



Laws, Rule, Policy what, how and why

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1



Road map

- Sources of regulation
- Federal laws and regulation
- State laws and rules
- Local policies
- Guidelines for district practices, protocols and procedures

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Regulatory Ladder

United States

- U.S. Code (laws)
- Code of Federal Regulations (rules)

Ohio

- Revised Code (laws)
- Administrative Code (rules)

School district

- Board Policy

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Federal regulator agencies

NHTSA

NTSB

FMCSA

- Responsible for equipment standards
- Regulate compliance
- Forward looking only
- Office of defect investigation and recalls

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FMVSS

- Federal Motor Vehicle Safety Standards
 - Promulgated through rule making
 - Typically, a 3-year process to change
 - Industry based
- School bus standards – the base line
 - Reference the mini-guide handout
- Compliance notes
 - Self certification until . . .

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FMCSA

- Federal Motor Carrier Safety Administration
 - Subset of DOT, as is NHTSA
- People standards
 - For us, CMV and CDL
 - 16 or more passengers
 - 26,001 or more pounds
- Some differences in definitions from NHTSA
 - Actual use as opposed to design use
 - Transport of an empty school bus . . .

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FMCSA

- Drug and Alcohol testing
- Clearinghouse
- Entry Level Driver Training (ELDT)
- Medical standards - DOT physicals for drivers of private carriers The T8 physical is based off DOT but different standards

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Drug and Alcohol testing

Required drug and alcohol tests:

- Pre-employment must have results back before performing safety sensitive job functions – DRIVING
- Random – 50% of the number of drivers for drug, 10% for alcohol
- Reasonable suspicion – impaired driver
- Post accident – conditions required

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Pre-employment

- Test should be performed after the driver acquires commercial learner's permit
- Testing violations reported in Clearinghouse and available now to current employer
- Employer must have negative test result before allowing the driver to operate a CMV
- Drivers removed from the random pool more than 30 days – pre-employment test

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Random Driver pulls

- List of drivers required to submit can be drawn weekly, monthly or quarterly but must not be predictable
- No time frame for employer to send driver other than the draw period
- Driver must proceed to collection site ASAP – Driver assignment – be paid

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Reasonable suspicion

- ONLY trained supervisors can direct a driver to be drug and/or alcohol tested whenever he or she exhibit signs of drug or alcohol use/abuse.
- The decision must be based on observations concerning the appearance, behavior, speech, or body odors of the driver.

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Post accident – conditions

- District can perform drug and alcohol testing under their DRUG FREE WORKPLACE policy
- DOT test must meet criteria
- Non-DOT test violations can NOT be entered in Clearinghouse
- Firsthand knowledge – reasonable test

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Mandatory post accident test

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must Be Performed by Employer
Human Fatality	YES	YES
Human Fatality	NO	YES
Bodily Injury with Immediate Medical Treatment away from the scene	YES	YES
Bodily Injury with Immediate Medical Treatment away from the scene	NO	NO
Disabling Damage to Any Motor Vehicle Requiring Tow Away	YES	YES
Disabling Damage to Any Motor Vehicle Requiring Tow Away	NO	NO

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Different applicability based upon use

- Required for all:
 - Licensing
 - Drug and Alcohol
 - Cell phones
 - Emergency equipment
- Exceptions
 - Physicals
 - Log books (working hours)

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The commerce question

- Exceptions only apply if we are not engaged in commerce
- Commerce can be intrastate and interstate
- Federal jurisdiction is interstate
- ODOT jurisdiction is intrastate

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NTSB

- National Transportation Safety Board
 - Investigate and research significant events
 - Focused on science and human action
 - Causality
 - Recommend changes
 - Communicate with all interested parties

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OHIO LAW AND RULES

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17



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18



ORC 4511.76

Vehicles

- (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

Operations

- (A) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

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ORC 4511.76

(C)

No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D)

The department of public safety shall adopt and enforce rules relating to the issuance of a license under section [4511.763](#) of the Revised Code. The rules may relate to the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

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20



School bus red lights

- 4511.75 4511.751
- School bus driver's duty to activate red lights and stop sign
- Stop locations – no 4 lane crossovers
- Motorists duty to stop
- Bus driver's duty to report violations
- Law enforcement duty to act

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Stopping after accidents

- 4549.02
 - After accident on a public road
 - Shall immediately stop and provide information to other party or police officer
- 4549.03
 - After accident involving property damage
 - Shall immediately stop and take reasonable steps to locate and notify property owner
 - If owner is not available, shall notify police department within 24 hours.

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Ohio Administrative Code

- ODE authority from ORC 3301.07
- Purpose: SAFETY!
 - to reduce and prevent death or injury to pupils, and to ensure uniform, economical and efficient transportation
- Scope:
 - All student transportation operations pursuant to 4511.76
 - Excludes parental transportation

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Service Levels (RC 3327.01)

- Types of students
 - Special Education – FAPE / IDEA
 - Regular Education
 - Public (traditional)
 - Community school (still public)
 - Chartered Nonpublic
 - STEM
 - JVS
 - Nonchartered/unapproved – (ODE : Type)
 - Open enrollment

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Special education basics

- Transportation service is based on federal law – you must provide what is identified in the individual education plan (IEP)
- Accommodations must be made where necessary to provide access to appropriate public education
- Transport to district's assignment

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Regular education basics

- Must provide service for:
 - Grades K-8, 2-mile residence eligibility
 - Provide for all resident student attending eligible schools
- May provide service for:
 - Smaller eligibility zone < 2 miles
 - High school students
 - Pre-school students
 - Students open enrolling into district

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Other regular requirements

- JVS/Career tech – must provide shuttle service from district HS - minimum
- STEM – gets the same as other students
- Open enrollment – intradistrict
- Open enrollment – between districts
- Alternative schools (disciplinary)

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Student release to other district

- Student releases: 3327.05
 - Applies when you transport another district's students
 - Consider contracts instead
 - Open enrollment issues
 - Parental request – regardless of eligibility
 - Obligation to respond to request must answer yes or no

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Personnel Qualifications

3301-83-06

All must understand area of employment

Background checks and driving history

Be 21 years old

Physically qualified

Complete required training

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Routine vs.. Non-Routine Use of School Buses

- **OAC 3301-83-16**
- Routine Use of School Buses
 - Home to School Routes
- Non-Routine Use of School Buses
 - Transportation of passengers other than home to school routes.
 - School buses may be used for non-routine trips only when such trips do not interfere with routine services.

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Non-Routine Use of School Buses

- Out-Of-State Trips
 - Permissible
 - The entire distance traveled outside Ohio on any trip cannot exceed 1,000 miles.
 - Calculation of mileage shall be the distance from the point of exit from the state to the point of entry to the state.

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Safety

- 3301-83-12 – safety procedures
 - Railroad crossings – 4511.62, 4511.63
 - Turnarounds – (C)
 - School loading and unloading zones (D)
 - General operations (E)

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Field trip briefing

- 3301-83-09
- Students participating in field trips must receive safety instruction before the trip starts
- Consider the sample briefing provided by ODE

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Emergency procedures

- OAC 3301-83-15: required emergency procedures
 - Accident procedures
 - vehicle, students, support services
 - Disability of driver
 - Inclement weather
 - Tornado policy
 - Emergency evacuation
 - 3 per year, scheduled, on school property
 - Front, rear, split
 - Supervised, but not by driver

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34



POLICIES

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LOCAL - Board policy

- Adopted by the board
- Can only be changed by a majority vote of the board present and voting
- Required to be followed and implemented in district
- Big picture – not specific to operations
- Delegates responsibilities to various administrators

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Important board policies

- Policies impacting personnel
 - Leaves and absences
 - FMLA
 - Drug testing BOTH Drug Free Workplace and Federal DOT testing requirements

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Important board policies

- Required regulations
 - Districts should reference their negotiated agreement when determining whether to keep or remove the permissive language in this regulation.
 - Policy is the “last word” on discipline practices unless CBA has negotiated managements rights away

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Important board policies

- Policies impacting transportation
 - School bus safety program
 - Drug testing for bus drivers
 - Student conduct on school buses
 - Student transportation services
 - Special use of school buses

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Important board policies

- The transportation program is under the direction of the transportation supervisor who is responsible to the Superintendent. The Board directs the Superintendent/designee to develop District-level practices and procedures for the safe and efficient operation of student transportation services.

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Important board policies

- Students
 - Eligibility for bus service
 - Authorizes staff responsible for administering the student transportation program to require student identification as a prerequisite to riding a school bus
 - School bus safety programs K-3 and 4-12
 - Impractical determinations
 - Can't charge fees for transportation

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Directive clause...

“The Board directs the Superintendent/designee to develop **District-level policies and procedures** for the safe and efficient operation of student transportation services.”

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Bullying

- **Bullying** – (HIB=harassment, intimidation, and bullying)
 - 12/30/2007, district policy required
 - Driver training required (rule 10)
- **Must be reported**

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43



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44