

(B) The school bus driver

The school bus driver shall have an understanding of the role of pupil transportation in the educational program and meet all the physical, mental and moral requirements established by federal rule, state laws and this chapter of the Administrative Code.

Qualifications shall include:

- (1) Be at least twenty-one years of age with a minimum of two years driving experience.
- (2) Being physically qualified pursuant to the requirements listed in rule [3301-83-07](#) of the Administrative Code.
- (3) Completion of semi-annual driver record checks through the Ohio department of education for which records shall be maintained by the employer and/or school district for a minimum of six years. School bus drivers with any of the following shall be disqualified from operating a school bus:
 - (a) More than six points during the past two years;
 - (b) A conviction of driving while under the influence of alcohol and/or a controlled substance during the past six years;
 - (c) Two (or more) serious traffic violations, as defined in divisions (D)(D)(1) to (D)(D)(7) of section [4506.01](#) of the Revised Code, during the past two years; or
 - (d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official.
 - (e) Nothing in paragraph (B) of this rule shall limit any district or employer from adopting more stringent qualifications.
- (4) Being licensed as a school bus operator.
- (5) Holding school bus driver certification by a city or exempted village superintendent or by a county educational service center or county board of developmental disabilities, head start program administrator, or non-public administrator.
- (6) Completing pre-service and inservice training as prescribed in rule [3301-83-10](#) of the Administrative Code.
- (7) Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.
- (8) Ability to cope with stressful situations.
- (9) Possessing or upgrading skills through formal and/or in-service training.
- (10) A satisfactory criminal background report in accordance with divisions (J) and (K) of section [3327.10](#) of the Revised Code. A new report shall be required every six years with driver re-certification pursuant to rule [3301-83-10](#) of the Administrative Code. Records shall be maintained by the employer and/or school district for a minimum of six years.

(11) A negative pre-employment drug test.

(12) Participation in drug and alcohol testing as mandated by the federal motor carrier safety administration (FMCSA) pursuant to 49 C.F.R. 382 (January 2007). Individuals who refuse to participate in testing are disqualified from operating a school bus.

3301-83-23 Employment of school transportation drivers with certain criminal convictions.

The purpose of this rule is to provide for the safety and well-being of students using pupil transportation services, and pursuant to sections [3327.10](#), [3319.39](#) and [3319.40](#) of the Revised Code, set employment eligibility and rehabilitation standards for those individuals with certain criminal convictions seeking employment as a school transportation driver and those individuals currently employed as school transportation drivers.

The rule establishes offenses for which employment and a determination of rehabilitation for a position as a school transportation driver are expressly forbidden and sets forth conditions under which a determination of rehabilitation is possible.

If a person who is employed by a school or school transportation provider is arrested, summoned, or indicted for an alleged violation of a listed offense, the superintendent of the school or chief executive officer of the transportation provider shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person.

(A) Definitions

(1) "Applicant" means one who is under final consideration for appointment or employment as a pupil transportation driver.

(2) "Criminal records check" has the same meaning as in section [109.572](#) of the Revised Code. For the purposes of this rule, "date of criminal records check" shall mean the date of receipt of the results of a background check requested by a district or employer, which shall be time-stamped by the district on the date of receipt by the district.

(3) "School" means a school district as described in section [3311.01](#) of the Revised Code, a municipal school district as described in section [3311.71](#) of the Revised Code, an educational service center, a community school, a county department of developmental disabilities, a chartered non-public school, or a preschool program.

(4) "Employee" means a current employee of a school district or employer as a school transportation driver who is subject to the requirements of a background check pursuant to section [3327.10](#) of the Revised Code.

(5) "Offense" for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, another state, or the United States that is substantially equivalent to one of the offenses referred to in this rule.

(6) "Non-rehabilitative offense" means a criminal offense that would prohibit an employer from hiring or continuing employment of such an individual, and are the following:

(a) Sexually-oriented offenses: section [2907.02\(rape\)](#), [2907.03](#) (sexual battery), [2907.04](#) (unlawful sexual conduct with a minor), [2907.05](#) (gross sexual imposition), [2907.06](#) (sexual imposition),

[2907.07\(importuning\)](#), [2907.21](#) (compelling prostitution), [2907.22](#) (promoting prostitution), [2907.23\(procuring\)](#), [2907.25](#) (prostitution; after positive HIV test), [2907.31](#) (disseminating matter harmful to juveniles), [2907.32](#) (pandering obscenity), [2907.321](#) (pandering obscenity involving a minor), [2907.322](#) (pandering sexually oriented matter involving a minor), or [2907.323](#) (illegal use of a minor in nudity-oriented material or performance) of the Revised Code or a violation of former section [2907.12](#) (felonious sexual penetration) of the Revised Code.

(b) Child-related violent offenses: section [2905.01\(kidnapping\)](#), [2905.02\(abduction\)](#), [2905.05](#) (criminal child enticement), or [2919.23](#) (interference of custody) of the Revised Code that would have been a violation of section [2905.04](#) (child stealing) of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, divisions (B)(1), (B)(2), (B)(3), or (B)(4) of section [2919.22](#) (endangering children) of the Revised Code.

(c) Violent offenses: section [2903.01](#) (aggravated murder), [2903.02\(murder\)](#), [2903.03](#) (voluntary manslaughter), [2903.04](#) (involuntary manslaughter), [2903.06](#) (vehicular manslaughter and assault), [2903.08](#) (vehicular manslaughter and assault), [2903.09](#) (vehicular manslaughter and assault), or [2909.24\(terrorism\)](#) of the Revised Code.

(d) "Other violence-related offenses," which mean a violation of the following sections that occurred either within twenty years prior to the date of the current application for a position as a school transportation driver or, for a current employee, within twenty years prior to the date of the current criminal records check: [2903.11](#) (felonious assault), [2903.12](#) (aggravated assault), [2911.01](#) (aggravated robbery), [2911.02\(robbery\)](#), [2911.11](#) (aggravated burglary), or [2923.161](#) (improper discharge firearm at or into habitation; school-related offenses) of the Revised Code; [3716.11](#) (placing harmful objects in food/confection), [2919.12](#) (unlawful abortion) of the Revised Code.

(e) "Drug offenses," which mean a violation of the following sections that occurred either within ten years prior to the date of the current application for a position as a school transportation driver or, for a current employee, within ten years prior to the date of the current criminal records check: section [2925.02](#) (corrupting another with drugs), [2925.03](#) (trafficking in drugs), [2925.04](#) (illegal manufacture of drugs or cultivation of marihuana), [2925.05](#) (funding of drug or marihuana trafficking), or [2925.06](#) (illegal administration or distribution of anabolic steroids) of the Revised Code.

(f) "Non-violent theft offense," which means a violation of section [2911.12\(burglary\)](#) of the Revised Code that occurred either within ten years prior to the date of the current application for a position as school transportation driver with the district or, for a current employee, within ten years prior to the date of the current criminal records check.

(g) "Major motor vehicle offenses," which means a violation of section [4511.19](#) (operating a motor vehicle under the influence), [4511.20](#) (reckless operation), [4510.11](#) (driving under suspension), [4510.14](#) (driving under OVI suspension), or [4511.194](#) (physical control while under the influence) of the Revised Code; that occurred either within six years prior to the date of the current application for a position as student transportation driver, or for a current employee, within six years prior to the date of the current records check.

(h) "Other offenses," which mean a violation of the following sections that occurred either within five years prior to the date of the current application for a position as school transportation driver, or for a current employee, within five years prior to the date of the current criminal records check: [2903.13\(assault\)](#), [2903.16](#) (failing to provide for a functionally impaired person), [2903.21](#) (aggravated menacing), [2903.34](#) (patient use or neglect), [2907.08\(voyeurism\)](#), [2907.09](#) (public indecency), division (A) of section [2919.22](#) (endangering children), [2919.24](#) (contributing to unruliness or delinquency of a child), [2919.25](#) (domestic violence), [2923.12](#) (carrying concealed weapons), [2923.13](#) (having weapons while under disability), or [2925.11](#) (possession of a controlled substance that is not a minor drug possession offense) of the Revised Code.

(i) "Other motor vehicle offenses," which means a violation of section [4511.75](#) (violation of school bus warning lights), [4511.21](#) (school zone speed limit) while operating a school vehicle, or [4511.62](#) (railroad crossing violation) of the Revised Code; that occurred either within one year prior to the date of the current application for a position as student transportation driver, or for a current employee, within one year prior to the date of the current records check.