

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

1. Introduction

- 1.1 West Virginia Motor Vehicle Code, §17C-14-12 (a), School Bus Regulations, provides that, "The West Virginia Board of Education by and with the advice of the motor vehicle commissioner shall adopt and enforce rules.....to govern the design and operation of all school buses...."
- 1.2 The Executive Director of the Office of School Transportation (hereinafter, State Director), West Virginia Department of Education (hereinafter, State Department) serves as the liaison with county school systems in the implementation of this policy.
- 1.3 The object of this manual is to provide guidelines to county school bus transportation systems to insure safe, high quality programs for the students transported to the public schools in West Virginia.

2. Inspection and Maintenance of Vehicles

- 2.1 Pursuant to W.Va. Code §16C-16-2, "Inspection of Vehicles," a member of the West Virginia State Police may stop and inspect a school bus at any time.
- 2.2 Qualified bus inspectors employed by the State Department may also inspect a school bus at any time.
- 2.3 All buses transporting students to school and/or school related events shall be inspected two (2) times annually by a qualified inspector.
- 2.4 The State Director shall supervise the scheduling of the school bus inspections.
- 2.5 Vehicle Inspection
 - 2.5.1 School bus operators shall present to the inspector a valid commercial drivers license, a first aid certificate and a State of West Virginia certification card.
 - 2.5.2 All vehicles transporting students shall be inspected and display the

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inspection certificate.

- 2.5.3 Dates of inspections are July 1 to December 31 (first), and January 1 to May 31 (second).
- 2.5.4 The State Director may require additional inspections of school buses.
- 2.5.5 All vehicles used to transport students shall be inspected by West Virginia Department of Education bus inspectors and approved for use after a major repair or accident which would include damage to any steering component, front axle, or frame.
- 2.5.6 Any vehicle used to transport students which is declared unsafe is to be marked with the appropriate rejection sticker.

2.6 New Vehicle Inspection

- 2.6.1 All new vehicles shall be inspected to validate that they meet all state and federal requirements.
- 2.6.2 A West Virginia Division of Motor Vehicles (hereinafter DMV) inspection sticker shall be displayed on the new vehicles.

2.7 County School Bus Maintenance

- 2.7.1 The county school system shall establish a school bus maintenance program. It may be delivered by the county school system or through a private contractor.
- 2.7.2 The maintenance program shall employ mechanics and service employees skilled in bus maintenance.
- 2.7.3 The county school system shall insure that the maintenance staff members are annually trained to ensure quality maintenance.
- 2.7.4 An inventory of the bus vehicle parts shall be completed annually and made available at the county maintenance center.
- 2.7.5 Maintenance records for buses shall be current and made available at the center.
- 2.7.6 A preventative maintenance schedule for each bus shall be posted in the service center.

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3. School Bus Passenger Regulations

- 3.1 The school bus operator shall be in charge of any passengers riding the bus. The school bus operator shall follow the 126CSR99, West Virginia Board of Education Policy 4373, "Student Code of Conduct" (hereinafter Policy 4373) to provide discipline on school buses.
- 3.2 County boards of education will provide training on Policy 4373 to bus operators.
- 3.3 Enrolled students, employees or persons approved by a county board of education are the only passengers to be transported by the county school transportation system.
- 3.4 Twice annually, students will participate in emergency evacuation drills. The first drill is to be completed by October 31 and the second by April 30 of each year.

4. Regulations for Students Transported on School Buses

- 4.1 Responsibilities of parents. Parents shall:
 - 4.1.1 Provide written guidance regarding any special care a student may need while riding the bus.
 - 4.1.2 Provide supervision at all bus stops until the bus arrives.
- 4.2 Responsibilities of students. Students shall:
 - 4.2.1 Walk on the left side of the road facing traffic.
 - 4.2.2 Wait on the bus at the designed stop in an orderly manner.
 - 4.2.3 Board the bus in an orderly manner.
 - 4.2.4 Follow the school bus operator's/aide's instructions at all times.
 - 4.2.5 Comply with Policy 4373.
 - 4.2.6 Be responsible for vandalism that occurs on a seat in which they ride.
 - 4.2.7 Keep the bus clean by not eating and drinking in the bus except when medically necessary.

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- 4.2.8 Change seats only with permission of the school bus operator when the bus is not in motion.
- 4.2.9 Avoid unnecessary conversation with the school bus operator.
- 4.2.10 Keep heads and arms inside bus windows at all times.
- 4.2.11 Report any open exit or released hatch to the school bus operator immediately.
- 4.2.12 Provide enrollment information to the school bus operator .

Students shall not:

- 4.2.13 Ride in stepwell or forward of front row seats.
- 4.2.14 Stand while bus is in motion, at any time a seat is available.
- 4.2.15 Throw, or pass, any object of any nature into or from the bus through a door or window.
- 4.2.16 Use profane or obscene language.
- 4.2.17 Open emergency exits, except during emergencies, unless directed by the school bus operator.

5. Regulations for Transporting Students with Disabilities Requiring Special Transportation

- 5.1 Students with disabilities' Individualized Education Program (hereinafter IEP) 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 W.Va. §126CSR89, West Virginia Board of Education Policy 4334, "Minimum Requirements for Design and Equipment of School Buses for West Virginia."
- 5.4 The county school system may terminate bus transportation service if the parent persistently fails to meet the bus at a designated stop. For these

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situations, due process procedures shall be made available to the parents and students.

- 5.5 The school bus operator and/or the bus aide, when appropriate, shall:
 - 5.5.1 Assist and supervise students with disabilities.
 - 5.5.2 Complete first aid training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section 1 of the "West Virginia School Bus Operators Training Manual."
- 5.6 The special education director or designee shall provide the following information to the transportation director or designee:
 - 5.6.1 Student's name and address.
 - 5.6.2 Parent's name, address, home and work telephone numbers.
 - 5.6.3 Emergency health care information and/or health care plan.
- 5.7 When the IEP requires that medicine is to be provided to a student with disabilities while being transported, the procedures shall be in accordance with the Administration of Medication Policy
 - 5.7.1 Aides shall receive training by the school nurse in medication administration or in the delivery of other basic or specialized health care procedures as specified in W.Va. §126CSR25, West Virginia Board of Education Policy 2422.7, "Standards for Basic and Specialized Health Care Procedures."
- 5.8 Parents/guardians of students with disabilities shall assist in the transportation of their child by:
 - 5.8.1 Providing documentation on the special care needed.
 - 5.8.2 Bringing the student to the bus stop and providing the necessary supervision.
 - 5.8.3 Picking up the student at the designated time at the designated bus stop.
 - 5.8.4 Contacting the school bus operator if the child is to be absent.

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- 5.9 The school transportation system shall implement Policy 4373 in conjunction with W.Va. §126CSR16, West Virginia Board of Education Policy 2419, "Regulations for the Education of Exceptional Students."

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 Act of 2001 when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the local education agency (hereinafter LEA) in which the school of origin is located, that LEA shall provide or arrange for the child's or youth's transportation to and from the school of origin.
- 6.2 If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

7. Procedures for Disciplining Students Transported by School Buses

- 7.1 The school bus operator shall immediately notify the school principal when any transported student has violated Policy 4373. Written notification shall be completed by the school bus operator as soon as possible.
- 7.1.1 The student to be excluded from the bus shall be notified by the school bus operator. The parents/guardians of the student shall be notified by the school principal/designee.
- 7.1.2 All students shall be transported until the parent/guardian has been properly notified about the exclusion.
- 7.1.3 An excluded student shall be readmitted to the bus only after the principal/ designee notifies the school bus operator that the student may be readmitted. Parents/guardians will also be notified by the school principal/designee when their son/daughter may resume riding the bus.
- 7.1.4 If a student has been disciplined three times in one year by the school bus operator, a conference to discuss the student's disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present with the school bus operator and the principal/designee. If the inappropriate behavior persists, the student

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may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

8. Student Conduct on School Buses

- 8.1 The school bus operator shall display the following major concepts of Policy 4373 in his/her school bus.
 - 8.1.1 All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.
 - 8.1.2 Students shall help create an atmosphere free from bullying, intimidation and harassment.
 - 8.1.3 Students shall demonstrate honesty and trustworthiness.
 - 8.1.4 Students shall treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.
 - 8.1.5 Students shall demonstrate responsibility, use self-control and be self-disciplined.
 - 8.1.6 Students shall demonstrate fairness, play by the rules, and will not take advantage of others.
 - 8.1.7 Students shall demonstrate compassion and caring.
 - 8.1.8 Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

9. Medical Exclusion of Students from a School Bus

- 9.1 The school bus operator shall notify the school principal and the county superintendent when a student shall be excluded from the school bus due to an infectious disease.
- 9.2 The student will be returned to the bus transportation program when the appropriate medical official has given the student a written statement signifying that the student may again be transported with other students.

10. School Bus Stop Locations

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

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miles apart.

- 10.2 With irregular terrain, the highest priority in establishing a bus location should be the safety of the students.
- 10.3 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.
- 10.4 Sight distance needed on a level grade for essential speeds are as follows:

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

- 10.5 Every effort should be made by county officials to select a safe bus stop with ample waiting areas for students.
- 10.6 The West Virginia Division of Highways 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.
- 10.7 Bus stops should be located to minimize students walking along unsafe highways.
- 10.8 A school bus operator shall contact the county transportation director when a bus stop is determined to be unsafe. The county transportation director shall evaluate and take action to relocate the stop to a safer place, if necessary.
- 10.9 School bus operators are to pick up and discharge students only at the designated locations.
- 10.10 When possible, a bus stop shall be 200 feet from the crest of a hill or a curve, if the view of approaching traffic is obstructed.

11. Loading and Unloading Student Passengers

- 11.1 When loading and unloading pupils on or adjacent to a street or highway, the

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school bus operator shall do the following:

- 11.1.1 Activate the amber alternately flashing signal lamps, 100 to 300 feet before the bus stops.
 - 11.1.2 Stop the bus in the right traffic lane.
 - 11.1.3 Activate the red alternately flashing warning signal lamps.
 - 11.1.4 Use best judgment to avoid creating a hazard when activating the flashing lights.
- 11.2 When unloading passengers in an area unsafe for students to cross the highway and in a zone adjacent to a highway, the school bus operator shall:
- 11.2.1 Select an area a safe distance from the traffic lane.
 - 11.2.2 Load or unload passengers without using the alternatively flashing warning lights.
- 11.3 In accordance with W.Va. Code §17C-12-7 and §17C-12-9, the school bus operator may report to the appropriate law enforcement official any motorist who violates the state law regarding the stopping of motor vehicles when a school bus is loading and unloading.
- 11.4 Loading and unloading pupils at the school site. The school bus operator shall:
- 11.4.1 Supervise students while they are loading at school.
 - 11.4.2 Load and unload off the highway when near a school.
 - 11.4.3 Use the alternating flash warning lights when loading or unloading on a highway near the school.
 - 11.4.4 Determine that all students are safely away from the bus before leaving the school area.
 - 11.4.5 Set 15 miles per hour as the maximum rate of speed in a school zone.

12. Idling of School Buses

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

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- 12.2 Buses will be allowed to idle when the temperature is 40 degrees Fahrenheit or colder, when the driving windows need to be defrosted, when the safety comfort of the students is in question, or when emergency dictates.
- 12.3 School bus operators are prohibited from idling the buses for more than 10 minutes unless defrosting of windows is needed, in this case idling shall be limited to thirty minutes.

13. General Operating Procedures

- 13.1 The school bus operator shall wear a seat belt as specified.
- 13.2 The school bus operator shall not knowingly operate an unsafe bus.
- 13.3 The school bus operator shall possess, in the operator's compartment, a copy of "Regulations for Pupils Transported on School Buses" developed by the State Director and a current school bus schedule (by the end of the first month).
- 13.4 The school bus operator shall not permit any person to occupy the driver's seat or tamper with the bus.
- 13.5 The school bus operator shall observe all speed limits. Truck speed limits apply to school buses. Adverse weather conditions require reduced speeds.
- 13.6 School bus operators shall use proper signals as required by law when operating a school bus.
- 13.7 The school bus operator shall not leave the bus when it is running.
- 13.8 When the school bus operator leaves the bus, the keys shall be in possession of the operator and the emergency brake engaged.
- 13.9 The school bus operator shall not drive the bus in reverse while at the school or while loading or unloading students except in an emergency. The school bus operator shall use the assistance of a school official or another adult when the situation requires such a movement.
- 13.10 The school bus shall be brought to a complete stop, with or without passengers, not more than 50 feet, nor less than 15 feet, from the nearest rail of any railroad track. The service door and the window to the left of the school bus operator shall be opened before crossing, at grade or any railroad. The tracks are to be crossed with the use of first or second gear. The gears are not to be shifted while crossing the tracks.

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- 13.11 The school bus operator shall use the route as specified by the County Director/Supervisor of Transportation, unless an emergency necessitates a change.
- 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.
- 13.15 The school bus operator shall conduct and supervise emergency exit drills at least twice a year (Federal Highway Safety Standard No. 17). Copies of these standards are available through the Office of the State Director. The procedures are as follows:
- 13.15.1 Drills are to be conducted in a safe place.
 - 13.15.2 School officials shall assist in the drills as the need arises.
 - 13.15.3 The drills shall include exiting through the front and rear door, the use of exist windows, roof hatches and other instruments used to assist with emergencies.
 - 13.15.4 Upon completion, the date of the drills shall be reported to the County Director/Supervisor of Transportation.
- 13.16 Advertisements, banners and posters shall not be displayed in the school buses except those approved by the State Department's Division of Administrative Services, Office of School Transportation.
- 13.17 Students transported with baggage, freight or merchandise shall use the following procedures.
- 13.17.1 Animals are not permitted on a school bus unless it is a certified service animal.
 - 13.17.2 Only property of students, county property or school property may be transported.
 - 13.17.3 Items too large to be stored on a student's lap or between his/her

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feet shall be secured in a safe location on the bus. All aisles shall be free of any objects.

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

13.18 Bus Safety Equipment

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

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

13.18.3 Bus tire chains shall be used when directed by the County Director/Supervisor of Transportation or when emergency weather conditions dictate. School bus operators shall be trained in the installation and use of chains.

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

13.18.5 First aid/body fluid cleanup kits shall be readily available in the school bus.

13.19 General Reports

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

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

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

13.19.4 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.

13.19.5 Road hazards are to be reported immediately to the County

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Director/Supervisor of Transportation.

13.20 Accident Reports

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

13.20.2 A verbal report is to be given as soon as possible and a written report provided within 24 hours to the County Director/Supervisor of Transportation.

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

14. School Bus Operator Assignments

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

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

15. Criteria for the Certification of School Bus Operators

15.1 All school bus operators shall be certified by the State Department.

15.2 If a county is exercising its authority to lease its buses, the buses shall be operated by regularly employed certified school bus operators employed by the county board of education pursuant to W.Va. Code §18-5-136 (f) and (g).

15.3 Following is a list of criteria for certification of school bus operators. The candidate shall meet the following criteria:

15.3.1 The candidate who is a resident shall have three years of driving experience as a licensed operator of any vehicle and possess a valid commercial drivers license. A permit will allow the candidate to take the required State Department training, written tests and the

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driving examination.

- 15.3.2 A candidate who is a non-state resident shall provide a 10 year driving record history to the State Department and possess a valid Commercial Drivers License.
- 15.3.3 The passage of the State Department's written test will be required annually. Federal regulations may require additional testing.
- 15.3.4 Professional personnel hired to drive board owned, rented or leased vehicles with less than 10 passenger capacity shall have a valid drivers license.
- 15.3.5 Vehicles, other than certified school buses, designed to transport more than 10 passengers, including the operator, are not to be used to transport students.
- 15.3.6 The minimum required training is as follows:
 - a. Thirty hours of instruction from the "West Virginia School Bus Operators Instruction Manual" including Policy 5902, "Employee Code of Conduct."
 - b. A minimum of six hours of instruction on driving the school bus. Instruction shall be concluded before a potential school bus operator may take the state tests.
 - c. The school bus operator shall have first aid certification from a program approved by the State Director.
 - d. The school bus operator shall receive appropriate training in the transportation of special education students. (See Section 5 of this manual.)
 - e. All school bus operators shall receive county training on W.Va. §126CSR162, West Virginia Board of Education Policy 5902 "Employee Code of Conduct" (hereinafter Policy 5902), see excerpt at Appendix D), and Policy 4373, "Student Code of Conduct".
- 15.3.7 All school bus operators shall have a high school diploma or a General Equivalent Diploma (GED).

16. Physical Qualifications for School Bus Operators

- 16.1 The school bus operator shall be free of communicable diseases and be physically capable to operate the bus safely. Any questions regarding this matter will be decided by the Driver Licensing Medical Advisory Board of the DMV.

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

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

16.2.2 Open all emergency exits.

16.2.3 Install snow chains on a bus.

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

16.2.5 Remove obstructions from wind shield and under wiper blades.

16.2.6 Adjust all outside mirrors.

17. Physical Examination for School Bus Operators

17.1 The school bus operator shall pass a physical examination from a licensed physician. This examination shall be conducted no earlier than the last day of school to receive certification for the following school term.

17.2 The County Superintendent of Schools (hereinafter County Superintendent) has the right to require a physical examination from a designated physician when he/she has any questions regarding the physical ability of a school bus operator and the safety of students.

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

17.2.2 Physical examinations shall be recorded on the WVDE 42-10-04, School Bus Operator Physical Examination Report form by the examiner.

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 past history of diabetes mellitus requiring insulin for control.

17.3.3 There is no loss of use of four or more joints of either hand unless confined to the top and the first joint has free movement. The thumbs shall not have any amputation unless if it is confined to the top and the first joint has free movement. Normal use of all

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extremities is required.

17.3.4 Hearing loss in the better ear of the school bus operator shall not be greater than 40 decibels at 500 Hz, 100 Hz, and 200 Hz. When needed, an approved hearing aid with back up batteries shall be used by the school bus operator.

17.3.5 There is no current clinical diagnosis of:

- a. Myocardial infarction
- b. Angina pectoris
- c. Coronary insufficiency
- d. Thrombosis.

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

- a. Syncope
- b. Dyspnea
- c. Collapse
- d. Congestive cardiac failure.

Blood pressure is less than 145 systolic and 90 diastolic. If the employee fails the initial blood pressure test, prior to certification, the employee shall provide medical evidence of three separate blood pressure readings below the above levels. These readings shall be certified by a licensed physician.

When a school bus operator is required to use a pacemaker, his/her return to work shall be approved by a panel of three cardiologists.

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

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

- a. Rheumatic disease
- b. Arthritic disease
- c. Muscular disease
- d. Neuromuscular disease
- e. Vascular disease.

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17.3.8 There is satisfactory passage of a tuberculin skin test, chest x-ray or physician's certification, prior to employment, every two years, and/or more frequently if medically indicated (see W.Va. Code §16-3-4a).

17.3.9 Both eyes are functional and the school bus operator:

- a. Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses.
- b. Does not have monocular vision.
- c. Has a field of vision no less than 75 degrees in the horizontal meridian of each eye.
- d. Is able to identify the colors red, green, amber, and blue.
- e. Wears corrective lenses, if necessary, while operating a bus.

17.3.10 There are no present or past physical or mental conditions that would interfere with the ability to safely and efficiently perform the duties of a school bus operator.

17.3.11 All school bus operators shall be subject to preemployment, random, post accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per all regulations of the U. S. Department of Transportation, Federal Highway Administration of the Omnibus Transportation Employment Testing Act (hereinafter USDT, FHA OTETA.) County boards of education shall provide the State Department, by certified mail, the name and Social Security number of employees who hold safety sensitive positions as described by the USDT, FHA OTETA, and who test positive for the tested substances. The State Department shall maintain the positive test records for two years.

17.3.12 The school bus operator shall notify their supervisor and/or physician of any illness or the use of any controlled substance that may interfere with the safe operation of a school bus.

18. Reasons for Non-certification or Recall of Certification of School Bus Operators

18.1 The State Superintendent may recall, refuse or suspend the certification of any school bus operator for reasons, which include but are not limited to:

18.1.1 Failure to meet the physical requirements.

18.1.2 Failure to pass the written examination developed by the State

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Department.

- 18.1.3 Failure to pass a driving test administered by the State Department.
- 18.1.4 Failure to satisfactorily complete the "West Virginia School Bus Operator Instructional Program".
- 18.1.5 Failure to pass a physical examination required by the County Superintendent. If warranted, another physical examination may be required.
- 18.1.6 Accumulation of six or more points on his/her DMV driving record while an applicant.
- 18.1.7 Accumulation of ten or more points on DMV driving record while an employee.
- 18.1.8 Conviction of a felony.
- 18.1.9 Conviction of and/or DMV suspension or revocation of license, on a charge of operating a motor vehicle while under the influence of alcohol, drugs or narcotics, or clear and convincing evidence presented, such as positive breath or blood test, of operating a motor vehicle under the influence of same. The applicant/employee shall not be certified to operate a school bus for at least two years subsequent to a first offense for such conviction or suspension/revocation. For a second offense certification shall be withdrawn and refused permanently.
- 18.1.10 Conviction on a charge of possession or sale of a controlled substance.
- 18.1.11 Demonstration of clear and convincing evidence that he/she has been an abuser of alcohol, drugs, or narcotics.
- 18.1.12 Conviction of any sexual or child molestation charge. The applicant/school bus operator may also have certification refused or recalled when it is shown by clear and convincing evidence that they have sexually assaulted or sexually abused any person, or to have molested a child.
- 18.1.13 Demonstrations of clear and convincing evidence or documentation of frequent violations of traffic laws, sound safety practices, regulations or ordinances, or any single violation that threatened the safety of student passengers, or other users of streets or highways.

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18.1.14 Violation of Policy 5902, "Employee Code of Conduct."

18.2 The aforesaid violations, misconduct, etc., shall not be confined to the time the school bus operator is driving the school bus.

19. Procedures for Due Process on the Recall of School Bus Operator's Certification

19.1 When the State Superintendent receives information concerning any of the violations set forth in Section 18, or any other conduct that would justify the recall, refusal or suspension of the certification of any school bus operator, the certification holder shall be notified of the pending action against him/her and afforded the opportunity for a hearing in accordance with W.Va. §126CSR94, West Virginia Board of Education Policy 1340, "Rules of Procedure for Administrative Hearings and Appeals."

20. Guidelines for Curricular and Extracurricular Trips

20.1 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 their designee for approval. Procedure shall be as follows:

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

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

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

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

20.1.5 Students transported in a school bus on such trips shall, in addition to the school bus operator, be supervised by a least one professional employee of the county board of education who shall provide a list of all persons on the bus to the school bus operator. Each additional bus shall be supervised by a professional employee or person approved by the county board.

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

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APPENDIX A

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SCHOOL BUS OPERATOR'S INSPECTIONS

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

1. Pre-Trip Daily Inspections and Duties

The school bus operator shall:

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

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- 1.16 Keep stepwell and aisle clean and free of debris.
- 1.17 Remove markings found on walls/ceiling.
- 1.18 Keep loose objects, brooms, tire chains, etc., off the floor.
- 1.19 Keep glove compartment clean and well-organized.
- 1.20 Be sure that there are no aerosol cans inside the school bus.

2. Weekly Duties:

The school bus operator shall:

- 2.1 Mop the school bus floor.
- 2.2 Clean interior upholstery with a damp cloth.
- 2.3 Wash the exterior of the bus.

APPENDIX B

**RECOMMENDATIONS FOR COUNTY SCHOOL
BUS TRANSPORTATION SYSTEMS**

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

1. School bus maintenance center equipment should include:

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

2. Personnel/Staffing

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

3. Training

Maintenance center personnel shall:

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

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3.2 Participate in specific industry job related maintenance and repair workshops.

3.3 Participate in state and regional job related workshops and seminars.

4. **Transportation to Alternative Education Sites**

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

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

4.2 A large mirror in rear of the bus.

4.3 A video camera.

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

5. **Transportation of Students With Disabilities**

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

6. **Recommended One-Way Transportation Time**

Due to the rural nature of the State of West Virginia, the following are recommended one-way transportation times for students transported to/from school.

6.1 Early childhood (Pre-K through grade 4) - thirty minutes.

6.2 Middle childhood/junior high (grades 5-8 or 7-9) - forty-five minutes.

6.3 Adolescent/high school (grades 9-12 or 10-12) - sixty minutes.

APPENDIX C

SCHOOL BUS OPERATOR SAFE DRIVERS' PROGRAMS

National Safety Council - Safe Driver's Award

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

School Bus Safety Rodeo

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

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

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

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

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

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

APPENDIX D

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W.Va. §126CSR162, West Virginia Board of Education Policy 5902, "Employee Code of Conduct"

"Employee" shall include all school personnel employed by a county board of education whether employed on a regular full-time basis or otherwise, and shall include other personnel such as employees of the West Virginia Schools for the Deaf and the Blind, and all employees of West Virginia Department of Education Institutional Education Programs.

All West Virginia school employees shall:

1. Exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language, and appearance.
2. Contribute, cooperate, and participate in creating an environment in which all employees/students are accepted and are provided the opportunity to achieve at the highest levels in all areas of development.
3. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence, and free from bias and discrimination.
4. Create a culture of caring through understanding and support.
5. Immediately intervene in any code of conduct violation, that has a negative impact on students, in a manner that preserves confidentiality and the dignity of each person.
6. Demonstrate responsible citizenship by maintaining a high standard of conduct, self-control, and moral/ethical behavior.
7. Comply with all federal and West Virginia laws, policies, regulations and procedures.

Responsibilities for Implementation:

1. The West Virginia Department of Education shall provide for the distribution of Policy 5902 to all West Virginia schools.
2. The West Virginia Department of Education shall provide professional development for county superintendents and principals on Policy 5902.
3. County boards of education shall provide professional development for all employees on Policy 5902.

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 4336 - West Virginia School Transportation Regulations FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 0	\$	\$ 0	\$	\$ 0
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ 0	\$	\$ 0	\$	\$ 0

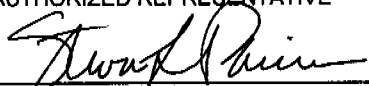
3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Assumptions:

No Cost To State.

DATE
May 22, 2003

AGENCY
Education

AUTHORIZED REPRESENTATIVE


POLICY 4336: WEST VIRGINIA SCHOOL BUS TRANSPORTATION POLICY AND PROCEDURES MANUAL
COMMENT LOG
FEBRUARY 10 - MARCH 15, 2004

Date	Individual/Organization	Comments	Action/Type	Rationale
3/1/04	Woody Wilson, Roane County	Section 13 - 13.19.4 - Changes in the WVEIS will be required to enter time in transit for each child. It would be helpful to specify am or pm time, as the times are different due to school pickups "no field to enter"	N	We are working with Office of Technology to develop a program for WVEIS to incorporate transportation times.
3/2/04	Jerry Workman, Wayne County	Section 10 - School bus stop location - Addition to 10.3 or new policy - When a bus operator's sight distance decreases speed decreases to the point you can stop in the distance you see ahead. Section 12 - 12.3 - All personnel must maintain a ten foot space surrounding a bus that is started and idling, unless loading and/or unloading students.	NA	Adequately covered in policy as to national criteria.
3/9/04	John Benedict - WV Department of Environmental Protection	The language of Section 12.1 stating that school bus operators "shall" not idle the bus while waiting for or loading students, instead of "may" as in previous drafts, is commendable. A specific comment regarding Section 12.1 is that the second sentence from the previous draft be revised as follows: In normal weather, a school bus operator shall not idle the bus while waiting for or loading students. <u>If there are other buses idling in the immediate area, windows on the bus are to be closed until the bus leaves the school zone.</u>	NA	Not feasible because of restrictions at loading areas, also a safety issue due to students running in between buses.
			NA	Believed to be a health hazard to not have adequate ventilation during high temperature months.

ACTION TYPE
 N: No Response - Negative
 NA: Not Accepted + Positive
 A: Accepted o Neutral

		<p>Additionally, in Section 12.3 DAQ would like to see the original backstop language informing school bus operators of the 30 minute maximum for the window defrosting exception placed back in the section: School bus operators are prohibited from idling the buses for more than 10 minutes unless defrosting of windows is needed, <u>in this case idling shall be limited to thirty minutes.</u></p> <p>Finally, as stated in past comments, DAQ would like to see an addition to the "Idling of School Buses" section of draft Policy 4336 that prohibits idling during school bus queuing. Maine's "School Bus Idling Policy," which was reviewed by your office prior to drafting its own draft policy, contains the following provision: "Should you be queued in a line with other buses, no bus driver shall start the engine until all buses are ready to leave. The lead bus in the queue should control movement at all times and other drivers should await the word that buses are ready to move before starting engines." This provision seems to be a logical addition to the draft policy, as the physical configuration of many West Virginia school's parking lots is such that the buses wait to load and unload students while parked in a line. This configuration puts the tailpipe of the bus directly in front of the bus doors which the students use to enter and exit the bus. Use of this extra provision would reduce the exposure of the students as well as the school bus drivers to unnecessary diesel exhaust.</p>	A	This is a practice where feasible, but is not feasible in all conditions.
3/15/04	James Freeland, Ohio County Schools	2.5.5 Even though this regulation has been in existence for sometime, the definition of "major repair or accident" needs to be clarified.	A	

3/15/04	<p>Elaine Benson, Barbour Co. Lesa Hines, Gilmer Co. Vic Fisher, Harrison Co. Carol Williams, Lewis Co. Bob VanGilder, Marion Co. Dedee Lundeen, Monongalia Kathy George, Preston Co. Joe Super, Randolph Co. Deby Calhoun, Tucker Co. Jim Smiley, RESA VII</p>	<p>5. Regulations for Transporting Students with Disabilities <u>Requiring Special Transportation</u></p> <p>5.1 Students with disabilities' shall have a transportation plan in their Individual Educational Plan Program (hereinafter IEP) shall specify the bus modifications and support required for transporting the student, <u>when appropriate and the time limits allowed.</u></p> <p>5.4 The county school system may terminate bus transportation service if the parent <u>persistently</u> fails to meet the bus at a designated stop.</p> <p>5.5 The school bus operator <u>and/or when appropriate</u> the bus aide shall:</p> <p>5.5.1 Assist and supervise students with disabilities <u>at all times.</u></p> <p>5.6 The special education director or designee shall provide the following information to the <u>school bus operator transportation director or designee:</u></p> <p>5.6.3 Emergency health care information <u>and/or health care plan.</u></p> <p>5.6.4 Provisions for the student's safety when and if the student is unable to be met at the designated bus stop. <u>(This is covered under Section 4.1.1)</u></p> <p>5.7 IEP's that require medication to be provided to a student with disabilities while being transported, <u>shall be in accordance with the Administration of Medication Policy</u> the special education director or designee shall provide the following to the bus aide:</p> <p>5.7.2 <u>Written parental consent (Covered under the Administration of Medication Policy)</u></p> <p>5.7.3 <u>Written authorization from the school superintendent or superintendent's designee.</u></p>	A
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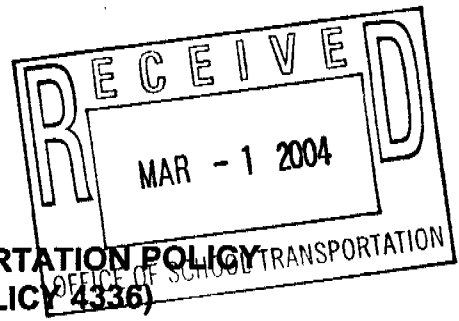
		<p>designee. <u>(Covered under the Administration of Medication Policy.)</u></p> <p>5.7.4 Properly labeled medicine containers to assure positive identification of the student. <u>(Covered under the Administration of Medication Policy.)</u></p> <p>5.8.3 Picking up the student at the designated time at the <u>designated bus stop.</u></p> <p>5.9 It is recommended that buses used to transport students with disabilities should be equipped with cellular telephones and/or two way radios. <u>Move to Appendix B with the other recommendations.</u></p>	<p>A</p> <p>A</p> <p>A</p>	
3/15/04	Brad Ramsey Tucker Co.	<p>Appendix B As long as times are only recommendations we will try to comply. Because of the location of schools these times cannot be met in some cases.</p>	NA	<p>Times have remained only recommendations in this policy.</p>
3/15/04	Preston Dabbs, Wood Co.	<p>Appendix A - School Bus Operators Inspections I believe that the requirements pro pre-tripping a school bus should be amended to include a specific time. Recently in Wood County there has been some question as to when a pre-trip should be performed. Due to the definition of the work "prior", it has been decided that a bus can be pre-tripped any time before the trip, whether it be fifteen minutes or 15 hours. Due to the fact that numerous things can happen or be done to a bus in a short period of time, I would like to see the wording restated as, "drivers must perform a pre-trip inspection 15-30 minutes prior to each trip. There are two reasons for this. One is that in Belpre, OH last year there was an instance of vandalism on school buses on school grounds in which brake lines were cut. While this happened overnight, it could possibly have happened during the day after a driver pre-tripped his or her bus and then left it sitting unwatched for a couple of hours.</p>	NA	<p>The present policy adequately covers this issue based upon national criteria.</p>

		<p>If the driver did not recheck his bus before doing his route it is possible that students may have been hurt. Also, in the world we live in today, we are instructed to be on the lookout for suspicious items on the bus. We have even been trained to be observant of items that could be bombs. While I personally do not think that this would really happen, our transportation director felt that it was a big enough threat that we be cautioned about it. We also had a bomb threat recently at one of the high schools. It was taken seriously enough to evacuate the school. By pre-tripping the bus within fifteen minutes of leaving on the trip you significantly reduce the chances of an explosive or other foreign item being placed on the bus.</p>		
3/15/04	Valerie Durr	<p>I am emailing in regards to the policy 4336. I have children that ride the bus to school over 45 minutes a day. This is due to unnecessary consolidation of a school that was fine for my children to attend. The county finds it necessary to consolidate to build new schools. Therefore, I would like to see Policy 4336 become mandatory so our children do not have to spend up to 2 hours a day on a bus, when the closest school is only 15 minutes.</p>	NA	Times have remained only recommendations in this policy.
3/13/04	Roy Shillingburg	<p>I have read the West Virginia Legislature amendment to W.V. Code 18-5-13 and I believe the only reason for this amendment would allow more school consolidation within the state. This only requires our students to be bussed longer distances and would require them to spend more time on a bus and also they would have to leave home at an earlier time. I don't see where it would reduce the idle time of the buses. I think we should continue with the mandatory time limits that are in effect now. All employees who operate board owned vehicles, which are really owned by the taxpayers of the State of West Virginia, should continue to be required</p>	NA	Times have remained only recommendations in this policy.

		<p>to have the proper training and be properly qualified to operate those vehicles. Even the Department of highway employees must be properly trained and qualify to operate each piece of equipment they operate. Also, I would like to see a policy adopted that would make it mandatory, when school consolidation does occur, that a name change and school colors also must be changed. It is not right for some students to lose the school identity and not the other students.</p>	
<p>3/13/04</p>	<p>Robert Swink, Mayor Elk Garden</p>	<p>I have reviewed Policy 4336 (school bus transportation) and feel strongly that the State board should set mandatory time limits on the maximum amount of time that a child shall spend on a bus while being transported and from school. The bussing time limits set forth in Policy 4336 seem reasonable; however, policy serves only as guidance which can be easily disregarded when a school board wishes to breakup community based school "A" and bus children to school "B; then point to overcrowded conditions at school "B" in order to justify and obtain state funding (and a bond levy) for a new consolidated school, as has happened in Mineral County. P.S. The Mineral County School Board, and the County Superintendent of Schools, formally met with the Elk Garden community to hear parents and other interested citizens speak on the board's plan to close Elk Garden Middle School and bus students to Keyser Middle School. In spite of the fact that there was not one speaker in favor of the closing, the Board voted (within moments of hearing the last speaker) 5-0 to close Elk Garden Middle School.</p>	<p>NA</p>
<p>3/12/04</p>	<p>Barb Durr</p>	<p>I am writing to you as a concerned parent. My son is a 5th grade student at Elk Garden Primary Middle School. Our county Board of Education has voted to close his school down and</p>	<p>Times have remained only recommendations in this policy.</p>
			<p>Times have remained only recommendations in this policy.</p>

		<p>transport our children down a sometimes treacherous mountain. This would cause a one way trip of approximately 1 hour. I feel our BOE did not take into consideration our children when they made their decision. I will not go into detail on the happenings of the meeting we had with our BOE. Should you be interested in seeing a tape of this meeting (they recorded it), I urge you to contact the Mineral County Board of Education at 304-788-4200. I truly believe you would be surprised out how unfair the so-called meeting really was. I do ask the State Board of Education to make time limits mandatory on buses except for very limited circumstances. Thank you for your time and your consideration for our children.</p>		
3/12/04	William Perkins	<p>Mr. Clutter, it has been brought to attention there may be some question as to when a pretrip should be performed on a school bus, I believe it should be done 15 to 30 minutes before the scheduled start of any run, not just anytime prior as has been suggested. Thank you.</p>	NA	Times have remained only recommendations in this policy.
3/11/04	Troy and Peggy Savage	<p>We would like to express how important we feel it is to make time limits mandatory for bus rides that our children must take daily. We do understand that for very limited circumstances you may make exceptions, but we do not feel that long bus rides benefit our children in any way.</p>	NA	Times have remained only recommendations in this policy.
3/12/04	Paul Liebig	<p>I would like to see time limits on buses become a state law. We have primary and middle students who would be on the bus for over an hour. This is not healthy or good.</p>	NA	Times have remained only recommendations in this policy.
3/10/04	David Proudfoot	<p>About the time allowed on the bus for transportation. High school students - 1 hour, middle school - 45 min, elementary 30 min. Please consider including a percentage of students riding more than those times that a county cannot exceed. I suggest 1%.</p>	NA	Times have remained only recommendations in this policy.

COMMENT SHEET



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

Directions: Please use this form in commenting by section on the proposed policy and regulations on West Virginia School Bus Transportation Policy and Procedures Manual.

NAME OR INDIVIDUAL/ORGANIZATION Woody Wilson - Roane County

ADDRESS P.O. Box 609 Spencer WV 25276

Section 1 Introduction	
Section 2 Inspection and Maintenance of Vehicles	
Section 3 School Bus Passenger Regulations	
Section 4 Regulations for Students Transported on School Buses	
Section 5 Regulations for Transporting Students with Disabilities	



GARY L. ADKINS
Superintendent

WAYNE COUNTY BOARD OF EDUCATION

Post Office Box 70
Wayne, West Virginia 25570

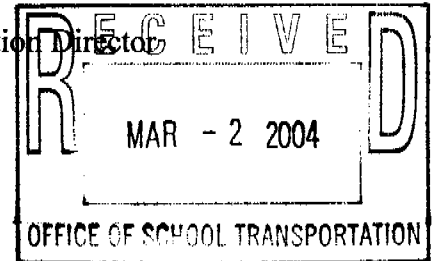
Telephone: (304) 272-5116
Fax: (304) 272-6500

To: Wayne Clutter, West Virginia State Transportation Director

From: Jerry E. Workman, Wayne County Transportation Director

Re: Policy Recommendations

Date: February 26, 2004



10 SCHOOL BUS STOP LOCATION

RECOMMENDATION - ADDITION to 10.3 or NEW POLICY - When a bus operator's sight distance decreases speed decreases to the point you can stop in the distance you see ahead.

12 IDLING OF SCHOOL BUSES

RECOMMENDATION - 12.3 - School bus operators are prohibited from idling the buses for more than 10 minutes unless defrosting of windows is needed or the warming of a diesel engine which requires extended time)

RECOMMENDATION - NEW POLICY - All personnel must maintain a ten foot space surrounding a bus that is started and idling, unless loading and/or unloading students



Division of Air Quality
7012 MacCorkle Avenue, S.E.
Charleston, WV 25304
Phone: (304) 926-3647

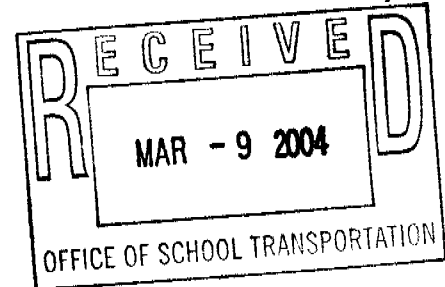
West Virginia Department of Environmental Protection

Bob Wise
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

March 4, 2004

Mr. Wayne Clutter, Executive Director
Office of School Transportation
West Virginia Department of Education
1900 Kanawha Blvd, Bldg 6, Room 215
Charleston, WV 25305-0330



RE: Comments to Revised Draft Policy 4336 - Section 12, Idling of School Buses

Dear Mr. Clutter:

Please accept the following as formal comments on the revised proposed changes to the West Virginia Transportation Regulations (Policy 4336) on behalf of the Department of Environmental Protection's Division of Air Quality (DAQ). Specifically, these comments are regarding Section 12 "Idling of School Buses."

As stated in our previous comments (July 8, 2003 and September 11, 2003; enclosed) on the various draft policies, the DAQ applauds the efforts of the Office of School Transportation in drafting the guidelines for the idling of school buses. This will have the effect of making one of the safest forms of transportation even safer. The DAQ looks forward to working with the West Virginia Department of Education in raising awareness on the anti-idling issue, not only among school bus drivers, but also with the parents that drive their children to and from school.

The language of Section 12.1 stating that school bus operators "shall" not idle the bus while waiting for or loading students, instead of "may" as in previous drafts, is commendable. A specific comment regarding Section 12.1 is that the second sentence from the previous draft be revised as follows:

In normal weather, a school bus operator shall not idle the bus while waiting for or loading students. If there are other buses idling in the immediate area, windows on the bus are to be closed until the bus leaves the school zone.

Additionally, in Section 12.3 DAQ would like to see the original backstop language informing school bus operators of the 30 minute maximum for the window defrosting exception placed back in the section:

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



West Virginia Department
of Environmental Protection

"Promoting a healthy environment."

Finally, as stated in past comments, DAQ would like to see an addition to the "Idling of School Buses" section of draft Policy 4336 that prohibits idling during school bus queuing. Maine's "School Bus Idling Policy," which was reviewed by your office prior to drafting its own draft policy, contains the following provision:

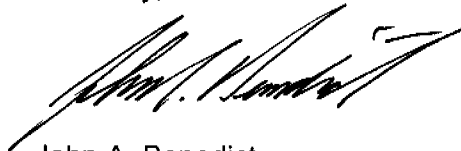
"Should you be queued in a line with other buses, no bus driver shall start the engine until all buses are ready to leave. The lead bus in the queue should control movement at all times and other drivers should await the word that buses are ready to move before starting engines."

This provision seems to be a logical addition to the draft policy, as the physical configuration of many West Virginia school's parking lots is such that the buses wait to load and unload students while parked in a line. This configuration puts the tailpipe of the bus directly in front of the bus doors which the students use to enter and exit the bus. Use of this extra provision would reduce the exposure of the students as well as the school bus drivers to unnecessary diesel exhaust.

As you may be aware, the U.S. Environmental Protection Agency has concluded that diesel engine exhaust is likely to pose a lung cancer hazard to humans, as well as damage the lung in other ways depending on exposure. Additionally, short term exposure to diesel engine exhaust can cause temporary irritation and inflammatory symptoms in some members of the population.

The DAQ looks forward to working with you on the anti-idling initiative. Enclosed is a copy of the Winter 2003 edition of the educational brochure, "Clean Air Forum," which presents some school bus idling facts and related articles. If I can be of any further assistance, or any questions arise while reviewing the comments contained herein, please do not hesitate to contact me at (304) 926-3726. Thank you for your consideration in this matter.

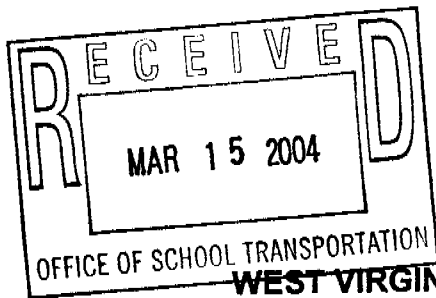
Sincerely,



John A. Benedict
Director

Enclosures: 3

cc: Renu Chakrabarty - Air Toxics Coordinator
Jeanne Chandler - Information Coordinator
Gene Coccari - Small Business Assistance Program



COMMENT SHEET

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

Directions: Please use this form in commenting by section on the proposed policy and regulations on West Virginia School Bus Transportation Policy and Procedures Manual.

NAME OR INDIVIDUAL/ORGANIZATION James Freeland, Ohio County Schools

ADDRESS 280 Fulton Street, Wheeling, WV 26003

Section 1 Introduction	
Section 2 Inspection and Maintenance of Vehicles	2.5.5 Even though this regulation has been in existence for some time, the definition of "major repair or accident" needs to be clarified.
Section 3 School Bus Passenger Regulations	
Section 4 Regulations for Students Transported on School Buses	
Section 5 Regulations for Transporting Students with Disabilities	



North Central Regional Education Service Agency

Gabriel J. Devono, Executive Director

1201 North 15th Street, Clarksburg, West Virginia 26301-1936

Phone: (304) 624-6554 or 1-800-427-3600 Fax: (304) 624-5223

*Barbour, Doddridge, Gilmer,
Harrison, Lewis, Marion,
Monongalia, Preston, Randolph,
Taylor, Tucker, and Upshur*

resa7.k12.wv.us

March 11, 2004

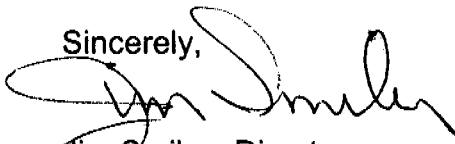
Wayne Clutter, Executive Director
Office of School Transportation
West Virginia Department of Education
Capitol Building 6, Room 216
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330

Dear Mr. Clutter,

Attached are comments to Policy 4336, West Virginia School Bus Transportation Policy and Procedures Manual. The Policy was reviewed and comments made by the RESA VII Special Education Directors, listed below, to Section 5, Regulations for Transporting Students with Disabilities and Section 7, Procedures for Disciplining Students Transported by School Buses.

1. Elaine Benson, Barbour County
2. Lesa Hines, Gilmer County
3. Vic Fisher, Harrison County
4. Carol Williams, Lewis County
5. Bob VanGilder, Marion County
6. Dedee, Lundeen, Monongalia County
7. Kathy George, Preston County
8. Joe Super, Randolph County
9. Deby Calhoun, Tucker County
10. Jim Smiley, RESA VII

Sincerely,



Jim Smiley, Director
Special Education Services

5. Regulations for Transporting Students with Disabilities **Requiring Special Transportation**

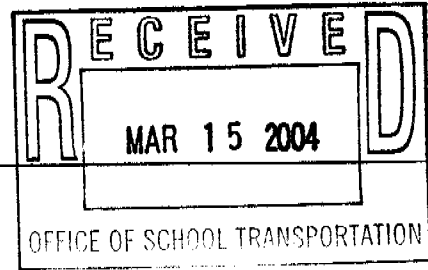
- 5.1 Students with disabilities' ~~shall have a transportation plan in their Individual Educational Plan~~ **Program** (hereinafter IEP) shall specify the bus modifications and support required for transporting the student, **when appropriate** ~~and the time limits allowed.~~
- 5.2 When transportation of a student with disabilities necessitates a transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the county school system.
- 5.3 Vehicle requirements for use in transporting students with disabilities shall be guided by W.Va. §126CSR89, West Virginia Board of Education Policy 4334, "Minimum Requirements for Design and Equipment of School Buses for West Virginia."
- 5.4 The county school system may terminate bus transportation service if the parent **persistently** fails to meet the bus at a designated stop. For those situations, due process procedures shall be made available to the parents and the students.
- 5.5 The school bus operator and **or when appropriate the** bus aide shall:
- 5.5.1 Assist and supervise students with disabilities ~~at all times.~~
- 5.5.2 Complete first aid training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section 1 of the "West Virginia School Bus Operators Training Manual."
- 5.6 The special education director or designee shall provide the following information to the ~~school bus operator~~ **transportation director or designee:**
- 5.6.1 Student's name and address.
- 5.6.2 Parent's name, address, home and work telephone numbers.
- 5.6.3 Emergency health care information **and/or health care plan.**
- 5.6.4 ~~Provisions for the student's safety when and if the student is unable to be met at the designated bus stop.~~ **(This is covered under Section 4.1.1)**

- 5.7 IEP's that require medication to be provided to a student with disabilities while being transported, **shall be in accordance with the Administration of Medication Policy** ~~the special education director or designee shall provide the following to the bus aide.~~
- 5.7.1 Aides shall receive training by the school nurse in medication administration or in the delivery of other basic or specialized health care procedures as specified in W.Va. §126CSR25, West Virginia Board of Education Policy 2422.7, "Standards for Basic and Specialized Health Care Procedures."
- 5.7.2 ~~Written parental consent.~~ **(Covered under the Administration of Medication Policy)**
- 5.7.3 ~~Written authorization from the school superintendent or superintendent's designee.~~ **(Covered under the Administration of Medication Policy)**
- 5.7.4 ~~Properly labeled medicine containers to assure positive identification of the student.~~ **(Covered under the Administration of Medication Policy)**
- 5.8 Parents/guardians of students with disabilities shall assist in the transportation of their child by:
- 5.8.1 Providing documentation on the special care needed.
- 5.8.2 Bringing the student to the bus stop and providing the necessary supervision.
- 5.8.3 Picking up the student at the designated time **at the designated bus stop.**
- 5.8.4 ~~Contacting the school bus operator~~ **transportation director or designee** if the child is to be absent.
- 5.9 ~~It is recommended that buses used to transport students with disabilities should be equipped with cellular telephones and/or two-way radios.~~ **(Move to Appendix B with the other recommendations.)**
- 5.10 The school transportation system shall implement Policy 4373 in conjunction with W.Va. §126CSR16, West Virginia Board of Education Policy 2419, "Regulations for the Education of Exceptional Students."

7. **Procedures for Disciplining Students Transported by School Buses**

7.1.5 **Additional Section** - Disciplining students with disabilities should be in accordance with Policy 2419, 126-16-7 Discipline.

126CSR92



Appendix A School Bus Operators Inspections	
Appendix B Recommendations for County School Bus Transportation Systems	<i>As long as times are only recommendations we will try to comply Because of the location of schools these times cannot be met in some cases.</i>
Appendix C School Bus Operators Safe Drivers' Programs	

Return before March 15, 2004 to:

Wayne Clutter, Executive Director
Office of School Transportation
West Virginia Department of Education
1900 Kanawha Blvd., Bldg 6, Room 215
Charleston, WV 25305
FAX: 304-558-8867
email: wclutter@access.k12.wv.us

Tucker County

Wayne Clutter

From: Preston Dabbs [prestonroy@charter.net]
Sent: Friday, March 12, 2004 12:27 PM
To: wclutter@access.k12.wv.us
Subject: Policy 4336 comment sheet



COMMENT
SHEET.doc

To Whom It May Concern,

This is in response to the proposed West Virginia Bus Transportation Policy and Procedures Manual (Policy 4336). I have only commented on Section 20, Appendix A, concerning the pre-tripping of buses. Thank you for taking the time to read and consider my comments and suggestions.

Sincerely,
Preston T. Dabbs
1207 Jackson Ave.
Parkersburg, WV 26101
304-428-1362

Section 20

Guidelines for Curricular and Extracurricular Trips

Appendix A

School Bus Operators Inspections

I believe that the requirements for pre-tripping a school bus should be amended to include a specific time. Recently in Wood County there has been some question as to when a pre-trip should be performed. Due to the definition of the word "prior", it has been decided that a bus can be pre-tripped any time before the trip, whether it be fifteen minutes or 15 hours. Due to the fact that numerous things can happen or be done to a bus in a short period of time, I would like to see the wording restated as, "drivers must perform a pre-trip inspection 15-30 minutes prior to each trip.

There are two reasons for this. One is that in Belpre, OH last year there was an instance of vandalism on school buses on school grounds in which brake lines were cut. While this happened over night, it could possibly have happened during the day after a driver pre-tripped his or her bus and then left it sitting unwatched for a couple of hours. If the driver did not recheck his bus before doing his route it is possible that students may have been hurt.

Also, in the world we live in today, we are instructed to be on the lookout for suspicious items on the bus. We have even been trained to be observant of items that could be bombs. While I personally do not think that this would really happen, our transportation director felt that it was a big enough threat that we be cautioned about it. We also had a bomb threat recently at one of the high schools. It was taken seriously enough to evacuate the school. By pre-tripping the bus within fifteen minutes of leaving on the trip you significantly reduce the chances of an explosive or other foreign item being placed on the bus.

Appendix B

Recommendations for County School Bus Transportation Systems

Wayne Clutter

From: Valerie Durr [valdurr7@hotmail.com]
Sent: Monday, March 15, 2004 7:54 AM
To: wclutter@access.k12.wv.us
Subject: Policy 4336

Dear Mr. Clutter,

I am emailing you in regards to the policy 4336. I have children that ride the bus to school over 45 minutes a day. This is due to unnecessary consolidation of a school that was fine for my children to attend. The county finds it necessary to consolidate to build new schools. Therefore, I would like to see Policy 4336 become mandatory so our children do not have to spend up to 2 hours a day on a bus, when the closest school is only 15 minutes.

Thank You,
Valerie Durr

email: valdurr7@hotmail.com

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<http://clk.atdmt.com/AVE/go/onm00200413ave/direct/01/>

Wayne Clutter

From: Roy K. Shillingburg [skyline@pennswoods.net]
Sent: Saturday, March 13, 2004 5:31 PM
To: wclutter@access.k12.wv.us
Subject: AMENDMENT TO POLICY # 4336

I HAVE READ THE WEST VIRGINIA LEGISLATURE AMENDMENT TO W.V. CODE 18-5-13 AN I BELIEVE THE ONLY REASON FOR THIS AMMENDMENT WOULD ALLOW MORE SCHOOL CONSOLIDATION WITHIN THE STATE. THIS ONLY REQUIRE'S OUR STUDENT'S TO BE BUSSED LONGER DISTANCE'S AND WOULD REQUIRE THEM TO SPEND MORE TIME ON A BUS AND ALSO THEY WOULD HAVE TO LEAVE HOME AT AN EARLIER TIME. I DON'T SEE WHERE IT WOULD REDUCE THE IDLE TIME OF THE BUSES. I THINK WE SHOULD CONTINUE WITH THE MANDATORY TIME LIMIT'S THAT ARE IN EFFECT NOW.

ALL EMPLOYEE'S WHO OPERATE BOARD OWNED VEHICLE'S , WHICH ARE REALLY OWNED BY THE TAX PAYERS' OF THE STATE OF WEST VIRGINIA, SHOULD CONTINUE TO BE REQUIRED TO HAVE THE PROPER TRAINING AND BE PROPERLY QUALIFIED TO OPERATE THOSE VEHICLE'S. EVEN THE DEPARTMENT OF HIGHWAY EMPLOYEE'S MUST BE PROPERLY TRAINED AND QUALIFY TO OPERATE EACH PIECE OF EQUIPMENT THEY OPERATE.

ALSO, I WOULD LIKE TO SEE A POLICY ADOPTED THAT WOULD MAKE IT MANDATORY, WHEN SCHOOL CONSOLIDATION DOES OCCUR , THAT A NAME CHANGE AND SCHOOL COLORS ALSO MUST BE CHANGED. IT IS NOT RIGHT FOR SOME STUDENTS TO LOSE THE SCHOOL IDENITY AND NOT THE OTHER STUDENTS.

THANKS
ROY K. SHILLINGBURG

Wayne Clutter

From: Townofelkgarden@aol.com
Sent: Saturday, March 13, 2004 2:41 AM
To: wclutter@access.k12.wv.us
Subject: Policy 4336

I have reviewed Policy 4336 (school bus transportation) and feel very strongly that the State Board should set mandatory time limits on the maximum amount of time that a child shall spend on a bus while being transported and from school.

The bussing time limits set forth in Policy 4336 seem reasonable; however, policy serves only as guidance which can be easily disregarded when a school board wishes to breakup community based school "A" and bus children to school "B" then point to over crowded conditions at school "B" in order to justify and obtain state funding (and a bond levy) for a new consolidated school, as has happened in Mineral County.

Robert Swink, Mayor
Elk Garden

PS The Mineral County School Board, and the County Superintendent of Schools, formally met with the Elk Garden community to hear parents and other interested citizens speak on the Board's plan to close Elk Garden Middle School and bus students to Keyser Middle School. In spite of the fact that there was not one speaker in favor of the closing, the Board voted (within moments of hearing the last speaker) 5-0 to close Elk Garden Middle School.

Wayne Clutter

From: BARB DURR [barbdurr@hotmail.com]
Sent: Friday, March 12, 2004 1:19 PM
To: wclutter@access.k12.wv.us
Subject: Policy 4336

Dear Sirs,

I am writing to you as a concerned parent. My son is a 5th grade student at Elk Garden Primary Middle School. Our county Board of Education has voted to close his school down and transport our children down a sometimes treacherous mountain. This would cause a one way trip of approximately 1 hour. I feel our BOE did not take into consideration our children when they made their decision. I will not go into detail on the happenings of the meeting we had with our BOE. Should you be interested in seeing a tape of the meeting (they recorded it), I urge you to contact the Mineral County Board of Education @ 304-788-4200. I truly believe you would be surprised out how unfair the so-called meeting really was. I do ask the State Board of Education to make time limits mandatory on buses except for very limited circumstances. Thank you for your time and your consideration for our children.

Barbara E. Durr
304-355-8005 Home
304-788-6301 Work

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Wayne Clutter

From: william s perkins [wsperkins@juno.com]
Sent: Friday, March 12, 2004 12:04 PM
To: wclutter@access.k12.wv.us
Subject: Pre trip of school bus

Mr Clutter, it has been brought to attention there may be some question as to when a pre trip should be performed on a school bus, i believe it should be done 15 to 30 minutes before the scheduled start of any run, not just anytime prior as has been suggested. thank you. William Perkins

Wayne Clutter

From: peggy savage [psavage21@hotmail.com]
Sent: Thursday, March 11, 2004 9:29 PM
To: wclutter@access.k12.wv.us
Subject: mandatory time limits

Mr. Clutter,

We would like to express how important we feel it is to make time limits mandatory for bus rides that our children must take daily. We do understand that for very limited circumstances you may make exceptions, but we do not feel that long bus rides benefit our children in any way.

Troy and Peggy Savage
Elk Garden, WV

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Wayne Clutter

From: Paul Liebig [pliebig@access.k12.wv.us]
Sent: Friday, March 12, 2004 12:50 AM
To: wclutter@access.k12.wv.us
Subject: tme limits on bus transportation

I would like to see time limits on buses become a state law. We have primary and middle students who would be on the bus for over an hour. This is not healthy or good.

Wayne Clutter

From: David Proudfoot [dproudfo@access.k12.wv.us]
Sent: Monday, March 01, 2004 10:12 AM
To: wclutter@access.k12.wv.us
Subject: comment on Bus Transportation

About the time allowed on the bus for transportation.

High school students - 1 hour
Middle school- 45 min.
Elem. - 30 min.

Please consider including a percentage of students riding more than those times that a county cannot exceed. I suggest 1%

David Proudfoot