Business and Non-Instructional Operation **AG 3542**

SCHOOL BUS DRIVERS

Qualifications

All drivers employed to operate school buses or student activity buses shall possess, and shall retain in their immediate possession while operating the bus, the following documents: (Vehicle Code 12517, 12517.4)

1. A valid driver's license issued by the California Department of Motor Vehicles (DMV) for the appropriate class of vehicle to be driven and endorsed for school bus and/or passenger transportation

2. A certificate issued by the California Highway Patrol (CHP) which permits the operation of school buses or student activity buses, as applicable

The Superintendent or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an initial certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

When initially applying for or renewing a license or certificate to drive a school bus or student activity bus, and annually upon reaching age 65 years, the driver shall submit to the DMV and to the Superintendent or designee a report of a medical examination conducted in accordance with the timelines and procedures specified in Vehicle Code 12517.2. (Vehicle Code 12517.2; 13 CCR 1234)

The Superintendent or designee shall notify each driver of the expiration date of his/her driver's license, certificate, and medical certificate and shall ensure each document is renewed prior to expiration. (13 CCR 1234)

School bus and student activity bus drivers shall be subject to drug and alcohol testing in accordance with Board policy and the requirements of federal law.

The Superintendent or designee shall notify the DMV within five days whenever any driver refuses, fails to comply, or receives a positive test result on a drug or alcohol test; is dismissed for a cause related to student transportation safety; or is reinstated after being dismissed for a cause related to student transportation safety. (Vehicle Code 1808.8, 13376)

Training

In addition to any other training required to obtain or renew the certificate authorizing operation of a school bus or student activity bus, drivers shall receive training which includes, but is not limited to:

1. First aid practices deemed necessary for school bus drivers, through a course of instruction that prepares drivers to pass the related DMV examination (Vehicle Code 12522)

2. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

3. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)

To determine any other needs for professional development, the Superintendent or designee may periodically review accident reports involving district drivers and may seek input from drivers, district and school administrators, students, and/or other stakeholders on desired topics for professional development.

Authority

Students transported in a school bus or student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway, or road. (5 CCR 14103)

The driver shall have the authority to discontinue the operation of a school bus or student activity bus whenever he/she determines that it is unsafe to continue.

This regulation and AR 5131.1 - Bus Conduct shall be made available to parents/guardians, students, teachers, and other interested parties. (5 CCR 14103)

Responsibilities

The driver's primary responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in district plans and regulations pertaining to transportation safety.

The driver shall stop to load or unload students only at school bus stops designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

The driver shall activate the amber warning light system, flashing red signal lights, and stop arm signal and shall escort students in accordance with Vehicle Code 22112.

The driver shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

The driver shall not drive a school bus or student activity bus while using a wireless telephone or using a wireless communications device for text-based communication, except when otherwise authorized by law and AR 3543 - Transportation Safety and Emergencies.

The driver shall report the following to the Superintendent or designee:

1. The condition of the bus at the completion of each work day (13 CCR 1215)

2. His/her duty status for each 24-hour period, including, but not limited to, the number of hours on and off duty (13 CCR 1213)

3. Any traffic accident involving the bus (13 CCR 1219)
   In addition to notifying the Superintendent or designee, the driver shall immediately notify the CHP of any traffic accident and, if the bus is operated under contract, his/her employer. (13 CCR 1219)

4. Traffic violations

5. Consistently late school dismissals which cause transportation delays

6. Overload runs

7. Recurring and serious student misbehavior

8. Parent/guardian and student complaints

Vehicle Idling

The driver of a school bus or student activity bus shall: (13 CCR 2480)

1. Turn off the bus engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart

2. Not cause or allow the bus to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour

However, vehicle idling may be allowed under limited conditions, including, but not limited to, occasions when idling is necessary to: (13 CCR 2480)

1. Stop for an official traffic control signal or device, for traffic conditions under which the driver has no control, or at the direction of law enforcement

2. Ascertain that the bus is in safe operating condition and properly equipped

3. Operate equipment designed to safely load, unload, or transport students with disabilities

4. Operate a heater, air conditioner, defroster, or other equipment as necessary to ensure the safety or health of passengers

5. Cool down a turbo-charged diesel engine before turning off the engine

6. Recharge a battery or other energy storage unit of a hybrid electric bus or vehicle

The Superintendent or designee shall notify all drivers, upon employment and at least once per year thereafter, of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Superintendent or designee shall retain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

Reports

The Superintendent or designee shall retain records of: (13 CCR 1234)

1. Each driver's duty status and supporting documents provided pursuant to 13 CCR 1201 and 1213. Such records shall be retained for six months and made available to the CHP upon request.
2. The different types of vehicles and vehicle combinations each driver has demonstrated capability to operate.
3. Records of each driver's license, certificate, medical certificate, first aid certificate, and training as specified in 13 CCR 1234.
4. Daily vehicle inspection reports prepared by drivers pursuant to 13 CCR 1215.

Legal Reference:
EDUCATION CODE
39800.5 Qualifications of driver of 15-passenger van
39830-39842 School buses
40080-40090.5 Training required to obtain or renew bus driver certificate
45125.1 Criminal background checks for contractors
56195.8 Training in installation of mobile seating devices
HEALTH AND SAFETY CODE
39640-39642 Vehicle idling, penalties
PENAL CODE
241.3 Assault against school bus driver
243.3 Battery against school bus driver
VEHICLE CODE
415 Definition of motor vehicle
545 Definition of school bus
546 Definition of student activity bus
1808.8 Dismissal for safety-related cause
2570-2574 Contracts with private school bus contractors
12516-12517.4 Certification requirements
12522 First aid training for school bus drivers
13370-13371 Suspension or revocation of bus driver certificate
13376 Driver certificates; revocation or suspension; sex offense prosecution
22112 School bus signals; roadway crossings
23123-23125 Prohibitions against use of wireless telephone and text communications while driving; exceptions
25257-25257.7 School bus equipment
34501.6 School buses; reduced visibility
CODE OF REGULATIONS, TITLE 5
14103 Authority of the driver
14104 School bus driver instructor
CODE OF REGULATIONS, TITLE 13
1200-1202.2 Motor carrier safety
1212-1228 School bus driver requirements
1234 Reports regarding school buses and bus drivers
2480 Vehicle idling
CODE OF FEDERAL REGULATIONS, TITLE 49
40.1-40.413 Transportation drug and alcohol testing programs
382.101-382.605 Controlled substance and alcohol use and testing
571.222 Federal motor vehicle safety standard #222

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