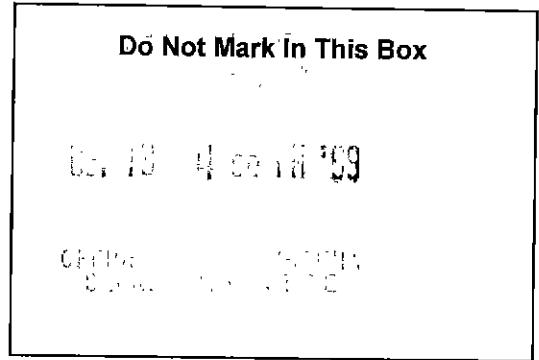


WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5



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 §18-2-5 and §18-5-13

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 XX NO _____

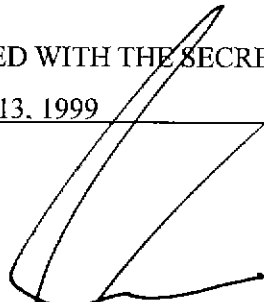
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 92

TITLE OF RULE BEING AMENDED: West Virginia School Transportation Regulations
(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 November 13, 1999



William J. Luff, Jr.
Associate State Superintendent

13.30

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 4336
West Virginia School Transportation Regulations

PUBLIC COMMENT PERIOD ENDS: August 15, 1999 **ADOPTED:** October 8, 1999

BACKGROUND:

The current West Virginia School Transportation Regulations have not been updated in several years; consequently, they do not contain information necessary to comply with certain requirements such as the Safe Schools Act, and appropriate disciplinary procedures that should be followed. School buses travel over 40 million miles a year in West Virginia transporting over 200,000 students each day. It is imperative that Policy 4336 be updated to meet the demands of this challenging transportation system.

PURPOSE:

To provide current information regarding best practices in providing safe school transportation for students in West Virginia. The policy also contains requirements for employment, training requirements, and guidelines regarding drug and alcohol testing of bus operators.

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TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

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Ltr 16 4 03 11 '99
OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA

SERIES 92
WEST VIRGINIA SCHOOL TRANSPORTATION REGULATIONS (4336)

§126-92-1. General.

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

1.2. Authority and related Code citation. W.Va. Const. Art. XII, §2, W.Va. Code §18-2-5, and §18-5-13.

1.3. Filing Date - October 13, 1999

1.4. Effective Date - November 12, 1999

1.5. Repeal of former rules - Revision of rule formerly filed in 1994

§126-92-2. Incorporation by Reference.

2.1 A copy of West Virginia School Transportation Regulations 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.

SUMMARY OF RULES AND REGULATIONS

The State Department of Education has responsibility to establish West Virginia School Transportation Regulations in compliance with Chapter 18, Article 5, Section 13, Subsection 6 of the West Virginia Code.

School transportation is an integral part of a comprehensive educational program. It is a very significant part of a thorough and efficient system of education.

The revision of the West Virginia School Transportation Regulations updates and makes corrections, deletions or additions to meet or exceed federal regulations for school transportation.

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STATE BOARD OF EDUCATION POLICY 4336

Upon recommendation of the State Superintendent of Schools and in cooperation with the WV State Police and Division of Motor Vehicles, the State Board of Education has approved the following regulations governing school transportation. These regulations supersede all previous regulations governing pupil transportation in West Virginia.

I. INSPECTION AND MAINTENANCE OF SCHOOL BUSES

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

Qualified school bus inspectors, employed by the West Virginia Board of Education may, in like manner, inspect any school bus at any time. The above procedure shall apply in any such inspection.

The West Virginia Board of Education requires that all vehicles used to transport pupils to and from school or school related events be inspected a minimum of two (2) times each year. These inspections shall be made by qualified persons employed by the Board. Such inspections will not replace the daily inspections of school buses by school bus operators, regularly scheduled preventive maintenance inspections by county school bus maintenance personnel, or the annual inspection of all motor vehicles required by the Commissioner of Motor Vehicles. These inspections shall be scheduled under the supervision of the State Director of School Transportation at such times and places as shall best protect the safety and welfare of transported pupils. Bus operators shall present to the inspector at the time of inspection a valid Commercial Drivers License, First Aid Certificate and a certification card issued by the West Virginia Department of Education.

All vehicles being operated to transport pupils shall be inspected and bear an approved certificate after inspection.

First inspection - July 1 to December 31

Second inspection - January 1 to May 31

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Third inspection - (Based upon the school bus inspection reports during the school year, the State Director of School Transportation may require a third inspection of the school buses used by a county board of education.

All vehicles purchased to be used for transporting pupils to and from school or school related events, and those on which major repair and/or reconditioning have been completed due to an accident or other causes, shall be inspected and approved before being placed in service.

To be approved, a vehicle must meet all applicable federal and state laws, standards and requirements. Any vehicle not meeting these requirements shall be affixed with an appropriate rejection sticker and may not be used for transporting pupils until it has been properly repaired, reinspected and approved.

II. INSPECTION OF NEW VEHICLES FOLLOWING DELIVERY

It shall be the responsibility of the county school transportation director, or other person designated by the county superintendent of schools, to inspect each new vehicle immediately following delivery from the manufacturer. Such inspection shall insure that all applicable federal and state requirements, and any specific item set forth in the purchase contract, have been met. Any exceptions must be approved by the Division of School Transportation. (This inspection must be completed and a valid DMV inspection sticker affixed prior to submitting the vehicle for inspection by a qualified West Virginia school bus inspector.)

III. PRE-TRIP AND DAILY INSPECTION FOR MECHANICAL DEFECTS AND SAFETY EQUIPMENT

- A. As a minimum, prior to morning and afternoon trips, and/or any other assigned trips as determined by the local county board of education; the school bus operator shall make an inspection of the school bus. This inspection shall include, but not be limited to, the following:
1. Check tires for proper inflation and condition.
 2. Check wheels for loose hub bolts, wheel lugs, lube leaks, etc.
 3. Check steering for proper functioning of all components.
 4. Check radiator coolant, windshield washer fluid, power steering fluid, oil and fuel.

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5. Check alternator, fan and power steering belts.
6. Check lighting system(s), windshield wiper/washer and horn.
7. Check brakes, including warning light and buzzer.
8. Check all emergency exits.
9. Check first aid kit, fire extinguisher, communication system(s) and emergency traffic warning devices.
10. Check back-up alarm.
11. Check stop arm and crossing arm.
12. Check exhaust for leaks to determine, as far as possible, that fumes are not reaching the bus interior.

B. Additional daily responsibilities include:

1. After each run the school bus operator shall walk to the rear of the bus and check for students, objects left on bus, and vandalism.
2. Sweep the floor and dust the seats immediately following the morning run.
3. Clean windshield, windows, mirrors, all light lenses and lettering (identification).
4. Keep stepwell and aisle clean and free of debris.
5. Remove markings found on wall/ceiling.
6. Keep loose objects, brooms, tire chains, etc., off the floor.
7. Keep glove compartment clean and well organized.
8. Be sure that there are no aerosol cans inside the school bus.

IV. APPEARANCE AND CLEANLINESS OF SCHOOL BUSES

- A. All buses shall be maintained in a clean condition. It is the responsibility of the**

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county board of education to provide the necessary facilities, equipment and supplies.

- B. At least weekly, school bus operators shall:
 - 1. mop bus floor.
 - 2. clean interior upholstery with a damp cloth.
 - 3. wash the exterior of the bus.

V. MAINTENANCE OF SCHOOL BUSES

- A. County boards of education shall be responsible for the establishment of a school bus maintenance program that will assure, insofar as possible, the safe operating condition of all vehicles used in the transportation of pupils to and from school and school related events. Such programs may be implemented by a school-system-operated maintenance center, or under contract with a private concern.
- B. School-system-operated maintenance centers shall be staffed with mechanics and service personnel skilled in preventive maintenance and vehicle repair.
- C. The staff of school-system-operated maintenance centers shall include administrative, mechanic and service personnel in numbers commensurate with the number of vehicles to be maintained and serviced. (See Section XIII A 2)
- D. The school system shall make available to maintenance personnel the required maintenance and service publications and manuals for the equipment being serviced and the equipment and supplies necessary to perform the service.
- E. The school system shall provide maintenance personnel opportunities to upgrade their competencies through participation in meetings, conferences, institutes and/or continuing education training programs pertinent to school bus maintenance and service.
- F. Completed maintenance and service records of each vehicle in the fleet shall be maintained at the service center. A physical inventory of parts shall be completed annually.
- G. An inventory of vehicle parts essential to the efficient operation of the fleet shall be

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maintained at the service center.

H. A preventative maintenance schedule for each bus shall be posted in the service area.

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

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

A. Passengers

1. The school bus operator shall be in charge of the bus, pupils and other passengers. School administrative and instructional personnel will cooperate with the bus operator to maintain proper discipline on the bus.
2. The school bus operator may transport only pupils who are enrolled, or to be enrolled, in school, an employee of the county board of education or a person approved by the board.
3. At least two times during each school year, each pupil who is transported on a school bus shall be instructed in safe riding practices and participate in emergency evacuation drills. The first of these drills will be completed by October 31 and the second drill by April 30.
4. Principals and teachers shall aid in instructing pupils in rules and regulations governing transported pupils. Emphasis shall also be given to pupil discipline on curricular and extracurricular trips.
5. Passengers may not occupy a position that will interfere with the operator's vision to the front, sides, or in the mirrors, or interfere in any other way with the safe operation of the bus.
6. Incidents of a serious nature that may require action while en route must be handled through the exercise of the bus operator's best judgment in applying appropriate disciplinary measures in accordance with county board of education policies and procedures. It is imperative that the bus operator explore and consider every reasonable alternative for handling any emergency situation before asking any pupil to leave the bus while en route. The hazards of such action could result in serious risk to the pupil(s)

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involved, and therefore must be weighed carefully against any compromise of the safety of other passengers on board the bus.

While on a school bus, any pupil:

1. Who is disorderly;
2. Who in any manner interferes with an orderly educational process;
3. Who threatens, abuses, or otherwise intimidates or attempts to intimidate a school employee or a pupil;
4. Who willfully disobeys a school employee; or
5. Who uses abusive or profane language directed at a school employee

May be excluded from the school bus by the bus operator and placed under the control of the principal or the pupil's school or the principal's designee. The bus operator shall provide the principal or principal designee as soon as possible in writing a report on the pupil's behavior and the reasons for the pupil being excluded from the school bus. The excluded pupil may be readmitted to the school bus only when the principal, or a designee, provides written certification to the bus operator that the pupil may be readmitted and specifies the specific type of disciplinary action, if any, which was taken. If the pupil's inappropriate behavior occurs during the afternoon run, the bus operator shall inform the student that he or she is excluded from the bus until the appropriate principal or the principal's designee allows the student to return to the bus. The bus operator shall notify the affected principal or the principal's designee that the student has been excluded from the bus. The principal shall notify the parent(s) or guardian(s) and inform them when their child can return to the bus. If the bus operator is unsuccessful in notifying the appropriate principal or the principal's designee, the bus operator shall attempt to notify the parent(s) or guardian(s) that the child has been excluded from the bus. If the parent(s) or guardian(s) have been notified that their child has been excluded from the bus, then the pupil shall not be eligible for transportation services until the principal or the principal's designee provides written notice that the pupil may be readmitted to the school bus.

If the parent is not notified that the pupil has been excluded from the bus, and the child is present at the bus stop, the pupil shall be transported to school and the principal or the principal's designee shall be notified of the pupil's behavior and that the bus operator has excluded the pupil from the

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bus.

If the parent(s) or guardian(s) have not already been notified, the principal or the principal's designee shall provide the parent(s) or guardian(s) with written notice and if possible telephonic notice of the disciplinary action taken.

When a bus operator excludes the same pupil from his or her bus three times in one school year, and after exhausting all reasonable methods of discipline provided in the school discipline plan, the pupil may be readmitted to the bus only after the principal, bus operator, and, if possible, the parent(s), guardian(s), or custodian(s) of the pupil have held a conference to discuss the pupil's disruptive behavior patterns, and the bus operator and the principal agree on a course of discipline for the pupil and inform the parent(s), guardian(s), or custodian(s), of the course of action. Thereafter, if the pupil's disruptive behavior persists, upon the bus operator's request, the principal may, to the extent feasible, transfer the pupil to another setting or recommend the suspension of the pupil's right to transportation services for up to the remainder of the school year.

7. A bus operator shall immediately report to the appropriate principal the name of any pupil who:
 1. Has violated West Virginia Code 61-2-15(b), which concerns assault and battery against a school employee; or
 2. Has violated West Virginia Code 61-7-11a, which concerns unlawful possession of firearms or any other deadly weapon on a school bus or other education facility; or
 3. Has sold a narcotic drug, as defined in West Virginia Code 60A-1-101, on the premises of an educational facility, at a school sponsored function or on a school bus; or
 4. Has committed an act or engaged in conduct that would constitute a felony under the laws of this state, if committed by an adult; or
 5. Has unlawfully possessed on school property or during a school function a controlled substance governed by the uniform controlled substance act as described in West Virginia Code 60A-1-101; or
 6. Has possessed alcohol in an educational facility, on school grounds, a school bus or at any school sponsored function; or
 7. Has intentionally defaced any school property; or
 8. Has participated in any physical altercation with another person while under the authority of the school bus operator or aide; or
 9. Has habitually violated school rules or policies; or
 10. Has threatened to injure, or in any manner injured, a pupil, teacher,

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- administrator, or other school personnel; or
11. Has willfully disobeyed a bus operator.

A principal who receives notification that a pupil has engaged in any of these actions shall schedule an informal hearing with the pupil and his or her parent(s), guardian(s), or custodian(s), and bus operator in accordance with West Virginia Code 18A-5-1a (d) at the conclusion of the hearing or upon the failure of the pupil to appear, the principal may suspend the pupil for a maximum of ten days, notify the county superintendent of the suspension, and request, where appropriate, that the superintendent recommend to the county board of education that the pupil be expelled in accordance with West Virginia Code 18A-5-1a. (SEE APPENDIX C)

8. Discipline of a student with a disability shall be administered in accordance with West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students.
9. Subject to the rules of the state board of education, the bus operator shall exclude from the bus any pupil or pupils known to have or suspected of having any infectious disease, or any pupil or pupils who have been exposed to such disease, and shall immediately notify the proper health officer, or medical inspector, of such exclusion. Any pupil so excluded shall not be readmitted to the school bus until such pupil has complied with all the requirements of the rules governing such cases, or has presented a certificate of health signed by the medical inspector or other proper health officer.
10. Passengers shall remain in their assigned seats and keep head and limbs inside the bus at all times.

B. Loading and unloading

(More specific detail on these procedures is given in Unit B, "West Virginia School Bus Operator Instructional Program Manual".)

1. Ideally all school bus stops should be relocated safely out of the traffic stream and at least 0.20 miles apart since terrain, roads, etc. do not lend themselves readily to this concept, the following criteria should be carefully evaluated in determining bus stop locations. High priority should be given to the safety of pupil passengers.

- (a) Bus stop locations should be off the roadway out of the traffic stream, if possible.

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- (b) For stop locations, the minimum sight distance should be related to the approach speed of traffic. The approach speed is the posted speed limit, advisory speed, or a value judged to most accurately represent the prevailing speed at any given location. Sight distance needed on a level grade for each speed 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

- (c) Passengers waiting for the bus should have an area large enough to allow the group assembled to be safely away from the traffic lane.
- (d) Often there may not be available a good site to establish the bus stop. In such case, it may be wise to solicit the cooperation of the parent(s), transportation director, bus operator, a member of the law enforcement agency, and the Division of Highways District Traffic Engineer in selecting the best site available. The Division of Highways District Traffic Engineer can be contacted for the installation of SCHOOL BUS STOP warning signs at locations which do not meet the recommended sight distance for the prevailing speed of traffic or where there are compounding problems such as a steep downgrade or a high percent of trucks.
- (e) Reasonable efforts should be made to minimize the distance to be walked by students along narrow, heavily traveled roads without berms.
- (f) If conditions develop at the bus stop site or on the bus route to compromise the safety of pupils, the bus operator should promptly bring it to attention of the transportation director. The best practical solution for improvement should be implemented immediately.
 1. The county superintendent or transportation director/supervisor shall designate stops for the pickup and discharge of passengers. Bus operators will pick up and discharge passengers only at their designated stop(s). Any exception shall be clearly stated in the

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written county school transportation policy.

2. The school bus operator shall bring the bus to a complete stop before permitting passengers to enter or leave the bus.
3. Where the view of approaching traffic is obstructed, stops shall be a minimum of at least 200 feet from the crest of a hill or curve, if physically possible.
4. When loading or unloading passengers on, or adjacent to, a street or highway, the bus operator will use the following procedures to maximize passenger safety and minimize traffic interference:
 - a. When the bus must stop on the roadway:
 - (1) Activate the amber alternately flashing warning signal lamps 100 to 300 feet prior to the stop, depending upon the volume and speed of traffic.
 - (2) Stop in the roadway in the appropriate traffic lane, do not cross center line.
 - (3) Activate the red alternately flashing warning signal lamps. Chapter 17C, Article 12, Section 8, Sub-Section b, West Virginia Motor Vehicle Law. Page 41-42.)
 - (4) The school bus operator shall exercise special caution when activating flashing warning signal lights so as not to trap or create a hazardous stopping situation for drivers approaching from either the front or rear.
 - (5) The bus operator must be alert to all conditions affecting the safety of passengers and be governed by county policy in handling each situation.
 - b. When it is not necessary or permissible for passengers to cross the roadway as pedestrians, and where conditions permit an established loading zone adjacent to the roadway the bus operator shall:
 - (1) indicate intention to leave the traffic lane by appropriate use of the right turn signal.

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- (2) establish a safe margin of distance from the traffic lane before stopping to load or unload.
 - (3) load or unload passengers in the established zone without using the alternately flashing warning lights.
 - (4) return cautiously to a safe position in traffic, properly using the left turn signal.
5. In accordance with WV Code 17C-12-7 and 17C-12-9, the school bus operator may report to a magistrate or an appropriate law enforcement official and school transportation administrator the license number, and other pertinent facts, of any motor vehicle driven in violation of any state law pertaining to the stopping of motor vehicles approaching or passing a school bus which has stopped to load or unload passengers or that appears to endanger the pupils being transported
6. At the close of each school day the bus operator shall use the following procedures in loading pupils:
 - a. Before school is dismissed at the first school served, have the bus parked at the place where the pupils regularly board it. Bus operator shall be in the bus, or by the door, supervising pupils as they board the bus.
 - b. At the school, loading and unloading shall be done off the highway in an established loading zone, or on school grounds in an area designated for such purpose, and free of other traffic.

The bus must be facing in the legal direction with freedom to drive from the school without undue maneuvering.

If such practice is impossible, the red alternately flashing warning lights shall be activated while loading or unloading pupils.

- c. Move the bus only after determining that no one is in an unsafe position in relation to the bus.
 - d. Drive with extreme care away from the school grounds. Under no circumstance should the bus speed exceed fifteen (15) miles per hour in an established school zone.

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C. Other operating procedures

1. Bus operator must wear his/her seatbelt including shoulder belt if equipped in the designed manner.
2. The bus operator shall not operate any bus he/she knows to be unsafe.
3. The bus operator shall post in a prominent place in the operator's compartment:
 - a. a copy of "Regulations for Pupils Transported in School Buses." The bus operator shall cooperate and assist in instructing passengers in such rules and regulations.
 - b. No later than the end of the first school month, a schedule showing the time the bus should arrive at each designated stop.
4. All aisles shall be kept free from books, lunch boxes and other objects.
5. No unauthorized person shall be permitted to occupy the driver's seat, drive the bus, tamper with the engine or any of its controls.
6. The operator shall not leave the bus at any time while the engine is running, the parking brake released, or without taking the ignition key.
7. The bus shall not be backed on school grounds or at loading and unloading points unless it is absolutely unavoidable, and then only when pupils are not in close proximity to the bus and/or there is a designated member of the school staff present, directing such movement. Responsibility for backing safely is that of the school bus operator.
8. The service door shall remain closed at all times while the bus is in motion.
9. The 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 . Service door and the window to the operator's left must be opened before crossing, at grade, or any railroad. When it has been determined safe to do so, proceed across the tracks in first or second gear. **DO NOT SHIFT GEARS WHILE CROSSING TRACKS.**
10. The bus operator shall observe the limits of all segments of assigned routes, as established by school transportation administrators. No extension,

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cutback or change shall be made, except in an emergency, without authorization by the transportation director. If any emergency necessitates a detour or temporary change of route, it shall be reported to the transportation director immediately.

11. In the event an authorized change is made in a bus route or time schedule, pupils and/or parents shall be notified in advance by the transportation director, insofar as it is reasonably possible.
12. In case of an accident or breakdown while the bus is transporting pupils, the bus operator shall not leave the bus to summon help until provision has been made for the care and safety of all passengers.
13. The bus shall not be operated with the clutch disengaged, except as necessary to make a complete stop.
14. In compliance with Federal Highway Safety Standard No. 17, West Virginia Board of Education Regulations and in accordance with county board of education policies and procedures, the bus operator shall direct and supervise emergency exit drills at appropriate times and places (a minimum of two each school year). All passengers shall be instructed and shall participate. Procedure(s) shall be as follows:
 - a. Emergency exit drills shall be conducted on school property, or where approaching traffic will not compromise the safety of participating passengers.
 - b. Local school authorities, including principals and teachers, shall assist the school bus operator in conducting such drills as the need arises.
 - c. Drills shall include exiting through the front service door and through the emergency exit door.
 - d. Passenger instruction shall include a description and demonstration of the purpose, function and use of emergency exit windows, roof hatches and the use of other instruments to provide emergency exit.

All such drills shall be reported each month to the county superintendent and/or transportation director.
15. Advertising signs, banners, posters, etc., shall not be displayed inside or outside the bus. This shall not prohibit the proper use of professional safety

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posters approved by the State Division of School Transportation.

16. The following restrictions apply to the transportation of pupils on the bus with baggage, freight or merchandise of any kind:
 - a. Only property of pupils and/or the county board of education may be transported.
 - b. Any item too large to conveniently hold on the lap or between feet is not permitted unless it is safely secured in a designated place. Animals are not permitted on school bus except CERTIFIED SERVICE ANIMALS.
 - c. Highly flammable materials, firearms, explosives and all deadly and dangerous weapons (WV Code Chapter 61 Article 7) including aerosol cans are prohibited. Aerosol cans related to bus maintenance may be carried in the chainbox.
 - d. None of these restrictions shall be construed as permitting objects or materials to be transported with pupils that interfere with the passenger protection afforded by the padded bus seats.
17. Posted speed limits shall be observed at all times. (Truck speed limits apply to school buses.) Speed should be reduced during adverse weather and when poor road conditions exist.
18. Proper signals must be given in all traffic situations, as required by law and/or where such communication with pedestrians or motorists could prevent accidents.

D. Special safety equipment

1. Approved bi-directional reflective triangles shall be carried in each bus at all times. (West Virginia Code, 17C-15-39; 17C-15-40)
 - a. In case of an emergency which may require the bus to stop in a roadway for any length of time, the operator shall display said warning devices in compliance with the above referenced laws.
 - b. The bus flashing hazard (4-way) lights shall also be used as an additional warning to motorists.

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2. Tire chains shall be carried on the bus at all times during that part of the year when snow or ice could be encountered. Bus operators shall be instructed and trained in the installation and use of chains.
 - a. Chains shall be used at all times when operating on snow or ice, unless otherwise directed by county school transportation administrators.
3. Fire extinguisher
 - a. Shall be securely fastened in appropriate mounting bracket located in the operator's area.
 - b. Shall be fully charged and ready for use at all times.
4. First aid kit/Body fluid clean up kit
 - a. Shall be maintained fully equipped and in good condition.
 - b. Shall be securely fastened in a readily accessible location in the bus operator's area.

E. Reports

1. All daily, weekly, monthly and other required reports shall be complete, accurate and promptly filed. County transportation director shall forward all reports to the state transportation director not later than ten (10) working days following the last day of the school month.
2. All road hazards shall be reported to the county director of transportation as soon as possible after observing or encountering them. Follow-up reports shall also be made as to whether or not the hazards have been corrected.
3. Accidents
 - a. Definition - If the school bus bumps, touches or scrapes another vehicle or object and causes damage, this is considered an accident, and it must be reported. If the school bus makes contact with a person, this is considered an accident, and it must be reported.
 - b. A verbal report shall be made immediately, and a written report shall be made within 24 hours to the county transportation director of any and all accidents in which the bus or passengers have been involved.

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- c. All major accidents involving bodily injury, fatality, extensive property damage and/or structural damage to the bus shall be reported by the county director of transportation to the state director of school transportation immediately, by phone, with written report to follow within one week. All other accidents shall be reported on a monthly basis to the state director of school transportation.

VII. REGULATIONS FOR PUPILS TRANSPORTED IN SCHOOL BUSES

A. Outside the bus pupils shall:

1. walk on left side of road, facing traffic.
2. be at the designated bus stop at the scheduled time for bus arrival.
3. parents shall instruct students to wait for the bus on the proper side of the roadway, except where such would compromise their safety. (Proper side of roadway shall mean on the right for the direction in which the bus is traveling.)
4. never stand or play on the roadway while waiting for the bus.
5. line up orderly, safely away from the traffic lane until the bus has completely stopped.
6. board the bus in a safe, orderly manner without pushing and shoving.
7. follow the bus operator's instruction carefully by proceeding safely and alertly when getting off the bus and/or crossing the roadway.
8. go home promptly after alighting from bus at the end of the school day.

B. Inside the bus pupils shall:

1. go immediately to their assigned seat as directed by bus operator and courteously share seats with others on the bus.
2. be held responsible for vandalism that occurs to the seats in which they ride. (If damage is found, report it promptly to the bus operator.)
3. change seats only with bus operator's permission, and only when bus is not in motion.

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4. get on or off bus only when it is completely stopped.
5. cooperate with the bus operator to keep the bus clean. Eating and drinking on the bus are prohibited, except when medically necessary.
6. observe classroom conduct, except for ordinary conversation, to enable the bus operator to give attention to safe driving.
7. avoid unnecessary conversation with the bus operator.
8. keep head and limbs inside bus windows at all times.
9. report any open exit, or released latch, to the bus operator immediately.
10. provide enrollment information to the bus operator as requested.
11. comply with instructions of the aide.

C. Inside the bus pupils shall not:

1. ride in stepwell or forward of front row of seats.
2. stand while bus is in motion, at any time a seat is available.
3. throw, or pass, any object of any nature into or from the bus through a door or window.
4. use tobacco products, alcohol or controlled substances.
5. use profane or obscene language.
6. open emergency exits, except during emergencies, unless directed by the bus operator.

VIII. SPECIAL TRANSPORTATION OF STUDENTS WITH DISABILITIES FROM WWDE REGULATIONS FOR THE EDUCATION OF EXCEPTIONAL STUDENTS

A. Responsibility of public agency

1. The public agency shall assure that appropriate safety measures are followed in the transportation of students with disabilities.

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2. The time in transit for students with disabilities should not exceed the time in transit of non-disabled students similarly located unless specified in the Individualized Education Plan. In no case shall the time be greater than 30 minutes beyond the times in transit of non-disabled students similarly located. Time in transit beyond these parameters shall be specified in the Individualized Educational Plan (IEP). The Individualized Education Plan (IEP) shall address modifications made in regular school transportation to assure accessibility of special education and other related services for exceptional students. Special transportation includes special equipment (such as special or adaptive buses, lifts, and ramps), and special care (such as need for health and safety maintenance, medication in transit and/or positioning), if required to provide school transportation for a student with a disability.
3. When transportation of a student with a disability necessitates transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the public agency.
4. The public agency shall determine the type of vehicle used to transport students with disabilities on the basis of the disabling conditions of those students. Such vehicles shall comply with provisions as required by the "Minimum Requirements for Design and Equipment of School Buses for West Virginia", as adopted by the West Virginia Board of Education.
5. Specially adapted seats, support and/or protective devices shall be provided for all students who require such devices to assure their safe transportation. Additional information can be found in TransporTots.
6. The public agency may terminate transportation service(s) if parents fail to assume the responsibility of meeting the bus at the designated bus stop. Parents shall be afforded due process procedures.
7. The public agency shall provide assistance in the loading, transporting and unloading of a student with a disability when described in the IEP.
8. The description of special transportation as a related service on the student's IEP shall include:
 - a. the type of special transportation services (i.e. special devices/equipment and/or special care needed for health and safety maintenance, assistance and/or medication in transit, including the location, extent/frequency and initiation, and duration of these services.

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- B. Responsibility of the school bus operator and aide for transporting students with disabilities:
1. The operator of a bus transporting students with disabilities shall assure that students aboard the bus are supervised at all times.
 2. The aide and/or bus operator shall assist such students on and off the bus at the designated bus stop.
 3. The bus operator and/or aide shall assure that the protective safety devices are utilized.
 4. The bus operator and aide(s) shall receive training regarding the needs of students with disabilities. For aides, minimal training shall be successful completion of a recognized first aid training program. For bus operators, minimal training shall be successful completion of a recognized first aid training program, as well as Section I of the "West Virginia School Bus Operator's Training Manual."
 5. When the student's IEP requires that medication be administered during transit, the special education director or designee is responsible for providing the information necessary for an adult aide to meet the following conditions prior to transporting the student:
 - a. 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 Policy 2422.7 - Standards for Basic and Specialized Health Care Procedures."
 - b. written parental consent;
 - c. written authorization from the school superintendent or the superintendent's designee; and
 - d. properly labeled medicine containers to assure positive identification of the student.
 6. The special education director or designee shall provide to the bus operator and aide prior to transportation of the student the following confidential emergency information:
 - a. student's name and address;

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- b. parent's name, address, home and work telephone numbers
- c. emergency health care information; and
- d. provisions for the student's safety when and if the student is unable to be met at the designated bus stop.

C. Responsibilities of parents

1. Parents shall provide the public agency with written documentation regarding any special care the student may need while on the bus.
2. Parents are responsible for having the student at the designated bus stop at the regularly scheduled time, and providing the necessary supervision until the bus arrives.
3. Parents are responsible for meeting the bus upon its return to the designated bus stop at the scheduled time.
4. If a student is unable to attend school the parents shall make a reasonable and timely effort to notify the bus operator prior to the beginning of the morning bus schedule.

IX. QUALIFICATIONS FOR EMPLOYMENT OF SCHOOL BUS OPERATORS

No person shall be employed by any county board of education to operate any motor vehicle transporting school pupils, who has not been certified by the West Virginia State Police and the State Department of Education.

NOTE: In situations where the county board of education is authorized to lease its buses or contract its transportation services, the buses used shall be operated by regularly employed certified school bus operators, employed by the county board of education, pursuant to West Virginia Code 18-5-13 (6a) & (7).

School bus operator certification is obtained by meeting the following criteria:

A. Age, experience, license, residency and training

1. Candidate must have had at least three (3) years of driving experience as a licensed operator of a motor vehicle.
2. The required training, written and driving tests may be taken while in

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possession of a valid commercial driver's instruction permit. However, a valid commercial driver's license is required for any person to operate any school bus to and from school or school related events. Non resident applicants must provide certified driving record from the state of residence and a ten year history of driving record.

The written and driving tests shall be administered by members of the Department of Education to all new public school bus operators prior to certification. A written test provided by the Department of Education and administered by the county transportation department will be required every other year thereafter. Any additional driving tests shall conform to applicable federal regulations.

3. Professional personnel who drive board owned, rented, or leased vehicles of less than 10 passenger capacity, who transport students must meet the certification requirements by satisfactory completion of the West Virginia School Bus Operator Training Program, provided, however, that training to physically operate Type B, C, and D school buses will not be required for this certification. Vehicles other than certified school buses designed to transport more than 10 persons including the driver shall not be used to transport students.
4. Each candidate for employment as a school bus operator must receive adequate training to fully understand and carry out all the duties and responsibilities of a school bus operator. Training shall include the "West Virginia School Bus Operator Instructional Program" and county policies, procedures, et cetera. Such instruction must be given by an instructor certified through the instructor training classes conducted by the State Office of School Transportation. Minimum bus operator training shall include:
 - a. thirty (30) hours of instruction from the "West Virginia School Bus Operator Instructional Program Manual."
 - b. sufficient "behind the wheel" instruction to assure the applicant's ability to handle the bus safely and efficiently, prior to appearing before a member of the Department of Education for the written and driving tests. A minimum of six hours shall be required.
 - c. first aid training: Each person operating a school bus transporting pupils shall hold at least a valid standard Red Cross first aid certificate or an EMT certificate, First Responder Course, MSHA certificate, or other first aid program including CPR approved by the State Director of

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School Transportation.

- d. special training for bus operators and/or aides transporting students with disabilities. (See VIII, B., 4., page 19)
- e. a record of training for each bus operator shall be maintained by the county transportation director.

B. Physical qualifications

1. Each school bus operator shall be free from communicable disease and strong enough physically to operate the bus with ease. This includes the capability of installing tire chains. In case of any physical disability resulting in the disqualification of a candidate that may be questioned by the candidate, or school bus operator, a final determination of eligibility shall be made by the Driver Licensing Medical Advisory Board of the Division of Motor Vehicles.

2. New applicants shall be able to perform the following job responsibilities:

- 1. Walking from driver's seat to the rear emergency door.
- 2. Putting up side window.
- 3. Open roof hatch and emergency door in rear or on side.
- 4. Observation of bus operator placing one snow chain on one rear wheel.
- 5. Raising the hood of a conventional school bus and checking the oil level and the antifreeze level.
- 6. Removing an obstruction from the windshield.
- 7. Cleaning the windshield.
- 8. Adjusting all outside mirrors.

3. Physical examination required

- a. To be given no earlier than the previous school year for which certification is applicable. A county board of education can, on the nomination and recommendation of the county superintendent of schools, employ a medical professional, physician, physician assistant, or nurse practitioner or retain the services of a physician as an independent contractor, or it can establish a clinic for the purpose of having its personnel and prospective personnel medically/physically examined. If an employee has some objection to being examined by the medical professional chosen by the board, then the employee can

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be examined by a medical professional of her/his choice and at her/his expense.

- b. Before initial certification, and annually each school bus operator must pass a physical examination.
 - c. The original physical examination shall determine eligibility except:
 - (1) in cases where vision or hearing is corrected by appropriate lenses and/or hearing aids.
 - (2) in the event school authorities in charge feel that the examination is inaccurate or questionable. In such case the applicant or bus operator may be required to take another physical examination by a physician or specialist designated by the county superintendent of schools.
 - d. The results of all physical examinations shall be recorded on the prescribed form, the original of which shall be forwarded to the State Director of School Transportation. A copy of the report of the physical examination will become a part of the bus operator's personnel record in the county office.
3. The physical examination report will determine the eligibility of any person as a school bus operator in relation to physical/medical history and/or condition.
- a. The prescribed form shall be completed and signed by a licensed physician, physician assistant, or nurse practitioner.
 - b. The physical examination report will include examinations for the following:
 - (1) Convulsive seizures - there shall be no established medical history or clinical diagnosis of convulsive seizures.
 - (2) Diabetes - 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.
 - (3) Extremities - no person suffering the loss or use of more than three (3) joints of either hand shall be qualified as a school bus

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operator.

There shall be no amputation of any part of the thumb of either hand, unless such amputation is confined to the tip of the thumb and does not interfere with the movement of the first joint.

Each bus operator shall have normal use of all extremities.

- (4) Hearing - hearing loss in the better ear shall not be greater than 40 decibels at 500 Hz, 1,000 Hz 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 be carrying a spare power source for use in the hearing aid.
- (5) Heart - there is no current clinical diagnosis of myocardial infraction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

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.

- (6) Hernia - An applicant with a hernia may be approved providing a well-fitting truss, as approved by the examining physician, is worn at all times while performing the duties of a school bus operator. Large hernias shall be surgically repaired prior to employment.
- (7) Mental and nervous condition - There is no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with the ability to operate a school bus safely.
- (8) Rheumatic, arthritic or other conditions - There is no established medical history or clinical diagnosis of rheumatic, arthritic,

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muscular, neuromuscular or vascular disease which interferes with the ability to safely control and operate a school bus.

- (9) Tuberculosis - All school personnel shall have a satisfactory tuberculin skin test, chest X-ray or physician's certification, at time of employment and once each two years of employment, or more frequently if medically indicated (see WV Code 16-3-4(a).
 - (10) Urinalysis - Shall be performed by the examining physician, or his laboratory technician, and the results recorded on the examination form.
 - (11) Vision - Both eyes 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) Field of vision shall be at least 75 degrees in the horizontal meridian of each eye.
 - (c) Applicant/operator must be able to identify the colors of traffic signals and devices showing standard red, green, amber and blue.
 - (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.
 - (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.
- 4. Upon written notice from the State Director of School Transportation that any employee, or applicant, has failed to qualify for certification, that person's assignment and performance of the duties of a school bus operator shall cease immediately.
 - 5. 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

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implementation of the Omnibus Transportation Employee Testing Act of 1991 (OTETA), 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 WV Department of Education 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 WV Department of Education will maintain the records for a period of two years.

X. SCHOOL BUS OPERATOR CERTIFICATION

A. Authority

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 regulations.....to govern the design and operation of all school buses....."

B. Procedures - All school bus operators, prior to being assigned duties of transporting pupils, and prior to the beginning of each school term, shall be certified by the State Superintendent of Schools as follows:

1. New applicants shall file a written application with the county superintendent of schools.
2. Upon anticipation of employment, the county transportation director shall submit the applicant's fingerprints to the WV State Police, with a request for a check of the applicant's criminal record, and request a driving license records check from the Division of Motor Vehicles.
3. Physical examination form
 - a. The applicant shall be provided a physical examination form, supplied by the Office of School Transportation, State Department of Education.
 - b. The results of the physical examination shall be recorded on the form by the examining physician, physician assistant, or nurse practitioner and returned to the county director of school transportation. The county director of school transportation shall retain a copy and provide the original to the State Director of School Transportation.

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4. The county transportation director shall provide training for new applicants and continuing bus operators:
 - a. New applicants shall receive the required pre-service training, page 15, item 4. (New applicant shall be a person not certified as a West Virginia school bus operator during the last three (3) years.)
 - b. All bus operators shall receive annual continuing education and refresher training as determined by the county service personnel staff development council. The annual minimum shall be 18 hours.
5. When the required classroom and behind the wheel training has been completed, in compliance with these regulations, the county director of transportation shall so certify, on the form provided by the State Office of School Transportation.

A copy will be given to the member(s) of the Department of Education administering the written and/or the behind the wheel test(s), at the time the applicant/employee is presented for test(s).

6. Applicants who are authorized to operate only board owned vehicles with a seating capacity of less than ten (10) passengers shall take the driving test in that type vehicle. In such case the bus operator's certificate will so indicate, by imprint. These persons may not be assigned to operate school buses without further training, testing, and certification pursuant to West Virginia Code 18-5-13.
 7. Upon passing the physical, written and behind the wheel tests, as required, a school bus operator's certificate will be issued by the State Superintendent of Schools.
- C. Handling accidents and emergencies - In the event of an accident or emergency while transporting pupils, the bus operator's first responsibility is for the care of the pupil passengers. Carrying out such responsibility requires the performance of specific duties or tasks. The sequence of procedures will vary with the nature and seriousness of the emergency. The tasks include, but are not limited to, the following:
1. Stop immediately.
 2. Turn off ignition.
 3. Apply parking brake securely.
 4. Activate 4-way hazard warning lights.

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5. Evacuate passengers to a safer place, if necessary.
6. Administer first aid to persons suffering injuries that need attention, most seriously injured first.
7. Protect passengers, accident scene, and approaching motorists from further damage or accident by properly placing appropriate traffic warning devices.
8. Extinguish any existing fire.
9. Report to county transportation director/maintenance center by two-way-radio or nearest available phone. Identify location and assistance needed. If radio or phone is not available, enlist aid of someone at the scene, or nearby, to convey the information as quickly as possible.
10. Collect information pertinent to the accident, including distance measurements from available reference points.
11. Report, on proper form(s), all details of the accident.
12. Each county shall establish procedures for handling situations in which the bus operator is incapacitated. These procedures shall be communicated to pupil passengers

D. Refusal or recall of certification

1. The State Superintendent of Schools may recall, refuse or suspend any school bus operator applicant/employee certification for any of the following reasons:
 - a. failure to meet the physical requirements.
 - b. failure to pass the written examination developed by the Department of Education.
 - c. failure to pass a driving test administered by the Department of Education.
 - d. failure to satisfactorily complete the "West Virginia School Bus Operator Instructional Program".
 - e. failure to satisfactorily complete the required first aid training.
 - f. has become physically unfit since the date of the physical examination governing the certification. If warranted, another physical examination may be required.
 - g. as an applicant, has (6) or more points on DMV driving record.

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- h. as an employee, has accumulated 10 or more points on DMV driving record at any given time.
- i. has been convicted of a felony.
- j. has been convicted 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.

Note: New federal regulations for commercial drivers will be the standard for determining maximum BAC/DUI limits.

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.

- k. has been convicted on a charge of being under the influence of alcohol in public, if upon recommendation of the County Board of Education. An applicant/employee who has been convicted, or clear and convincing evidence presented, such as a blood test, on a charge of being under the influence of drugs or narcotics shall not be certified to operate a school bus for at least one (1) year for a first offense subsequent to such conviction or clear and convincing evidence presented. For a second offense certification would be withdrawn and refused permanently.
- l. has been convicted on a charge of possession or sale of a controlled substance.
- m. has, with clear and convincing evidence, been an excessive user of alcohol, drugs, or narcotics.
- n. has been convicted of any sexual or child molestation charge, or has been shown by clear and convincing evidence to have sexually assaulted or sexually abused any person, or to have molested a child.
- o. has 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

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passengers, or other users of streets or highways.

2. The aforesaid violations, misconduct, etc., shall not necessarily be confined to the operation of a school bus.
3. In the suspension or recall of any school bus operator's certification, the employee's right to procedural due process will be protected.

If the State Superintendent receives information concerning any of the aforesaid violations, misconduct or grounds for administrative action which would justify such refusal, suspension or recall, the State Superintendent shall notify the school bus operator in writing that such action is pending. The school bus operator shall be advised of the grounds for the proposed refusal, suspension or recall. A hearing shall be held by the State Superintendent or his designee, upon request for such hearing in writing. Such request must be received by the State Superintendent no more than ten (10) school days after date of postmark for the notice. The hearing will be held upon not less than ten (10) days written notice, and the grounds must be proven by clear and convincing evidence. The school bus operator may be represented by an attorney. A record of the hearing shall be made by a court reporter and the bus operator may obtain a copy of the transcript.

The decision of the State Superintendent shall be final, unless the school bus operator files a petition for review in the Circuit Court of Kanawha County.

XI. HEALTH AND PHYSICAL FITNESS OF SCHOOL BUS OPERATOR DURING EMPLOYMENT PERIOD

- A. The safety of pupil passengers shall be deemed to have the highest priority in the planning and implementation of a school transportation program. School administrative personnel shall attempt to insure that school bus operators maintain a high state of physical fitness.
- B. Any person accepting employment as a school bus operator shall accept such position with the understanding that the responsibilities involved represent his/her primary role of employment, and that such employment shall not be limited, or interfered with, by any commitment as a result of any other employment.
- C. 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 off duty time, for proper rest, between the conclusion of the previous day's regularly

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scheduled afternoon run and the beginning of the next day's regularly scheduled morning run.

- D. A school transportation director shall not permit any person to operate a school bus who appears to be in a mentally and/or physically impaired condition.

XII. CURRICULAR AND EXTRACURRICULAR TRIPS

- A. 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 for approval. Procedure shall be as follows:

1. The county school transportation director shall receive a copy of the approved schedule far enough in advance to arrange safe and adequate transportation.
2. Schedules for approved trips shall not interfere with the regular transportation schedule.
3. Only bus operators employed by the county board of education shall operate type A1, A2, B, C, and D buses on such trips.
4. All school buses used for such trips as defined in Chapter 18, Article 5, Section 13, Subsection 6, of the West Virginia Code shall be covered by insurance as provided in Subsection 7 of the same Article.
5. Pupils transported in a school bus on such trips shall, in addition to the school bus operator, be supervised by at 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.

- B. Counties providing curricular and extracurricular transportation shall file, at the end of each month, a separate financial and statistical report for curricular and extracurricular trips. The reports shall be filed on forms provided by the State Director of School Transportation.

XIII. RECOMMENDED PRACTICES

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

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A. School bus maintenance center

1. Maintenance center equipment should include:
 - a. hoists, jacks, lifts and/or service pits to enable repair and servicing in a safe and efficient manner.
 - b. adequate diagnostic equipment to facilitate preventive adjustments and repairs.
 - c. the necessary tools for efficiency in performing the service.
 - d. an adequate place for washing buses, preferably inside.
 - e. adequate storage for stocking and identifying parts.
 - f. protective equipment.
2. Personnel/Staffing
 - a. 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:
 - (1) For a fleet of 9 buses, one full-time mechanic capable of competently handling all necessary service and rebuilding work.
 - (2) For a fleet of 10 to 18 buses, one full-time mechanic and one assistant capable of assisting with all repair work and taking responsibility for lubrication, tire repairs, etc.
 - (3) For a fleet of 19 or more buses, a competent mechanic for each additional 16 buses, assisted by one helper for each two mechanics as determined by the chief mechanic or county transportation director.
3. Job related training - Maintenance center personnel should be encouraged to:
 - a. participate in job related continuing education as approved by the county school service personnel staff development council. A minimum

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of 18 hours is required annually.

- b. participate in specific industry job related maintenance and repair workshops.
 - c. participate in state and regional job related workshops and seminars.
- B. Transportation to Alternative Education Sites - Buses transporting students to these sites should be equipped with the following:
- a. Cellular phone
 - b. Large mirror in rear of the bus
 - c. Video camera
 - d. Aide or another bus operator or staff member from the alternative school
 - e. Additional training
 - f. Strict adherence to the Safe Schools Act (18A-5-1 and 18A-5-1a)
- C. School Bus Safety Rodeo - The "School Bus Safety Rodeo" is an excellent means of developing and refining the vehicle handling skills necessary to safe operation. Since 1975 the West Virginia Department of Education has sponsored this annual event.

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

- 1. 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.
 - 2. all bus operators be given an opportunity to annually participate in a county and/or regional school bus safety rodeo.
 - 3. 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 rodeos.
 - 4. the county school administrators provide opportunity and encouragement for county school bus operators who win recognition in the state "School Bus Safety Rodeo" to compete in the national event.
- D. The following one-way transportation times are considered reasonable maximums for pupils transported to school:

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1. Early childhood (PK-4) thirty minutes.
2. Middle childhood/junior high (5-8) forty-five minutes.
3. Adolescent/high school (9-12) sixty minutes.

NOTE: These times are guidelines only and are not mandated.

E. Special Education

Buses used to transport students with disabilities should be equipped with cellular telephones.

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APPENDIX A SAFE DRIVER AWARDS

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

Superior safe driving skills of school bus operators can be encouraged by incentives established through the county boards of education.

NATIONAL SAFETY COUNCIL SAFE DRIVER AWARD

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

County boards of education have participated in this safety service since 1947. This Safe Driver Award Program has immeasurably contributed to the enviable safety record that has been maintained in school transportation. Because of the marked effectiveness of this program, the Board recommends that county boards of education continue to emphasize this program's objectives through concerted participation and a persistent effort to reach the ultimate level of effectiveness. The award provided with this safety program has come to be recognized by both fleet managers and vehicle operators as the yardstick for measuring the safe driving attitude and skill required for job success as a "professional motor vehicle operator".

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

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

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APPENDIX B

**WEST VIRGINIA LAWS
GOVERNING SCHOOL TRANSPORTATION SERVICES**

Chapter 18, Article 5, Section 13, Subsection 6, 7 and 8,
Code of West Virginia, as amended by Act of Legislature 1987.

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

(6) (a) To provide at public expense adequate means of transportation, including transportation across county lines, for all children of school age who live more than two miles distance from school by the nearest available road; to provide at public expense and according to such regulations as the board may establish, adequate means of transportation for school children participating in board-approved curricular and extracurricular activities; and to provide in addition thereto, at public expense, by rules and regulations and within the available revenues, transportation for those within two miles distance; to provide in addition thereto, at no cost to the board and according to rules and regulations established by the board, transportation for participants in projects operated, financed, sponsored or approved by the commission on aging: Provided, That all costs and expenses incident in any way to transportation for projects connected with the commission on aging shall be borne by such commission, or the local or county chapter thereof: Provided, however, That in all cases the school buses owned by the board of education shall be driven or operated only by drivers regularly employed by the board of education: Provided further, That the county board may provide, under rules established by the state board, for the certification of professional employees as drivers of board-owned vehicles with a seating capacity of less than ten passengers used for the transportation of pupils for school-sponsored activities other than transporting students between school and home: And provided further, That the use of such vehicles shall be limited to one for each school-sponsored activity: And provided further, That buses shall be used for extracurricular activities as herein provided only when the insurance provided for by this section shall have been effected;

(b) To enter into agreements with one another to provide, on a cooperative basis, adequate means of transportation across county lines for children of school age subject to the conditions and restrictions of subdivisions (6) and (8) of this section;

(7) To lease school buses operated only by drivers regularly employed by the board to public and private nonprofit organizations or private corporations to transport school-age children to and from camps or educational activities in accordance with rules and regulations established by the board. All costs and expenses incurred by or

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incidental to the transportation of such children shall be borne by the lessee;

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

Chapter 18A, Article 5, Section 1:

Authority of teachers and other school personnel; exclusion of pupils having infectious diseases; suspension or expulsion of disorderly pupils; authority of principals to administer corporal punishment.

The teacher shall stand in the place of the parent or guardian in exercising authority over the school, and shall have control of all pupils enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of pupils is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the children while they are in transit to and from the school.....

Chapter 16, Article 3, Section 4a:

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

All school personnel shall have an approved tuberculin skin test at time of employment and once every two years or more frequently if medically indicated. Positive reactors to the skin test are to be immediately referred to a physician for evaluation and indicated treatment or further studies. The county health officer shall be responsible for arranging proper follow-up of school personnel and students who are unable to obtain physician evaluation for a converted tuberculin skin test. School personnel found to have tuberculosis in a communicable stage shall have their employment discontinued or suspended until their disease has been arrested and is no longer communicable. School personnel who have not had the required examination will be suspended from employment until reports of examination are confirmed.

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WEST VIRGINIA LAWS GOVERNING OPERATION OF SCHOOL BUSES

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

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

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

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

Chapter 17B, Article 4, Section 3:

Driving while license suspended or revoked; driving while license revoked for driving under the influence of alcohol, controlled substances or drugs, or while having alcoholic concentration in the blood of ten hundredths of one percent or more, by weight, or for refusing to take secondary chemical test of blood alcohol contents.

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

(b) Any person who drives a motor vehicle on any public highway of this state at a time

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when his privilege to do so has been lawfully revoked for driving under the influence of alcohol, controlled substances or other drugs, or while having an alcoholic concentration in his blood of ten hundredths of one percent or more, by weight, or for refusing to take a secondary chemical test of blood alcohol content shall, for the first offense, be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the county jail for six months and in addition to such mandatory jail sentence, shall be fined not less than one hundred dollars nor more than five hundred dollars; for the second offense, such person shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period of one year and, in addition to such mandatory jail sentence, shall be fined not less than one thousand dollars nor more than three thousand dollars; for the third or any subsequent offense, such person shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for not less than one year nor more than three years, and, in addition to such mandatory jail sentence, shall be fined not less than three thousand dollars nor more than five thousand dollars.

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

Chapter 17B, Article 4, Section 4:
Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

Chapter 17C, Article 1, Section 7:
School bus.

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

Chapter 17C, Article 1, Section 35:
Street or highway.

"Street" or "highway" means the entire width between the boundary lines of every way

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publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Chapter 17C, Article 1, Section 37:
Roadway.

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

Chapter 17C, Article 1, Section 49:
Railroad sign or signal.

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

Chapter 17C, Article 1, Section 55:
School grounds.

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

Chapter 17C, Article 12, Section 3:
Certain vehicles must stop at all railroad grade crossings.

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

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

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signal directs traffic to proceed.

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

Chapter 17C, Article 12, Section 7:

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

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus flashing warning signal lights, as referred to in section eight of this article, and said driver shall not proceed until such school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. This section applies wherever the school bus is receiving or discharging children, including, but not limited to, any street, highway, parking lot, private road or driveway: Provided, that the driver of a vehicle upon a controlled access highway need not stop upon meeting or passing a school bus which is on a different roadway or adjacent to such highway and where pedestrians are not permitted to cross the roadway. Any such driver acting in violation of this subsection is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, or imprisoned in the county jail not more than six months, or both fined and imprisoned. If the identity of the driver cannot be ascertained, then any such owner or lessee of the vehicle in violation of this subsection is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars: Provided, however, that such conviction shall not subject such owner or lessee to further administrative or other penalties for said offense, notwithstanding other provisions of this code to the contrary.

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

Chapter 17C, Article 12, Section 8:

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Special lighting equipment on school buses.

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

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

Chapter 17C, Article 14, Section 12:
School bus regulations.

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

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

Chapter 17C, Article 15, Section 2:
When lighted lamps are required.

Every vehicle other than a motorcycle, motor-driven cycle or moped operated upon a highway within this state at any time from sunset to sunrise, or during fog, smoke, rain or

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other unfavorable atmospheric conditions, or at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. Every motorcycle, motor-driven cycle and moped shall display lighted head lamps at all times when upon the highway.

Chapter 17C, Article 15, Section 26, Subsection (e):
Special Restrictions on lamps.

(e) Notwithstanding the foregoing provisions of this section, any vehicle belonging to a county board of education may be equipped with a white flashing strobotron warning light. This strobe light may be installed on the roof of a school bus not to exceed one-third the body length forward from the rear of the roof edge. The light shall have a single clear lens emitting light three hundred sixty degrees around its vertical axis and may not extend above the roof more than six and one-half inches. A manual switch and a pilot light must be included to indicate the light is in operation.

It shall be unlawful for flashing warning lights of an unauthorized color to be installed or used on a vehicle other than as specified in this section, except that a police vehicle may be equipped with either or both blue or red warning lights.

Chapter 17C, Article 16, Section 1:
Vehicles not to operate without required equipment or in unsafe condition.

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

Chapter 17C, Article 16, Section 2:
Inspection by department of public safety.

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

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

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an official certificate of inspection and approval of such vehicle specifying those parts or equipment so inspected and approved.

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

Chapter 17C, Article 16, Section 3:

Owners and drivers to comply with inspection laws.

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

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

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

(d) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, but in every event an official certificate of inspection and approval must be obtained, otherwise such vehicle shall not be operated upon the highways of this State.

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

Chapter 17C, Article 16, Section 4:

Commissioner to require periodical inspection; acceptance of certificate of inspection

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from another state; suspension of registration of unsafe vehicles.

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

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

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

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

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

Chapter 17C, Article 16, Section 5:

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

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

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

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

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

Chapter 17C, Article 17, Section 4, Subsection b:
Height and length of vehicles and loads.

(b) A motor vehicle including any load thereon shall not exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumpers.

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

The lack of understanding or ignorance of any school law or motor vehicle law does not exonerate school transportation personnel from the blame for the infraction of same. It is therefore imperative that school transportation administrators and school bus operators become familiar with all laws pertinent to school transportation.

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APPENDIX C

Behavior	Action Taken By	Penalty	Process
<ol style="list-style-type: none"> 1. Disorderly conduct 2. Threatens, abuses, intimidates or attempts to intimidate a school employee or student 3. Willfully disobeys a school employee 4. Swears at a school employee 	<p>Bus Operator</p>	<p>Student may be excluded from the bus until the principal or his/her designee notifies the bus operator in writing what disciplinary action, if any, was taken</p>	<p>Conference with parent(s) or guardian(s)</p>
<ol style="list-style-type: none"> 1. Assault and battery on a school employee 2. Possession of a gun or other deadly weapon 3. Sold drugs on school property or school event 	<p>Principal shall suspend, superintendent shall recommend expulsion. Board shall expel the student.</p>	<p>Board may expel for 23 consecutive months. The superintendent may reduce the length of expulsion.</p>	<p>Principal holds an informal hearing. Board holds additional hearing.</p>
<ol style="list-style-type: none"> 1. Commits an act that would be a felony if an adult. 2. Possession of drugs on school property or school event. 	<p>Principal shall suspend. Superintendent may recommend expulsion. Board may expel the student.</p>	<p>Student may be expelled for a period not to exceed one school year.</p>	<p>Principal holds an informal hearing. Board may hold an additional hearing.</p>
<ol style="list-style-type: none"> 1. Threatens to injure or injures a pupil or school employee 2. Disobeys a bus driver or teacher. 3. Possesses alcohol on school bus, school grounds or school event. 4. Swears 5. Intentionally defaces school property. 6. Gets in a fight. 7. Repeatedly violates school rules or policies 	<p>Principal may suspend, superintendent may recommend expulsion. Board may expel the student.</p>	<p>Student may be expelled for a period not to exceed one school year.</p>	<p>Principal holds an informal hearing. Board may hold an additional hearing.</p>

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

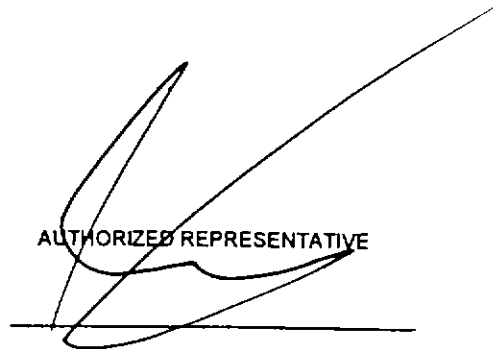
3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Assumptions:

No Cost To State.

DATE April 13, 1999 AGENCY Education

AUTHORIZED REPRESENTATIVE



**POLICY 4336: WEST VIRGINIA SCHOOL TRANSPORTATION REGULATIONS
COMMENT LOG**

JULY 15, 1999 - AUGUST 15, 1999

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

Date	Individual/Organization	Comments	Action/Type	Rationale
8/3/99	Lenore Zedosky, WVDE	Section VIII, B. 5, a. - "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 Policy 2422.7 - Standards for Basic and Specialized Health Care Procedures."	A	
8/5/99	Joe Tagliente, Boone County Schools	Section 10 Item 4.b. - I disagree with this. This should be the responsibility of the transportation director or transportation department. Many times members of the county service personnel staff development council are <u>not knowledgeable</u> of the transportation laws, regulations, and needs of the transportation personnel. Even if the council contains bus operators, they may not be aware of the training needs.	NA	
8/15/99	Kay Johnston, WVDE Special Education	Number 8 on page 8 is not in alignment with regard to Policy 2419: <u>Regulations for the Education of Exceptional Students</u> and the reauthorization of the Individuals with Disabilities Act (IDEA 97), as amended, Public Law 105-17. This section was written prior to the reauthorization of IDEA 97; therefore, this section must be rewritten.	A	

		<p>Appendix C is not in alignment with regard to Policy 2419. <u>Regulations for the Education of Exceptional Students</u> and the reauthorization of the Individuals with Disabilities Act (IDEA 97), as amended, Public Law 105-17. This section was written prior to the reauthorization of IDEA 97, therefore, this section must be rewritten. Note: Appendix C should not be in Policy 4336 but should be addressed through each county's policies and procedures.</p>		
		<p>A.2 on page 18. The time in transit for students with disabilities should <u>NOT</u> exceed thirty (30) additional minutes, regardless of the location of the program. To allow extended transportation time for children with disabilities may put districts at risk with the Office of Civil Rights. Additionally, this may cause a violation under Policy 2419 which guarantees an instructional day at least equivalent to that established for non-exceptional students of the same chronological age in the same setting. (Policy 2419 Section 9.1.3.e.O.)</p>		
8/15/99	Robin Bolling, WVDE Special Education	<p>Section VIII, page 18 A.2. Special transportation includes special equipment..... - assistance of aide (ELIMINATE "of aide" NOTE: Neither federal nor state special education regulations require personnel to be identified on IEPs and counties are being directed as such. Current complaint investigations and IEP training are providing this direction to counties.</p>	A	
		<p>A.3. REPLACE "students with disabilities" with "a student with a disability" NOTE: usage error involving the article "a" and subject-verb agreement</p>		

		<p>A.7. The public agency shall provide..... - assistance of an aide (ELIMINATE "of aide" NOTE: Neither federal nor state special education regulations require personnel to be identified on IEPs and counties are being directed as such. Current complaint investigations and IEP training are providing this direction to counties. REPLACE "a student with disabilities" with "a student with a disability" NOTE: Maintain consistency in language with Policy 2419; <i>Regulations for the Education of Exceptional Students</i>.</p>		
		<p>Page 19 - A.8 - The description of special transportation services.... REPLACE #8 in its entirety with: " The description of special transportation as a related service on the Student's IEP shall include: a. the type of special transportation services (i.e. special devices/equipment and/or special care needed for health and safety maintenance, assistance and/or medication in transit, including the location, extent/frequency and initiation and duration of these services. NOTE: All counties have been required to adopt the revised WV IEP form that reflects the new requirements of the Individuals with Disabilities Education Act Amendments of 1997 and revised Policy 2419. Each special education and related service must include the location, amount (extent/frequency) and initiation and duration of services. State and federal regulations do not require the bus stop location nor the parent's designee. In accordance with aligning the state regulations with the federal ones and therefore, not exceeding the federal requirements, this additional information should be eliminated from the student's IEP and recorded elsewhere in the student's file if necessary.</p>		

August 15, 1999

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AUG 16 1999

SCHOOL TRANSPORTATION
AND FACILITIES

Dear Wayne,

I am hoping that you will still consider my comments since the comment period ends today. I was not provided this info until recently and with other multiple deadlines, this was the best I could do. Please do not hesitate to contact me if you require additional clarification; I will be in the office all week.

Respectfully,

Robin K. Bolling
Assistant Director, OSE

VIII. Transportation of Students with Disabilities

p. 18

A.2. Special transportation includes special equipment....

- assistance of aide (ELIMINATE "of aide"

NOTE: Neither federal nor state special education regulations require personnel to be identified on IEPS and counties are being directed as such. Current complaint investigations and IEP training are providing this direction to counties.

A.3. REPLACE " students with disabilities" with " a student with a disability"

NOTE: usage error involving the article "a" and subject-verb agreement

A.7. The public agency shall provide...

- assistance of an aide (ELIMINATE "of aide"

NOTE: Neither federal nor state special education regulations require personnel to be identified on IEPS and counties are being directed as such. Current complaint investigations and IEP training are providing this direction to counties

- REPLACE " a student with disabilities" with " a student with a disability"

NOTE: Maintain consistency in language with Policy 2419: *Regulations for the Education of Exceptional Students.*

A. 8 The description of special transportation services...

- REPLACE #8 in its entirety with:

" The description of special transportation as a related service on the student's IEP shall include:

a. the type of special transportation services (i.e. special devices/equipment and/or special care needed for health and safety maintenance, assistance and/or medication in transit, including the location, extent/frequency and initiation and duration of these services.

NOTE: All counties have been required to adopt the revised WV IEP form that reflects the new requirements of The Individuals with Disabilities Education Act Amendments of 1997 and revised Policy 2419. Each special education and related service must include the location, amount (extent/frequency) and initiation and duration of services. State and federal regulations do not require the bus stop location nor the parent's designee. In accordance with aligning the state regulations with the federal ones and therefore, not exceeding the federal requirements, this additional information should be eliminated from the student's IEP and recorded elsewhere in the student's file if necessary.

WEST VIRGINIA DEPARTMENT OF EDUCATION

Dr. Henry R. Marockie, State Superintendent of Schools
Building 6, 1900 Kanawha Blvd. E., Charleston, West Virginia 25305-0330

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SCHOOL TRANSPORTATION
AND FACILITIES



MEMORANDUM

TO: Wayne Clutter, Director of Transportation

FROM: Kay Johnston, ^{KJ}Coordinator, OSE

DATE: August 12, 1999

RE: Policy 4336 - West Virginia School Transportation Regulations

The Office of Special Education (OSE) has concerns regarding Policy 4336. This policy is in direct conflict with Policy 2419: Regulations for the Education of Exceptional Students and the reauthorization of the Individuals with Disabilities Education Act (IDEA 97), as amended, Public Law 105-17, as it relates to children with disabilities.

Contradictions which must be addressed prior to this policy's adoption are:

- Number 8 on page 8 is not in alignment with regard to Policy 2419: Regulations for the Education of Exceptional Students and the reauthorization of the Individuals with Disabilities Education Act (IDEA 97), as amended, Public Law 105-17. This section was written prior to the reauthorization of IDEA 97; therefore, this section must be rewritten.
- Appendix C is not in alignment with regard to Policy 2419: Regulations for the Education of Exceptional Students and the reauthorization of the Individuals with Disabilities Act (IDEA 97), as amended, Public Law 105-17. This section was written prior to the reauthorization of IDEA 97; therefore, this section must be rewritten. **Note:** Appendix C should not be in Policy 4336 but should be addressed through each county's policies and procedures.
- A.2 on page 18. The time in transit for students with disabilities should **NOT** exceed thirty (30) additional minutes, regardless of the location of the program. To allow extended transportation time for children with disabilities may put districts at risk with the Office of Civil Rights. Additionally, this may cause a violation under Policy 2419 which guarantees an instructional day at least equivalent to that established for non-exceptional students of the same chronological age in the same setting. (Policy 2419 Section 9.1.3.e.O).

Memorandum
Page Two

As the representative of the OSE at the Transportation Conference in Canaan Valley, I informed Mr. Perry Bryant and the committee about the reauthorization of IDEA 97. However, Policy 4336 does not reflect the changes which have occurred. Please contact Dr. Bodkins or me so that we may resolve these contradictions.

KJ:dh
File:kj719

cc: Dr. Dee Bodkins, OSE
Frances Clark, Coordinator, OSE

interoffice
MEMORANDUM

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AUG - 3 1999
SCHOOL TRANSPORTATION
AND FACILITIES

To: Wayne Clutter

From: Lenore Zedosky *Lenore*

Subject: Comment on Proposed Policy 4336

Date: July 30, 1999

I think the following statement should be added on page 19. (?Section VIII, B. 5, a.)

“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 Policy 2422.7 - Standards for Basic and Specialized Health Care Procedures.”

BOB →
Lenore

Section VIII Special Transportation of Disabled Pupils from WVDE Regulations for the Education of Exceptional Students	<i>See attached suggested addition for pg 19 VIII.B.5</i>
Section IX Qualifications for Employment of School Bus Operators	
Section X School Bus Operator Certification	
Section XI Health and Physical Fitness of School Bus Operator During Employment Period	
Section XII Curricular and Extracurricular Trips	
Section XIII Recommended Practices	

Return before August 12, 1999 to:

Wayne Clutter, Executive Director
West Virginia Department of Education
Office of School Transportation and Facilities
1900 Kanawha Blvd, Bldg 6, Room 215
Charleston, WV 25305-0330
FAX: 304-558-8867
email - wclutter@access.k12.wv.us

COMMENT SHEET

**WEST VIRGINIA SCHOOL TRANSPORTATION REGULATIONS
(POLICY 4336)**

Directions: Please use this form when commenting on proposed Policy 4336. You may attach additional sheets if necessary.

NAME OR INDIVIDUAL/ORGANIZATION WVDE - Lenore Zedochy

ADDRESS _____

Section I Inspection and Maintenance of School Buses	
Section II Inspection of New Vehicles Following Delivery	
Section III Pre-Trip and Daily Inspection For Mechanical Defects And Safety Equipment	
Section IV Appearance and Cleanliness of School Buses	
Section V Maintenance of School Buses	
Section VI Authority and Responsibility of County School Personnel in Providing School Transportation Services	
Section VII Regulations for Pupils Transported in School Buses	

COMMENT SHEET

WEST VIRGINIA SCHOOL TRANSPORTATION REGULATIONS
(POLICY 4336)

RECEIVED

AUG - 5 1999

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SCHOOL TRANSPORTATION
AND FACILITIES

NAME OR INDIVIDUAL/ORGANIZATION JOE TAGLIENTE, ASSISTANT SUPERINTENDENT/
DIRECTOR OF TRANSPORTATION

ADDRESS BOONE COUNTY SCHOOLS 69 AVENUE B MADISON, WV 25130

Section I Inspection and Maintenance of School Buses	
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Comment on page 27, item 4.b.

I disagree with this. This should be the responsibility of the transportation director or transportation department. Many times members of the county service personnel staff development council are not knowledgeable of the transportation laws, regulations, and needs of the transportation personnel. Even if the council contains bus operators, they may not be aware of the training needs.