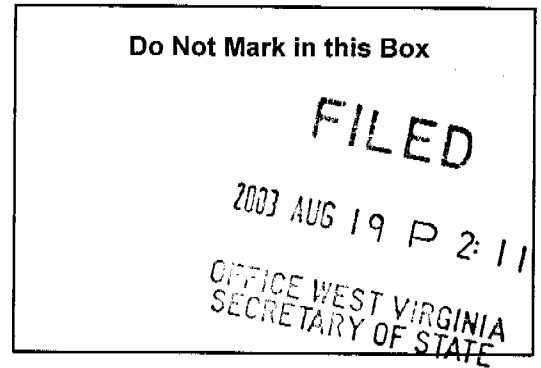


WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN III

ADMINISTRATIVE LAW DIVISION

Form #2



NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; 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.)

AMENDMENT TO AN EXISTING RULE: YES  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: \_\_\_\_\_

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IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 22, 2003 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Wayne Clutter, Executive Director

Office of School Transportation

West Virginia Department of Education

Capitol Building 6, Room 215

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.



Steven L. Paine  
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$9.20

**EXECUTIVE SUMMARY**  
**WEST VIRGINIA DEPARTMENT OF EDUCATION**

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**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.

**Response to  
Comments:**

126CSR92

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

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

FILED  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§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. -

1.4. Effective Date. -

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 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 must 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. West Virginia Motor Vehicle Laws, 17C-14-12, School Bus Regulations, a., 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 West Virginia 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 must 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 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 inspection certificate.

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- 2.5.3 Dates of inspections are July 1 to December 3 (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 must be inspected and approved for use after a major repair or accident.
  - 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 must 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 must be displayed on the new vehicles.
- 2.9 County School Bus Maintenance
- 2.9.1 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.
  - 2.9.2 The maintenance program shall employ mechanics and service employees skilled in bus maintenance.
  - 2.9.3 The county school system shall insure that the maintenance staff members are annually trained to ensure quality maintenance.
  - 2.9.4 An inventory of the bus vehicle parts shall be completed annually and made available at the county maintenance center.
  - 2.9.5 Maintenance records for buses shall be current and made available at the center.
  - 2.9.6 A preventative maintenance schedule for each bus shall be posted in the service center.

### 3. School Bus Passenger Regulations

- 3.1 The school bus operator shall be in charge of any passengers riding

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the bus. The operator shall work with school and county officials to establish a discipline code for the buses.

- 3.2 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.
- 3.3 Twice annually, students will be trained in safe riding practices, and 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 the necessary 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 bus operator's/aide's instructions at all times.
  - 4.2.5 Comply with 126CSR99, West Virginia Board of Education Policy 4373 (hereinafter 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.
  - 4.2.8 Change seats only with permission only when the bus is not in motion.
  - 4.2.9 Avoid unnecessary conversation with the bus operator.

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- 4.2.10 Keep heads and limbs inside bus windows at all times.
- 4.2.11 Report any open exit or released hatch to the bus operator immediately.
- 4.2.12 Provide enrollment information to the bus operator and comply with instruction from the bus aides.

Students shall not:

- 4.2.18 Ride in stepwell or forward of front row seats.
- 4.2.19 Stand while bus is in motion, at any time a seat is available.
- 4.2.20 Throw, or pass, any object of any nature into or from the bus through a door or window.
- 4.2.21 Use tobacco products, alcohol or controlled substances.
- 4.2.22 Use profane or obscene language.
- 4.2.23 Open emergency exits, except during emergencies, unless directed by the bus operator.

### 5. Regulations for Transporting Students with Disabilities

- 5.1 Students with disabilities shall have a transportation plan in their Individualized Education Plan (IEP) which shall specify the bus modifications and support required for transporting the student 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 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 fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.

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- 5.5 The school bus operator and bus aide shall:
  - 5.5.1 Assist and supervise students with disabilities at all times.
  - 5.5.2 The drivers and aides will complete first aide training. School bus operators handling students with disabilities must 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.
  - 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.
  - 5.6.4 Provisions for the student's safety when and if the student is unable to be met at the designated bus stop.
- 5.7 When the IEP requires that medicine is to be provided to a student with disabilities while being transported, the special education director or designee shall provide the following to the school bus aide.
  - 5.7.1 Aides must receive training by the school nurse in medication administration or in the delivery of other basic or specialized health care procedures as specified in 126CSR25, West Virginia Board of Education, Policy 2422.7, "Standards for Basic and Specialized Health Care Procedures."
  - 5.7.2 Written parental consent.
  - 5.7.3 Written authorization from the school superintendent or the superintendent's designee.
  - 5.7.4 Properly labeled medicine containers to assure positive identification of the student.
- 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.

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- 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.
- 5.8.4 Contacting the bus operator 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.
- 5.10 The school transportation system will implement Policy 4373 in conjunction with 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 must 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 must 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 must 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 Pupils riding the bus may be excluded when they are:
  - 7.1.1 Exhibit disorderly conduct.
  - 7.1.2 Interfere with the safe transportation of other students.
  - 7.1.3 Disobey a school employee.
  - 7.1.4 Use abusive language.
- 7.2 The bus operator shall, as soon as possible, provide a written report to the

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school principal validating the reason(s) for a pupil's exclusion from the bus.

7.2.1 The pupil excluded from the bus shall be notified by the bus operator. The parents of the pupil shall be notified by the school principal/designee.

7.2.2 All pupils shall be transported until the parent has been properly notified about the exclusion.

7.2.3 An excluded pupil shall be readmitted to the bus only after the principal/ designee notifies the bus operator that the student has met all discipline requirements. Parents will also be notified by the school when their son/daughter may continue riding the bus.

7.2.4 A transported student who has been disciplined three times in one year by the bus operator in conjunction with the school shall have a conference conducted on his/her conduct. During the conference, the parent/guardian shall be present with the bus operator and the principal/designee. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year.

7.2.5 The bus operator shall immediately notify a principal when any transported student has violated Policy 4373.

### 8. Student Code of Conduct on School Buses

The school bus driver shall display excerpts of the following concepts of Policy 4373 in his/her school bus.

#### 8.1 Major concepts of Policy 4373

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 will help create an atmosphere free from bullying, intimidation and harassment.

8.1.3 Students will demonstrate honesty and trustworthiness.

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

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- 8.1.5 Students will demonstrate responsibility, use self-control and be self-disciplined.
- 8.1.6 Students will demonstrate fairness, play by the rules, and will not take advantage of others.
- 8.1.7 Students will demonstrate compassion and caring.
- 8.1.8 Students will 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 must be excluded from the school bus due to an infectious disease.
- 9.2 The student will be returned to the bus transportation program when the appropriate medical official has given the student a written statement signifying that the student may again be transported with other students.

### 10. School Bus Stop Locations

- 10.1 Ideally, bus stops should be located out of the traffic stream at least .20 miles apart.
- 10.2 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:

<u>Speed (mph)</u>	<u>Recommended Sight Distance</u>	<u>Minimum Sight Distance</u>
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

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- 10.5 Every effort should be made by county officials to select a safe site with ample waiting areas for students.
- 10.6 The 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 bus operator shall contact the county transportation director when a bus stop is determined to be unsafe.
- 10.9 Bus operators are to pick up and discharge students only at the designated locations.
- 10.10 The bus operator shall bring the bus to a complete stop before picking up or discharging pupils.
- 10.11 When possible, a bus stop must 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 bus operator must do the following.
  - 11.1.1 Activate the alternately flashing signal lamps, one hundred to three hundred 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 roadway, the 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.

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- 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 bus operator shall:
  - 11.4.2 Supervise students while they are loading at school.
  - 11.4.3 Load and unload off the highway when near a school.
  - 11.4.4 Use the alternating flash warning lights when loading or unloading on a highway near the school.
  - 11.4.5 Determine that all students are safely away from the bus before leaving the school area.
  - 11.4.6 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 driver may not idle the bus while waiting for or loading students. Windows on the bus are to be closed until the bus leaves the school zone.
- 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.

### 13. General Operating Procedures

- 13.1 The bus operator must wear a seat belt as specified.
- 13.2 The bus operator shall not knowingly operate an unsafe bus.
- 13.3 The bus operator shall possess in the operator's compartment a copy of "Regulations for Pupils Transported on School Buses" developed by the State Director of School Transportation and a current school bus schedule (by the end of the first month).

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- 13.4 The bus operator will keep all aisles free of any objects.
- 13.5 The bus operator shall not permit any person to occupy his/her seat or tamper with the bus.
- 13.6 The bus driver shall observe all speed limits. Truck speed limits apply to school buses. Adverse weather conditions require reduced speeds.
- 13.7 Bus operators shall use proper signals as required by law when operating a school bus.
- 13.8 The bus operator shall not leave the bus when it is running.
- 13.9 When the operator leaves the bus, everyone must be off the bus, the keys must be in possession of the driver and the emergency brake engaged.
- 13.10 The bus operator shall not drive the bus in reverse while at the school or while loading or unloading students except in an emergency. The bus operator shall use the assistance of a school official or another adult when the situation requires such a movement.
- 13.11 The school bus 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 bus operator must 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.
- 13.12 The bus operator shall use the route as specified by the County Director/Supervisor of Transportation, unless an emergency necessitates a change.
- 13.13 All bus schedule changes, made by the County Director/Supervisor of Transportation, shall be communicated to the parents and pupils as quickly as possible.
- 13.14 In case of an accident or a mechanical failure while students are being transported, the bus operator shall provide for the safety of the students before seeking assistance.
- 13.15 The bus operator should only disengage the clutch while making a complete stop.
- 13.16 The bus operator shall conduct and supervise emergency exit drills at least

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twice a year (Federal Highway Safety Standard No. 17) copies of these standards are available through the Office of the State Director of School Transportation. The procedures are as follows:

- 13.16.1 Drills are to be conducted in a safe place.
  - 13.16.2 School officials will assist in the drills as the need arises.
  - 13.16.3 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.
  - 13.16.4 Upon completion, the date of the drills shall be reported to the County Director/Supervisor of Transportation.
- 13.17 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.
- 13.18 Students transported with baggage, freight or merchandise shall use the following procedures.
- 13.18.1 Animals are not permitted on a school bus except a certified service animal.
  - 13.18.2 Only property of pupils, county property or school property may be transported.
  - 13.18.3 Items too large to be stored on a student's lap or between his/her feet must be secured in a safe location on the bus.
  - 13.18.4 Highly flammable materials, firearms, explosives and all deadly or dangerous weapons including aerosol cans are prohibited on a school bus. Aerosol cans used for bus maintenance may be stored in the chain box.
- 13.19 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; §17C-15-40).
  - 13.18.2 Bus flashing lights (4-way) should also be used in emergencies.

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

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

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

### 13.20 General Reports

13.20.1 Bus operators are to compile monthly reports and submit, them to the County Director/Supervisor of Transportation.

13.20.2 The County Director/Supervisor of Transportation shall submit, state reports through previously identified WVEIS no later than 10 working days, following the last day of the school month.

13.20.3 The Bus Fleet Report is due to the state office by June 30 of each year (WVEIS).

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

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

### 13.21 Accident Reports

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

13.21.2 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.

13.21.3 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 within one week. All other accidents shall be reported monthly to the state.

**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 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. Employment Criteria for the Certification of School Bus Operators**

- 15.1 All school bus operators must be certified by the State Department.
- 15.2 If a county 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 must meet the following criteria:
  - 15.3.1 The candidate who is a resident must 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 driving examination.
  - 15.3.2 A candidate who is a non-state resident must provide a ten year driving record history to the State Department.
  - 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 must satisfactorily complete the State's School Bus Operators Training Program, excluding the training for operating Type B, C, and D school buses.
  - 15.3.5 Vehicles other than certified school buses designed to transport more than 10 passengers, including the driver, are not to be used to transport students.

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- 15.3.6 All school bus operators must receive county training on Employee Code of Conduct.
- 15.3.7 All publicly employed and privately contracted school bus operators shall receive state supervised training for operating a school bus. The minimum required training is as follows:
  - a Thirty hours of instruction from the "West Virginia School Bus Operators Instruction Manual"
  - b A minimum six hours of instruction on driving the school bus. This is to be concluded before a potential school bus operator takes the state tests.
  - c The bus operator shall have a first aid certification from a program approved by the State Director.
  - d The bus operator shall receive the appropriate special education training. (See Section 5 of this policy.)

### 16. Physical Qualifications for School Bus Operators

- 16.1 The 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.
- 16.2 The duties to be performed by a physically able bus operator are as follows:
  - 16.2.1 Walk from the drivers 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.

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### 17. Physical Examination for School Bus Operators

- 17.1 The school bus operator must pass a physical examination from a licensed physician, chiropractor, physicians assistant or nurse practitioner. This examination shall be conducted no earlier than the previous school year for which certification is applicable.
- 17.2 The county superintendent of schools (hereinafter county superintendent) has the right to require a physical examination from a designated physician when the superintendent of schools has any questions regarding the physical ability of a bus operator and the safety of students.
- 17.2.1 A copy of the physicals of all school bus operators is to be sent to the State Director. A copy shall also be stored in the county personnel office.
- 17.2.2 The physical examinations shall be recorded on the state form by the examiner.
- 17.3 Physical examination reports shall address the following:
- 17.3.1 There shall be no established medical history or clinical diagnosis of convulsive seizures.
- 17.3.2 There shall be 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.
- 17.3.3 No person suffering the loss of use of more than three (3) joints of either hand shall be qualified 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 top of the thumb and does not interfere with the movement of the first joint. Each bus operator shall have normal use of all extremities.
- 17.3.4 Hearing loss in the better ear shall not be greater than 40 decibels at 500 Hz, 1,000Hz and 2,000 Hz. If a hearing aid is required to meet this regulation, it must be worn and properly functioning at all times while operating the school bus. The bus operator must also carry a spare power source for use in the hearing aid.
- 17.3.5 There is not current clinical diagnosis of myocardial infraction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by

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syncope, dyspnea, collapse, or congestive cardiac failure. Pacemakers are acceptable if approved by a panel of three cardiologists. No person shall be employed with a reading of systolic blood pressure greater than 145 and/or a diastolic blood pressure greater than 90. Any person displaying such a reading on first examination shall, before certification will be issued, provide medical evidence of three separate blood pressure recordings within a seven day period below 145/systolic, 90 diastolic. The readings shall be completed by a licensed physician, physician assistant, nurse, medical assistant or emergency medical technician.

- 17.3.6 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 the duties of a school bus operator. Large hernias shall be surgically repaired prior to employment.
- 17.3.7 There is no mental, organic or functional disease likely to interfere with the ability to operate a school bus safely.
- 17.3.8 There is no established medical history or clinical diagnosis of rheumatic, arthritic, muscular, neuromuscular or vascular disease which interferes with the ability to safely control and operate a school bus.
- 17.3.9 All school personnel shall have a satisfactory tuberculin skin test, chest X-ray or physician's certification, at time of employment and once every two years of employment, or more frequently if medically indicated (see W.Va. Code §16-3-4a.)
- 17.3.10 The physical examination shall be performed by the examining medical personnel, or his laboratory technician, and the results recorded on the examination form.
- 17.3.11 Both eyes of the school bus operator must be functional.
  - a A distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses. (Monocular vision disqualifies a person as a school bus operator.)
  - b The field of vision shall be at least 75 degrees in the horizontal meridian of each eye.
  - c The applicant/bus operator must be able to identify the colors of traffic signals and devices showing standard red, green, amber and blue.

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- d Any person who must wear corrective lenses to meet the requirements of this section shall wear such lenses at all times while operating a school bus.

17.3.12 There shall be no other physical condition that would interfere with ability to safely and efficiently perform the duties of a school bus operator.

17.3.13 All school bus operators will be subject to pre-employment, random, post accident, and reasonable suspicion testing for the use of certain controlled substances and alcohol under the regulations established by the United States Department of Transportation, Federal Highway Administration's implementation of the Omnibus Transportation Employee Testing Act of 1991 (Oteteta), as published in the Federal Register February 15, 1994 and March 8, 1996, including subsequent revisions or additions. 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 defined by the Omnibus Transportation Employee Testing Act of 1991, who tests positive for controlled substances or alcohol as defined by the Omnibus Transportation Employee Testing Act of 1991. The State Department of Education will maintain the records for a period of two years.

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

18.1 The Superintendent of Schools 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 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

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- 18.1.6 Collection of six (6) or more points on his/her DMV driving record while an applicant
  - 18.1.7 Collection 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 has 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 (2) years subsequent to a first offense for such conviction or suspension/revocation. For a second offense certification would 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 excessive user 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 pupil passengers, or other users of streets or highways.
  - 18.1.14 Violation of Policy 5902
  - 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 Certifications**

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- 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 driver, the certification holder shall be notified of the pending action against him/her and afforded the opportunity for a hearing in accordance with 126CSR92 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 pupils participating in curricular and extracurricular activities shall require participating school officials to submit a planned schedule to the county superintendent of schools 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 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 Pupils 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 bus operator. Each additional bus shall be supervised by a professional employee or person approved by the County Board.
- 20.2 Counties providing curricular and extracurricular transportation shall file on WVEIS, at the end of each month, a report on curricular and extracurricular trips.

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# APPENDIX A

## SCHOOL BUS OPERATOR'S INSPECTIONS AND DUTIES

The 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 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 will vary with the number of vehicles to be maintained and operating conditions. The National Conference on School Transportation recommends the following as a minimum ratio of staff to vehicles for effective operation of a school bus maintenance center.
  - 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.
  - 2.1.4 The county superintendent shall ultimately determine the structure and staff needed to deliver a quality program.

### 3. **Training**

Maintenance center personnel are encouraged to:

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

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

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

**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 bus operator or a staff member from the alternative school.

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

Due to the rural nature of the State of West Virginia, the following are recommended (not required) one-way transportation times for pupils transported to school.

5.1 Early childhood (Pre-K)-thirty minutes.

5.2 Middle childhood/junior high (5-8)-forty-five minutes.

5.3 Adolescent/high school (9-12)-sixty minutes.

# APPENDIX C

## **SCHOOL BUS OPERATORS SAFE DRIVERS' PROGRAMS**

### **National Safety Council - Safe Driver's Award**

The State 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 Roadeo**

The West Virginia Department of Education annually sponsors a "School Bus Safety Roadeo" 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 bus operator inservice training, some type of skill development exercise in bus handling.

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

All 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 roadeos.

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

## FISCAL NOTE WORKSHEET

(Submit 4 Copies)

ID 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

AGENCY

AUTHORIZED REPRESENTATIVE

May 22, 2003

Education

*Stewart Price*

**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 \_\_\_\_\_

ADDRESS \_\_\_\_\_

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

<b>Section 6 Regulations for Transporting Homeless Students</b>	
<b>Section 7 Student Discipline on School Buses</b>	
<b>Section 8 Student Code of Conduct on School Buses</b>	
<b>Section 9 Medical Exclusion of Students from a School Bus</b>	
<b>Section 10 School Bus Stop Locations</b>	
<b>Section 11 Loading and Unloading Student Passengers</b>	
<b>Section 12 Idling of School Buses</b>	
<b>Section 13 General Operating Procedures</b>	

<b>Section 14 School Bus Operator Assignments</b>	
<b>Section 15 Employment Criteria for the Certification of School Bus Operators</b>	
<b>Section 16 Physical Qualifications for School Bus Operators</b>	
<b>Section 17 Physical Examinations for School Bus Operators</b>	
<b>Section 18 Reasons for Non- Certification or Recall of Certification of School Bus Operators</b>	
<b>Section 19 Procedures for Due Process on the Recall of School Bus Operator's Certification</b>	
<b>Section 20 Guidelines for Curricular and Extracurricular Trips</b>	
<b>Appendix A School Bus Operators Inspections/Duties</b>	

<b>Appendix B Recommendations for County School Bus Transportation Systems</b>	
<b>Appendix C School Bus Operators Safe Drivers' Programs</b>	

Return before September 22, 2003:

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Office of School Transportation  
West Virginia Department of Education  
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Charleston, WV 25305  
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