

OHIO PUPIL TRANSPORTATION

Operation  
and Safety  
Rules 

 **Ohio** | Department  
of Education

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Pupil Transportation Operation and  
Safety Rules – July 2012

OHIO DEPARTMENT OF EDUCATION

OHIO PUPIL TRANSPORTATION OPERATION AND SAFETY RULES

**Table of Contents**

3301-83-03 Purpose .....	1
3301-83-04 Scope and definition .....	1
3301-83-05 Administration .....	1
3301-83-06 Personnel qualifications .....	2
3301-83-07 School transportation driver physical qualifications rule .....	7
3301-83-08 Pupil transportation management policies .....	17
3301-83-09 Pupil instruction .....	19
3301-83-10 Personnel training program .....	20
3301-83-11 School bus inspections .....	26
3301-83-12 Safety procedures .....	30
3301-83-13 School bus routes and stops .....	32
3301-83-14 Records and reports .....	34
3301-83-15 Emergency and evacuation procedures .....	36
3301-83-16 Non-routine use of school buses .....	38
3301-83-17 Authorized and unauthorized passengers .....	41
3301-83-18 Passenger capacity .....	43
3301-83-19 Authorized vehicles for transportation of pupils to and from school and school-related events .....	43
3301-83-20 General rules .....	46
3301-83-21 Supplementary provisions for county boards of mental retardation and developmental disabilities .....	48
3301-83-22 Vehicle maintenance .....	49
3301-83-23 Employment of school bus and school van drivers with certain criminal convictions. ....	50

3301-51-10 Transportation of children with disabilities ..... 55

**Laws**

§ 3327.01 Transportation of pupils ..... 59

§ 3327.02 Resolution declaring impracticality of transportation -  
offer of payment in lieu of transportation ..... 60

§ 3327.10 Qualifications of drivers ..... 63

§ 4511.01 (F) Traffic laws - operation of motor vehicles definitions ..... 67

§ 4511.75 Stopping for stopped school bus ..... 68

§ 4511.76 Administrative rules for school bus construction, design,  
equipment, operation and licensing ..... 70

§ 4511.761 School bus inspections ..... 71

§ 4511.62 Stopping at railroad grade crossings ..... 71

§ 4511.63 Stopping at grade crossings ..... 72

**Standards for Employment of School Bus and School  
Van Drivers with Criminal Charges and Convictions**

Disclaimer ..... 75

Raising the ethical standards in Ohio ..... 75

Standards used for different roles in pupil transportation ..... 77

Criminal background checks for bus and van drivers ..... 77

Requirements for when to complete background checks ..... 78

List of disqualifying offenses ..... 78

Eligibility for re-employment ..... 81

R.C. 3319.39 Criminal Records Check ..... 81

R.C. 3319.40 Suspension of employee pending criminal actions ..... 85

## Other Related Rules

3301-83-01 Calculation of pupil transportation operation payments . . . . . 87

## Position Papers

Guidelines regarding the safe transportation of oxygen on a school bus . .	92
School bus driver recertification . . . . .	94
Use of preservice temporary certificates . . . . .	97
Guidelines for determining driver-designated place of safety . . . . .	99
Clarification on school transportation driver physicals blood pressure requirements . . . . .	100
Clarification on child safety seat requirements with respect to school bus . . . . .	101
Transportation services for nonpublic and community school students . .	107
Recommendations for nonroutine bus trip instructions for passengers . .	110

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### **3301-83-03 Purpose.**

The purpose of Chapter 3301-83 of the Administrative Code is to reduce and prevent, to the greatest extent possible, death or injury to pupils and to ensure uniform, economical and efficient pupil transportation operations.

HISTORY: Eff 3-31-75; 8-1-80; 10-22-84; 10-5-98

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 4511.76

Rule amplifies: RC 4511.76

119.032 REVIEW DATE: 10/20/2000

### **3301-83-04 Scope and definition.**

The rules in this chapter are designed to establish minimum requirements for a safe pupil transportation program, including management, general operation, maintenance of school buses and other transportation vehicles, training of personnel, pupil management, driver qualifications and emergency procedures.

The rules in this chapter shall apply to all student transportation operations pursuant to section 4511.76 of the Revised Code.

As contained in this chapter, “school bus owner” means the board of education of a city, local or exempted village school district, the governing board of an educational service center, county boards of mental retardation and developmental disabilities, and the governing authority of all non-public schools, community schools, private contractors and head start programs.

The rules in this chapter shall not apply to parental transportation that is provided outside the authority of a school or education program, or by any parent for their own children.

### **3301-83-05 Administration.**

Responsibility for administration of pupil transportation operation and safety rules

- (A) The state agencies responsible for pupil transportation may assist in pupil transportation operation and safety by providing:
- (1) Leadership;
  - (2) Management;
  - (3) Safety programs;
  - (4) Training programs.

- (B) The state agencies responsible for pupil transportation shall assist in pupil transportation operation and safety by providing:
- (1) Disbursement of state funding;
  - (2) Standards for school bus construction;
  - (3) Rules for pupil transportation operations;
  - (4) Forms and reports.
- (C) All school bus owners may designate a transportation director/supervisor to administer the transportation program and shall be responsible for the management and supervision of:
- (1) Personnel;
  - (2) Safety;
  - (3) Training;
  - (4) Operations;
  - (5) Maintenance.

HISTORY: Eff 10-22-84; 7-1-91; 10-5-98

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 4511.76

Rule amplifies: RC 4511.76, 3327.01

119.032 REVIEW DATE: 10/20/2000

### **3301-83-06 Personnel qualifications.**

(A) **The transportation director/supervisor**

The pupil transportation director/supervisor shall have an understanding of the educational process and the role of transportation in this process.

Qualifications shall include:

- (1) A satisfactory driving record as verified through checks made by the employing agency.
- (2) A satisfactory work history as verified through professional references.
- (3) A satisfactory criminal background report in accordance with divisions (J) and(K) of section 3327.10 of the Revised Code.
- (4) Post-high school education or work experience in education, business administration, management or transportation as



determined by the school bus owner.

- (5) The ability to work with a broad range of individuals and organizations.
- (6) The ability to manage personnel and resources to achieve a desired objective.
- (7) Annual participation in a minimum of four hours of inservice, in school transportation-related training.
- (8) Completion of the classroom portion of the Ohio preservice driver training program at least once every six years pursuant to paragraph (A)(2) of rule 3301-83-10 of the Administrative Code.

Newly assigned administrators shall complete the classroom portion of the Ohio preservice driver training program within one year of their appointment to the position and are encouraged to obtain training or assistance from another knowledgeable source within thirty days of their appointment.

**(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 inservice 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.

**(C) Maintenance personnel**

Personnel employed for vehicle maintenance duties shall be qualified to perform quality preventive and regular maintenance programs and shall understand the relationship of vehicle maintenance to a safe pupil transportation program.

Qualifications as determined by the employer shall include:

- (1) Work history;
- (2) Education and training;
- (3) Inservice attendance;
- (4) Testing;
- (5) On-the-job performance evaluations.
- (6) Individuals who may be required to operate a school bus with

pupils on board shall meet all requirements for a school bus driver as listed in paragraph (B) of this rule.

**(D) Bus aides**

Qualifications shall include:

- (1) Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.
- (2) Ability to cope with stressful situations as related to preschool and special needs children.
- (3) Possessing or upgrading skills through formal and/or inservice training related to transportation of preschool and special needs children.
- (4) 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 and the standard for evaluation of this report shall be as provided for in rule 3301-20-01 of the Administrative Code. Records shall be maintained by the employer and/or school district for a minimum of six years.
- (5) A negative pre-employment drug test.

**(E) On-the-bus instructors**

Qualifications shall include:

- (1) Meeting the requirements of rule 3301-83-10 of the Administrative Code inclusive, relating to on-the-bus instructor training.
- (2) Meeting all the requirements of school bus driver as listed in paragraph (B) of this rule.
- (3) Skills necessary to plan and organize instruction.
- (4) Ability to communicate effectively.
- (5) Capability of coordinating instruction for preschool and special needs transportation.
- (6) Be currently employed in a role that includes school bus driving duties and be listed as an active driver by the Ohio department of education.
- (7) Shall pass a driving and pre-trip skills evaluation at least once every six years with a state pre-service instructor.
- (8) Shall be sponsored by a school transportation provider or preservice instructor.

**(F) Drivers of vehicles other than school buses utilized for pupil transportation.**

Qualifications shall include:

- (1) Be at least twenty-one with a minimum of two years driving experience.
- (2) 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. Drivers with any of the following shall be disqualified from operating a vehicle:
  - (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 this rule shall limit any district or employer from adopting more stringent qualifications.
- (3) Holding a valid driver's license.
- (4) Proof of financial responsibility or insured by the school transportation provider.
- (5) 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 Revised Code and the standard for evaluation of this report shall be as provided for in rule 3301-83-23 of the Administrative Code. Records shall be maintained by the employer and/or school district for a minimum of six years.
- (6) Must be physically qualified as determined by rule 3301-83-07 of the Administrative Code.
- (7) Complete preservice training requirements as follows:
  - (a) A four hour minimum Ohio preservice driver curriculum or other course only as approved in advance by the pupil transportation office of the Ohio department of education.
  - (b) A driving performance evaluation and review.
  - (c) Submit evidence of training to the Ohio department

of education.

- (d) Have a certificate of acknowledgement of van driver training as issued by the Ohio department of education..
- (e) A current school bus driver certificate shall be considered satisfactory in fulfilling these requirements.
- (8) Complete two hours of annual inservice training as approved by the school district transportation department.
- (9) The certificate of any person who has not completed the required annual inservice shall be revoked. That person must then successfully complete all of the certification requirements as listed in this rule.

### **3301-83-07 School transportation driver physical qualifications rule.**

- (A) A person who meets the physical qualifications set forth in this rule as certified by a proper medical authority may be authorized to operate a school bus, as defined by division (F) of section 4511.01 of the Revised Code, or a school van as defined in paragraph (C) of rule 3301-83-19 of the Administrative Code, for the purpose of transporting pupils.
- (B) One or more of the following will be appointed annually by all school bus owners to conduct the examinations in compliance with this rule:
  - (1) A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery or osteopathic medicine and surgery;
  - (2) Physician assistant;
  - (3) Certified nurse practitioner;
  - (4) Clinical nurse specialist; or
  - (5) Certified nurse-midwife.
- (C) Physical examination time schedule.
  - (1) School bus driver medical examinations will be scheduled after May first and must be accomplished before drivers will be qualified to operate a school bus with passengers on board for the next school year.
  - (2) Persons employed as new drivers before January first must meet the physical qualifications as defined in paragraph (D) of this rule prior to operating a school bus with passengers on board and be

re-examined if re-employed as a school bus driver for the next school year.

- (3) Persons employed as new drivers on or after January first must be examined prior to operating a school bus with passengers on board and the examination will remain valid throughout the following school year. Re-examination will be required if the driver is to be employed as a school bus driver for the second complete school year.
- (D) A person may be certified by the appointed examiner as physically qualified to operate a school bus if the person:
- (1) Has no loss of a foot, a leg, a hand, fingers, or an arm. Upon request to the department of education, a driver applicant missing a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the person's ability to control and safely operate a school bus and satisfactorily perform other related duties. Individuals who are granted a missing limb waiver must be reevaluated prior to applying for a new T-9 certificate;
  - (2) Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation which is likely to interfere with a person's ability to control and safely operate a school bus. Upon request to the Ohio department of education, a driver applicant missing a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the person's ability to control and safely operate a school bus and satisfactorily perform other related duties. Individuals who are granted a missing limb waiver must be reevaluated prior to applying for a new T-9 certificate;
  - (3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. Drivers who are insulin dependent shall be failed on this item, and shall be required to obtain a waiver from the Ohio department of education as detailed in part (F) of this rule;
  - (4) Annual urinalysis screening for glucose is required. If glucosuria is detected, a statement regarding the potential condition of diabetes mellitus and any required treatment is to be attached;
  - (5) Has no current clinical diagnosis of myocardial infarction, 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. A person with a history of cardiovascular surgery or abnormality shall be given a more stringent examination (example: stress testing, holter

- monitoring, angiography or other examinations) to determine whether or not the surgery or abnormality is likely to impair a person's ability to control, inspect, and safely operate a school bus. If it is determined that the surgery or abnormality is not likely to impair the ability, the examining physician will provide certification to that effect with the examination report;
- (6) Has no history of transient ischemic attack (TIA), carotid insufficiency, cerebral vascular accidents (stroke) or other vascular abnormalities which are unstable or uncontrolled and/or likely to interfere with a person's ability to control and safely operate a school bus;
  - (7) Has no established medical history or clinical diagnosis of respiratory dysfunction likely to interfere with a person's ability to control and safely operate a school bus;
  - (8) Has blood pressure not higher than 160/90 mmHg. If the blood pressure is greater than 160/90 mmHg, a medical certificate must be attached referencing the hypertension. Said medical certificate must establish the nature of the treatment, that the blood pressure is now controlled at or below 160/90 mmHg, with treatment documented, and that the hypertension and treatment are not likely to interfere with a person's ability to control and safely operate a school bus. If initial blood pressure systolic is 161-180 and/or diastolic is 91-104, a non-renewable temporary certificate may be issued for up to ninety days pending control of blood pressure at or below 160/90 mmHg. In all cases where blood pressure is initially greater than 160/90 mmHg, a six month follow-up certificate must be furnished by the drivers treating physician stating the blood pressure remains at or below 160/90 mmHg and under good control;
  - (9) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, or neuromuscular, disease which is likely to interfere with a person's ability to control and safely operate a school bus;
  - (10) Has no established medical history or clinical diagnosis of epilepsy or any other seizure disorder and has no other condition which is likely to cause loss of consciousness or any loss of a person's ability to control and safely operate a school bus;
  - (11) Has no mental, emotional, nervous, organic, or functional disease or psychiatric disorder which is likely to interfere with a person's ability to control and safely operate a school bus;
  - (12) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without

corrective lenses, field of vision of at least seventy degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. Persons may use corrective lenses to attain these standards;

- (13) Screening audiometer test does not indicate an average hearing loss in the better ear greater than forty decibels at five hundred Hz, one thousand Hz, and two thousand Hz with or without a hearing aid when the audiometric device is calibrated to “American National Standard” (formerly ASA standard) Z24.5. (Hearing in at least one ear must meet the preceding criteria);
- (14) Has no current clinical evidence or clinical record of use of illegal substances and has no current clinical evidence or clinical record of use of legally prescribed medication which is likely to interfere with a person’s ability to control and safely operate a school bus;
- (15) Has no recent history of alcohol abuse and has no current clinical diagnosis of alcoholism;
- (16) Has no neurologic deficit that would impair a person’s ability to control and safely operate a school bus;
- (17) Does not show clinical evidence of active pulmonary tuberculosis or other communicable diseases; and
- (18) Has speech capabilities to give clear and understandable directions or commands.

(E) Administration

- (1) School bus drivers who have experienced a prolonged period of absence due to illness or injury or who have a significant change in their state of health may be required by the school bus owner to be re-examined in accordance with this rule.
- (2) Currently employed school bus drivers disqualified by the appointed examining physician shall be notified by the school bus owner within fifteen days following receipt of the examination report. Currently employed school bus drivers desiring to appeal a disqualification shall file the appeal in writing within fifteen days with the school bus owner.
- (3) Upon receipt of an appeal, the school bus owner shall arrange for a medical re-examination. The re-examination may be conducted by a public health board or private physician. The re-examining physician shall not be the physician administering the original examination.
- (4) All re-examinations shall be based on the school bus driver physical qualifications rule and shall be final.



- (5) Physical qualification examination reports shall contain a release authorization to be signed by the examinee for purposes of evaluation by constituted authorities.
- (6) Costs for examinations required to the extent of compliance with this rule shall be the responsibility of the school bus owner.
- (7) Physical examination reports for persons certified by the examining physicians as meeting this rule shall be retained for a period of six years by the school bus owner. The employing school bus owner shall file the appropriate copy of the examination report with the department of education within thirty days following the examination.

(F) Insulin Dependent Waivers

The Ohio Department of Education may grant waivers to insulin using individuals under the following conditions:

- (1) The individual has not had a previously issued insulin waiver revoked or lapsed;
- (2) The individual completes an insulin dependent waiver packet and submits that to the Ohio department of education's pupil transportation office;
- (3) The individual has passed all other requirements of the Ohio school transportation vehicle physical;
- (4) The individual possesses a currently valid operator's driver license;

The individual has had a driving record for a three-year period immediately preceding the date of application that

- (a) Contains no suspensions or revocations of their drivers' licenses for the operation of any motor vehicle, including their personal vehicle except for suspensions or revocations due to nonpayment of fines;
  - (b) Contains no involvement in a reportable accident in any vehicle with an associated citation for a moving traffic violation; and
  - (c) Contains no involvement in more than one serious traffic violation in any vehicle as defined in divisions (D)(D)(1) to (D)(D)(7) of section 4506.01 of the Revised Code.
- (5) Medical requirements for application
    - (a) The individual has provided a licensed endocrinologist with a complete medical history including, but not limited to, the

date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, special studies pertaining to the diabetes, and follow-up reports and reports of any hypoglycemic insulin reactions within the last three years;

- (b) The individual has been examined by a licensed endocrinologist and a complete medical evaluation concerning their medical history and current status has been made, including, at a minimum, the following:
  - (i) Fasting blood studies (glucose, glycosylated hemoglobin/Hb A1c, including lab reference range) and urinalysis performed during the last six months; and
  - (ii) A detailed report of insulin dosages and types, diet utilized for control and any significant factors such as smoking, alcohol use, and other medications or drugs taken.
- (c) The individual submits a signed statement prepared by the examining endocrinologist whose license status is indicated. The signed statement must include separate declarations indicating the following medical determinations:
  - (i) That the endocrinologist is familiar with the applicant's medical history for the past three years either through actual treatment over that time or through consultation with a physician who has treated the applicant during that time;
  - (ii) That the applicant has been using insulin to control his/her diabetes on the date of the application;
  - (iii) That the applicant does not have severe hypoglycemia or episodes of altered consciousness requiring the assistance of another person to regain control;
  - (iv) The applicant does not have hypoglycemia unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat and light-headedness;
  - (v) That, within the past three years, the applicant has not had a hypoglycemic reaction at any time, that resulted in any change in mental status that would have been, in the endocrinologist's opinion, detrimental to safe driving;
  - (vi) That the applicant's diabetic condition will not adversely affect his/her ability to operate a school bus

or a school van;

(vii) That the applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures which must be followed to monitor and manage his/her diabetes and what procedures should be followed if complications arise; and

(viii) That the applicant has the ability and has demonstrated willingness to properly monitor and manage his/her diabetes.

- (d) The individual submits a separate statement from an examining ophthalmologist that the applicant has been examined and that the applicant does not have unstable proliferative diabetic retinopathy or unstable advancing disease of blood vessels in the retina and has stable visual acuity (at least 20/40 (Snellen) in each eye separately, with or without corrective lenses.

- (6) Requirements of driver to maintain a valid waiver.

Special conditions must be met for any waiver to an insulin-using diabetic driver to remain valid. Each driver shall comply with the following requirements:

- (a) Carry, use, and record, in a log, the readings from a portable self-monitoring blood glucose device (SMBG) that is equipped with a computerized memory. Blood glucose monitoring shall be performed one hour prior to and approximately every four hours while on duty. Paper tapes generated by SMBGs having a printing capability may be used in lieu of a log prepared by the waived driver. Log records of blood glucose values shall be made available to any authorized enforcement official upon request;
- (b) Carry upon your person and use, as necessary, a source of rapidly absorbable glucose;
- (c) Carry insulin and the equipment/materials necessary for administering the medication;
- (d) Report in writing any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and Ohio department of education no later than fifteen days following the issuance of such citation. A photostatic copy of the citation issued shall accompany the written report;
- (e) Report in writing the judicial or administrative disposition of any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and

Ohio department of education no later than fifteen days following the notice of disposition;

- (f) Report in writing involvement in any accident whatsoever while operating any vehicle, including personal vehicles, to the employer and Ohio department of education no later than fifteen days following the accident and include in that report any state, insurance company, and/or motor carrier accident reports;
- (g) Report in writing any change of residence, address, or telephone number to the Ohio department of education no later than fifteen days after such change;
- (h) Report in writing any change of employer, including name, address, and telephone number, or type of vehicle operated to the Ohio department of education no later than fifteen days after such change;
- (i) Submit any medical information derived from medical assistance or treatment arising from any accident involvement to the Ohio department of education no later than fifteen days following the accident. A copy of the attending medical specialist's and laboratory reports shall also meet the reporting requirement;
- (j) Submit log records of blood glucose values for a twenty-four hour period immediately prior to any accident involvement to the Ohio department of education no later than fifteen days following the accident;
- (k) Submit a signed statement from the licensed endocrinologist who conducted the initial medical evaluation to the Ohio department of education no later than fifteen days before each six-month anniversary of the waiver issuance date, that the driver has been examined and that any diabetic condition is currently stable and under control. This semiannual examination shall be conducted within the six-week period immediately preceding each six-month anniversary of the waiver issuance date. Log records of your blood glucose values for the preceding three months shall be made available to the examining endocrinologist at the time of the required examination;
- (l) Waived drivers who use a medical specialist, other than the specialist who conducted the initial medical evaluation, shall be re-examined by an endocrinologist, using the criteria and procedures established for the pre-qualification examination and submit a signed statement from that licensed endocrinologist;

- (m) Submit a signed statement from an ophthalmologist to the Ohio department of education no later than fifteen days before each anniversary of the waiver issuance date, that the driver has been examined and that the driver does not have unstable proliferative diabetic retinopathy, and that the driver continues to have stable visual acuity (at least 20/40 (Snellen) in each eye, corrected or uncorrected. This annual examination shall be conducted within the six-week period immediately preceding the anniversary of the waiver issuance date.
- (7) All documentation described in (F)(5) of this rule shall be mailed to the Ohio department of education's pupil transportation office, 25 South Front Street, Columbus, Ohio 43215-4183. Failure to submit timely reports may be cause for revocation of the waiver.
- (8) Any individual school bus driver granted a waiver pursuant to this rule remain subject to the provisions of section 3327.10 of the Revised Code, including the reporting requirements of division (D) of section 3327.10 of the Revised Code.
- (9) Applicants for a waiver from the insulin-using diabetes mellitus qualification requirement shall be required to submit applications on plain paper, include all supporting documents, and the information as set forth below. Each information item shall contain a complete and appropriate answer, or, if an item is not applicable, marked with "none."
  - (a) Vital statistics
    - (i) Name of applicant (first name, middle initial, last name);
    - (ii) Address (street number and name);
    - (iii) City, state, and zip code;
    - (iv) Telephone number (including area code);
    - (v) Sex (male or female);
    - (vi) Date of birth (month, day, and year);
    - (vii) Age;
    - (viii) State driver's license number and list all licenses held during the three-year period immediately preceding the date of application to operate a school transportation vehicle);
    - (ix) Issuing state;
    - (x) Driver's license expiration date;

- (xii) Driver's license classification; and
  - (xiii) Employer's or prospective employer's name, address and telephone number;
- (b) Experience
- (i) Number of years and approximate miles driving school buses;
  - (ii) Approximate number of years and miles driving a CMV other than a school bus; and
  - (iii) Number of years driving vehicles other than a CMV or school bus.
- (c) Experience factor
- (i) Unless the Ohio department of education is satisfied otherwise, a driver must have accumulated at least three years experience operating a CMV on a regular basis and that experience must be recent enough to reflect the driver's capabilities; and
  - (ii) Additionally, to qualify for a waiver, a driver shall have a clean driving record as described in paragraph (F)(4)(a) of this rule for the three years immediately preceding the date of your application.
- (d) Applications shall include supporting documents for the requirements set forth in this rule and any other documents deemed necessary by the Ohio department of education.
- (10) A waiver issued by the Ohio department of education is valid for three years from the date of issuance unless revoked by the department for cause or based on a change in statute or rule.
- (11) A waiver issued by the Ohio department of education may be revoked for failure to comply with any requirement included in this rule.
- (12) All medical documentation submitted to the Ohio department of education as required by this rule may be reviewed by a panel of physicians appointed by the Ohio department of education. This panel of physicians shall make a recommendation on whether a waiver should be issued based upon medical documentation.
- (13) The Ohio department of education shall have final say on all waiver determinations.

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R.C. 119.032 review dates: 04/04/2007 and 08/01/2012

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4/1/88, 7/1/91, 3/4/94 (Emer.) 7/1/94, 10/5/98, 11/13/01, 08/01/2007

### **3301-83-08 Pupil transportation management policies.**

Pupil transportation management policies should be developed cooperatively by administrators and transportation personnel. Policies should be designed to ensure the safety and welfare of all school bus passengers and shall include:

- (A) The school bus driver's authority and/or responsibility to maintain control of the pupils.
- (B) The pupil's right to "due process" as provided for by the policies and procedures of the educating agency.
- (C) Pupil management and safety instruction policies shall include the following:
  - (1) Pupils shall arrive at the bus stop before the bus is scheduled to arrive.
  - (2) Pupils must wait in a location clear of traffic and away from the bus stops.
  - (3) Behavior at the school bus stop must not threaten life, limb or property of any individual.
  - (4) Pupils must go directly to an available or assigned seat so the bus may safely resume motion.
  - (5) Pupils must remain seated keeping aisles and exits clear.
  - (6) Pupils must observe classroom conduct and obey the driver promptly and respectfully.
  - (7) Pupils must not use profane language.
  - (8) Pupils must refrain from eating and drinking on the bus except as required for medical reasons.
  - (9) Pupils must not use tobacco on the bus.
  - (10) Pupils must not have alcohol or drugs in their possession on the bus except for prescription medication required for a student.
  - (11) Pupils must not throw or pass objects on, from or into the bus.

- (12) Pupils may carry on the bus only objects that can be held in their laps (see paragraph (J) of Rule 3301-83-20 of the Administrative Code).
  - (13) Pupils must leave or board the bus at locations to which they have been assigned unless they have parental and administrative authorization to do otherwise.
  - (14) Pupils must not put head or arms out of the bus windows.
  - (15) Guidelines will be formulated for the use and storage of equipment and other means of assistance required by preschool and special needs children.
  - (16) Drivers and bus aides must have access to appropriate information about the child to the degree that such information might affect safe transportation and medical well-being. This information must be available in the vehicle or readily accessible in the transportation office. All such information is strictly confidential.
- (D) Suspension, expulsion or immediate removal from bus.
- (1) The superintendent or superintendent designees, or principals are authorized to suspend or remove pupils from school bus riding privileges.
  - (2) Immediate removal of a pupil from transportation is authorized. A pupil immediately removed from transportation must be given notice as soon as practicable of a hearing which must be held within seventy-two hours of the removal. The notice shall also include the reason for removal. Immediate removal is authorized when the pupil's presence poses a danger to persons or property or a threat to the safe operation of the school bus. Length of time removed from ridership shall be in accordance with policies of the school bus owner.
  - (3) School bus drivers shall report in writing to the appropriate administrator all rule violations or conduct that justify immediate removal, suspension or expulsion.
  - (4) Suspension or immediate removal of preschool and special needs children may require a modification of the above procedures and shall be accomplished in accordance with the law.

HISTORY: Eff 9-1-70; 10-22-84; 7-1-91; 10-5-98; 10-1-04

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### **3301-83-09 Pupil instruction.**

- (A) Safety instruction shall be given to all regularly transported pupils in grades kindergarten through three within two weeks after the commencement of classes each school year (see section 3327.16 of the Revised Code). The program shall include but not be limited to:
  - (1) Safe walking practices to and from the bus stop.
  - (2) Wearing of light-colored or reflective clothing when going to and from the bus stop in darkness.
  - (3) How and where to wait safely for the bus including how to avoid personal risks involving strangers.
  - (4) What to do if the bus is late or does not arrive.
  - (5) How to enter and leave the bus safely. This instruction shall include the potential hazards regarding the snagging of clothing, backpacks, or other items, as well as items which may be dropped around or under the bus.
  - (6) Safe riding practices (including instruction on rule 3301-83-08 of the Administrative Code, pupil transportation management policies).
  - (7) Safely crossing the highway before boarding and after leaving the bus.
  - (8) Respect for the rights and privileges of others.
- (B) Pupils enrolled in kindergarten through grade three who may be transported on non-routine type trips only must be given a general orientation annually on school bus safety procedures.
- (C) Pupils enrolled in grades four through twelve and regularly transported shall be properly instructed in safety procedures on and around the school bus.
- (D) Passengers participating in nonroutine use of school buses shall receive safety instructions at the beginning of the bus trip. (The return portion of a round trip event is excluded from this requirement.) Instruction shall include identification of safety exits, the requirement to keep aisles clear, the requirement to remain seated while the bus is in motion, and other rules as adopted by local policy.
- (E) The procedure in paragraphs (A), (B), (C), and (D) of this rule may require modification for preschool and special needs children.

### **3301-83-10 Personnel training program.**

#### **(A) Minimum school bus driver training requirements**

The Ohio pre-service school bus driver training program, as instituted by the Ohio department of education shall be successfully completed by each beginning driver. Upon completion of the following, a preservice certificate, which shall expire six years from the date of issuance, shall be issued to the driver.

- (1) On-the-bus instruction of twelve hours, or more as required to achieve an acceptable level of competence, shall be completed prior to a driver being assigned to operate a school bus with pupils on board. This instruction shall consist of:
  - (a) Pre-trip inspection and mirror adjustment;
  - (b) Identification of acceptable driving techniques;
  - (c) Starting the engine;
  - (d) Position of hands for steering;
  - (e) Shifting standard transmissions;
  - (f) Shifting automatic transmissions;
  - (g) Off road CDL maneuvers;
  - (h) Starting into traffic and pulling to the curb;
  - (i) Entering and leaving the freeway;
  - (j) Stopping for emergencies;
  - (k) Speed control;
  - (l) Changing lanes;
  - (m) Passing;
  - (n) Intersections – stop and through;
  - (o) Left and right turns;
  - (p) Turn-arounds;
  - (q) Loading and unloading pupils;
  - (r) Railroad crossings;
  - (s) Practice driving utilizing a detailed route sheet;
  - (t) Miscellaneous items:
    - (i) Special driving situations;
    - (ii) Special trips;

- (iii) Regular trip restrictions;
  - (iv) Route observation with an experienced driver.
- (2) Fifteen hours minimum of pre-service classroom instruction shall be completed prior to operating a school bus with pupils on board. This instruction shall consist of the following:
- (a) School bus and commercial driver license requirements;
  - (b) Public relations;
  - (c) Pre-driving instructions;
  - (d) Driving the bus;
  - (e) Defensive driving;
  - (f) Pupil management;
  - (g) Safety and emergency procedures;
  - (h) Use of first aid and blood borne pathogens equipment;
  - (i) Transporting the preschool and special needs children, including a practical overview of the characteristics and needs of those individuals;
  - (j) Fuel conservation and air quality;
  - (k) Radio/cellular phone communication;
  - (l) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
  - (m) School district policies;
  - (n) Drug and alcohol requirements.
- (3) Each school bus owner shall provide and require additional training for drivers and bus aides who transport preschool and special needs students. Such training shall be completed prior to operating a bus with preschool and special needs children on board and shall include:
- (a) Appropriate behavior management;
  - (b) Physical handling;
  - (c) Effective communication;
  - (d) Use and operation of adaptive equipment;
  - (e) An understanding of related behaviors and/or the particular disabling conditions;
  - (f) Administer health care according to their qualifications and the needs of the student.

- (4) In unusual circumstances, with the exception of safety and emergency procedures, pupil management and school bus owner policies, the fifteen hours of classroom instruction may be completed within the first three months of employment. A temporary certificate shall be issued for operation of a school bus during the training period. A satisfactory state and federal criminal background check must be completed prior to the issuance of the temporary certificate.
- (5) Each school bus owner shall request and have received from the bureau of criminal investigation a criminal records check for each applicant for employment that includes information from the federal bureau of investigation.
- (6) Records of completion of the requirements in paragraph (A) of this rule shall be filed with the Ohio department of education in the method prescribed by the department before an Ohio preservice school bus driver training certificate is issued. Copies of original records shall be maintained by the school bus owner for a minimum of six years.

**(B) Annual inservice training**

The board of education or governing board/administrator shall require all regular and substitute school bus drivers, all drivers of vehicles other than school buses, and bus aides to attend an annual inservice training program. This training may be offered in one session, or multiple sessions as determined by each employer. The employer may also recognize, but is not required to accept training offered by other sources in lieu of their own program. School bus drivers and aides must participate in a minimum of four hours. The training shall be based on a needs assessment that must include one or more of the following:

- (1) School bus and commercial driver license requirements;
- (2) Public and staff relations;
- (3) Equipment and care, including the operation of all adaptive equipment needed to safely transport preschool and special needs students;
- (4) Driving the bus;
- (5) Defensive driving;
- (6) Highway/railroad grade crossing safety;
- (7) Pupil management;
- (8) Safety and emergency procedures;
- (9) Use of first aid and blood borne pathogens equipment;

- (10) Transporting the preschool and special needs children;
- (11) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
- (12) Signs, signals and pavement markings;
- (13) Fuel conservation;
- (14) Radio/cellular phone communications;
- (15) Detailed route sheets.

**(C) Pupil transportation director/supervisor training**

Pupil transportation administrators are required to participate in a minimum of four hours of related training annually. School bus owners should encourage and support directors/supervisors of pupil transportation to attend local, regional, state and national workshops and conferences devoted to the management, supervision, organization and technical components of pupil transportation.

**(D) School bus mechanic training**

Each school bus owner shall provide the opportunity for school bus maintenance personnel to participate in an annual workshop or training seminar, with a minimum of four hours of instruction, in one or more of the following areas:

- (1) Preventive maintenance procedures;
- (2) Repair procedures for each type of vehicle in the fleet and its special equipment;
- (3) Servicing procedures for equipment;
- (4) Inspection of the vehicle and its equipment;
- (5) Recovery procedures for vehicles involved in an accident or breakdown;
- (6) Preparation of maintenance records;
- (7) Parts and equipment purchasing and storage;
- (8) Establishment of parts inventory control procedures.

**(E) On-the-bus instructors**

- (1) All school bus owners shall select a person(s) to be trained as on-the-bus instructor(s). The recommended number of on-the-bus instructors is one per twenty drivers.
- (2) On-the-bus instructor(s) shall be trained and certified by an Ohio pre-service school bus driver training instructor.

- (3) For certification purposes, certified on-the-bus instructor(s) shall attend an annual inservice training as scheduled and provided by the Ohio pre-service school bus driver training instructor. Certificates will be valid unless:
  - (a) On-the-bus instructor(s) does not attend annual inservice conducted by the Ohio pre-service school bus driver training instructor or does not receive individual evaluation by the Ohio pre-service school bus driver training instructor.
  - (b) School bus owner requests certificate be suspended or revoked.
  - (c) The Ohio pre-service school bus driver training instructor suspends or revokes an on-the-bus instructor certificate.
- (4) When appropriate, the Ohio pre-service school bus driver training instructor or other certified on-the-bus instructor may provide all or part of on-the-bus instruction in lieu of the assigned on-the-bus instructor.
- (5) Records of time, test scores, names, districts and other required documentation of on-the-bus instruction shall be maintained and filed with the Ohio department of education in the method prescribed by the department before a certificate of successful completion is issued. Copies of original records will be maintained by the school bus owner.

**(F) Certification renewal for school bus drivers**

A school bus driver shall be certified by an Ohio pre-service school bus driver training instructor and issued a new certificate upon successful completion of the requirements every six years. Application for a renewal certificate shall be made no later than thirty days prior to the expiration of the current certificate. The completion of certification requirements may occur anytime in the twelve months prior to application. No school bus driver shall transport pupils without a current certificate.

- (1) Nine hours minimum of the Ohio pre-service school bus driver training classroom instruction shall be completed prior to applying for certification. That instruction shall consist of the following:
  - (a) Public relations;
  - (b) Pupil management;
  - (c) Pre-trip inspection;
  - (d) Driving the bus;
  - (e) Defensive driving;

- (f) Fuel conservation;
  - (g) Transporting preschool and special needs children;
  - (h) Safety and emergency procedures;
  - (i) Radio/cellular phone communications;
  - (j) Motor vehicle laws and Ohio pupil transportation operation and safety rules.
- (2) The driver will demonstrate their familiarity with the topics covered at the completion of the class.
- (3) A driving performance evaluation and review shall be completed prior to applying for certification. The evaluation and review shall consist of the following:
- (a) Identification of acceptable driving techniques, including the following:
    - (i) Position of hands for steering;
    - (ii) Braking;
    - (iii) Following distance;
    - (iv) Speed control;
    - (v) Observing traffic conditions ahead;
  - (b) Intersections – stop and through;
  - (c) Left and right turns;
  - (d) Curves;
  - (e) Changing lanes;
  - (f) Passing;
  - (g) Railroad crossings;
  - (h) Loading and unloading pupils;
  - (i) Turn-arounds;
  - (j) Entering and leaving the freeway;
  - (k) Starting into traffic and pulling to the curb;
  - (l) Stopping for emergencies;
  - (m) Pre-trip inspection;
  - (n) Mirror adjustment.
- (4) The driver shall have four opportunities to successfully demonstrate the driving skills as follows:

- (a) A certified on-the-bus instructor designated by the school district or private operator shall administer the first three opportunities.
  - (b) A fourth opportunity to demonstrate driving skills, if necessary, shall be administered by an Ohio pre-service instructor. The driver must be offered appropriate driving instruction prior to this fourth opportunity.
- (5) The certification requirements for classroom instruction, pursuant to paragraphs (F)(1) and (F)(2) of this rule, may be substituted with successful completion of the Ohio pre-service advanced school bus driver training course within twenty-four months prior to the expiration of the current certificate.
  - (6) The certification requirements for driving skills, pursuant to paragraphs (F)(3) and (F)(4) of this rule, may be substituted with participation in a state and/or regional school bus driver safety road-e-o, and achieving a minimum of eighty percent of the possible points, within twenty-four months prior to the expiration of the current certificate.
  - (7) Each school bus owner shall request and have received from the bureau of criminal identification and investigation a criminal records check for each driver that includes information from the federal bureau of investigation.
  - (8) Records of completion of the requirements in paragraphs (F)(1) to (F)(7) shall be maintained and filed with the Ohio department of education in the method prescribed by the department before a certificate of successful completion is issued. Copies of original records will be maintained by the school bus owner for a minimum of six years.
  - (9) The certificate of any person who can not provide proof of having operated a school bus during the previous twenty-four months shall be considered invalid. That person must then successfully satisfy the certification requirements described in paragraph (A)(1) to (A)(6) or (F)(1) to (F)(7), as applicable, of this rule prior to resuming transportation of pupils.

### **3301-83-11 School bus inspections.**

#### **(A) Ohio state highway patrol safety inspection**

The school bus owner, operator, lessee, or designee shall be responsible for presenting all school buses for the annual Ohio state highway patrol safety inspection and will be responsible for the pre-inspection, repair



and preparation of each school bus.

**(B) Daily inspection of the school bus**

It is the responsibility of each school bus driver to complete and document a daily pre-trip inspection of the school bus before transporting students. The school bus owner, operator, lessee, or designee may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the school bus driver. It is the responsibility of the school bus owner to provide each driver with all inspection forms for reporting purposes, which include the following:

**(1) Stationary inspection**

**(a) Pre-starting inspection:**

- (i) Observe the bus for evidence of oil, fuel, or coolant leaks and vandalism.
- (ii) Raise the hood and check the safety latch or hinges, then check oil and water – check belts, hoses and wiring for frayed, cracked and/or deteriorated conditions.

**(b) Walk around inspection: Place the transmission in neutral and set the parking brake. Start the engine and check the following:**

- (i) Tires: underinflated, flat, excessive wear or damaged.
- (ii) Wheels: loose or missing nuts, excessive corrosion, cracks or other damage, and sanders if installed, and splash guards.
- (iii) Battery compartment.
- (iv) Suspension system check for damage.
- (v) Brake system secure – no damage.
- (vi) Drive shaft secure – no damage.
- (vii) Frame of bus – check for cracks.
- (viii) Fuel tank secure – no leaks, and fuel cage secure – no damage.
- (ix) Fluid leaks – evidence of oil on wheels and tires.
- (x) All school bus windows should be clean.
- (xi) All outside mirrors: clean and mounted securely.
- (xii) Warning systems: headlights, backup lights, clearance and marker lights, all signals and signs, reflectors, turn signals, stop lights and warning flashers clean and

working properly.

- (xiii) Exhaust system: check for sagging exhaust pipes, short and leaky tailpipes and defective mufflers.
- (xiv) Exits: check service and emergency doors for ease of operation.
- (xv) Check wheelchair lift operation, if installed.
- (c) Inside safety check:
  - (i) Check driver's seat and seat belt adjustments.
  - (ii) With the engine running check or inspect the following instruments and controls:
    - (a) Air pressure gauge or hydraulic brake warning lights.
    - (b) Oil pressure gauge.
    - (c) Warning lights, if installed:
      - (i) Oil pressure warning light.
      - (ii) Service brake warning light.
      - (iii) Alternator/generator warning light.
      - (iv) Ampmeter and/or voltmeter.
      - (v) Water temperature gauge or warning light.
- (d) Dome lights.
- (e) Horn.
- (f) Heaters, fans and defrosters.
- (g) Mirrors properly adjusted and sunshade mounted and not broken.
- (h) Wipers and washers.
- (i) Indicator lights.
  - (i) Head light high beam.
  - (ii) Panel lights.
  - (iii) Left and right turn signal indicators.
  - (iv) Hazard indicators.
  - (v) Amber warning light.
  - (vi) Red warning light.
  - (vii) Red over-ride switch.

- (viii) Strobe indicator light.
- (j) Brake system for leaks
  - (i) Storage tanks – 2 psi, one minute.
  - (ii) Service brake – 3 psi, one minute.
  - (iii) Low air pressure light and buzzer – 60 psi.
  - (iv) Emergency brake – 20-40 psi.
  - (v) Hydraulic – pump three times; hold five seconds.
- (k) Check passenger seats, frames, emergency exits, windows, and adaptive equipment required for the transportation of preschool and special needs students.
- (l) Check emergency equipment: fusees, fuses, first-aid kit, fire extinguisher and emergency reflectors.

(2) Operation inspection

A planned road pre-check when driving between storage and first pupil pickup enables the driver to evaluate the steering, suspension, clutch, transmission, driveline, engine and brakes. The following items shall be checked and, if found in need of repair, a written report shall be submitted to the school bus owner or designee:

- (a) Parking brake: check by slowly engaging the drive train while the parking brake is on. (In air brake systems, the parking brake will remain applied if there is a partial or complete air pressure loss in the service brakes.)
  - (b) Transmission operation: an automatic transmission should not slip and a manual transmission should allow for easy and smooth gear changes throughout the entire shifting range.
  - (c) Clutch: the clutch should engage easily and smoothly without jerking, slipping excessively or “chattering.” A properly adjusted clutch should have some “free play” when the pedal is fully released.
  - (d) Service brakes: test at low speeds and bring the bus to a complete stop. The bus should stop in a straight line without skidding, swerving or pulling to one side.
  - (e) Engine: listen for unusual engine noises.
  - (f) Steering: check for any unusual handling characteristics.
  - (g) Suspension: check for any unusual ride or handling characteristics.
- (3) Post trip check: At the conclusion of each route or trip, the driver should ensure all passengers have left the bus by visually

inspecting each seat position.

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## **3301-83-12 Safety procedures.**

### **(A) School bus stops**

- (1) Alternately flashing amber lamps are to be used to warn motorists that the bus is stopping to take on or to discharge passengers.
- (2) Alternately flashing red lights and a stop sign are to be used to inform motorists that the bus is stopped on the roadway to take on or discharge passengers..
- (3) Before receiving or discharging pupils, the bus shall be driven to the right side of the paved or traveled portion of the roadway and brought to a full stop.
- (4) The bus driver shall be the only operator of the service entrance door. The door shall not be opened to load or unload pupils until traffic has cleared the bus or come to a complete stop in all directions.
- (5) The bus driver shall not use the service door control to actuate warning lights. The door shall remain in a securely closed position while the bus is in motion.

### **(B) Railroad grade crossings**

- (1) General procedures
  - (a) The driver of any school bus, with or without passengers, shall come to a complete stop, set the parking brake, shift to neutral, turn off the warning lamp master switch if necessary, fully open the service door, and look and listen in both directions along the track or tracks for approaching engines, trains, or train cars.
  - (b) For improved vision and hearing, a window at the drivers left shall be opened and radios and other noisy equipment (e.g. fans) shall be turned off upon approaching the crossing and remain off until the bus has cleared the crossing.
  - (c) The school bus driver shall shift the bus into gear, look and listen, close the service door, release the parking brake, and

drive across the tracks in an appropriate gear without shifting.

- (d) After a train has passed the crossing, the bus driver shall not drive the bus onto any tracks until the driver is certain that no train, hidden by the first train, is approaching on an adjacent track.
  - (e) Crossing when flashing or audible signals malfunction is only permitted when authorized in accordance with section 4511.62 of the Revised Code.
- (2) Weather conditions - during wet, stormy or foggy weather, before placing part of the bus on the tracks, the driver shall determine that the crossing can be made safely.
  - (3) Behavior of passengers at railroad crossings - when any school bus is stopped for any railroad track, the driver shall direct all passengers to be silent until the crossing is completed. A signal for silence shall be given by the school bus driver approximately three hundred feet from the crossing.
  - (4) The school bus driver shall follow procedures described in the Ohio preservice driver training manual ([education.ohio.gov](http://education.ohio.gov)).

**(C) School bus turn-around**

- (1) Whenever possible, the bus shall be clearly visible to the other motorists five hundred feet in both directions.
- (2) Whenever possible, turn-arounds shall not be scheduled at intersections where the vehicle must cross a lane of traffic to back.
- (3) Four-way hazard lights shall be actuated unless prohibited by local ordinance.
- (4) The driver shall sound the horn twice before backing or have an audible signal while backing.
- (5) The driver shall not back the school bus at pick-up or discharge locations while pupils are outside the vehicle.

**(D) Loading and unloading at school facilities**

- (1) When it is necessary to load or unload pupils off the school grounds, the bus shall be positioned and parked (with parking brake set) so that pupils do not cross the roadway to get to or from the bus.
- (2) Warning flasher lights shall be deactivated when loading and unloading on school grounds or when loading and unloading from a school bus stopped in a school zone curbside on the roadway adjoining the school grounds.

- (3) Parking for loading and unloading on school grounds shall be bumper to bumper or diagonal. Either method used shall exclude any necessity for backing the school bus. The rear and/or side emergency exits shall remain accessible at all times.
- (4) Pupils in the loading area shall be properly supervised by the building principal or designee.
- (5) Except when loading or unloading pre-school or special needs children, the driver shall remain on the bus while pupils are loading and unloading.

(E) General operations:

- (1) Headlights shall be actuated during operation of the school bus.
- (2) A white, flashing strobe light, individually switched, may be used, when unfavorable atmospheric conditions or time of day limit visibility (e.g. fog, rain, snow, darkness).
- (3) Four-way hazard lights shall be activated at railroad crossings and turn-arounds unless prohibited by local ordinance.
- (4) The bus driver shall not leave a school bus unattended with pupils on board except when loading or unloading pre-school and special needs children or in the event of an emergency. Drivers who must leave their driver's position for these purposes shall not leave the immediate vicinity of the bus, except for an emergency.
- (5) The driver shall not leave the bus until the brakes are set, the engine stopped and the ignition key removed, with the exception for buses equipped with wheelchair lifts or diesel engines that require the engine to be running.
- (6) At the conclusion of each route or trip, the driver shall ensure all passengers have left the bus by visually inspecting each seat position. Additional procedures for drivers post-trip inspections are detailed in the Ohio preservice driver training manual. ([education.ohio.gov](http://education.ohio.gov))

### **3301-83-13 School bus routes and stops.**

(A) **Designation of school bus stops**

It shall be the responsibility of the superintendent or designee to determine the location of all school bus stops which shall be approved annually by the districts board of education. Authority to designate or relocate subsequent school bus stops may be delegated by the board of

education to the superintendent or designee. Bus stops and a time schedule shall be adopted and put in force by the board not earlier than thirty days prior to and not later than ten days after the beginning of the school term.

**(B) School bus stop location**

- (1) Pupils in grades kindergarten through eight may be required to walk up to one-half mile to a designated bus stop.
- (2) School bus stop locations shall provide for the maximum safety of pupils giving consideration to distance from residence, traffic volume, physical characteristics, visibility and weather conditions.
- (3) School bus stops shall be established on the residence side of all four-lane highways and on the residence side of other roadways posing potential hazards to students as determined by school bus owners.
- (4) School bus stops shall be located at a distance from the crest of a hill or curve to allow motorists traveling at the posted speed to stop within the sight distance. If the line of sight is less than five hundred feet in either direction, an approved “school bus stop ahead” sign shall be installed at least five hundred feet in advance of the school bus stop.
- (5) Each pupil shall be assigned and required to use a specific school bus stop except in unusual circumstances as approved by the school bus owner or designee.
- (6) Each pupil shall be assigned a designated place of safety on the residence side of the roadway on which the vehicle is scheduled to stop. Driver must account for each pupil at designated place of safety before leaving. Pupils are not to proceed to their residence until the school bus has departed.

**(C) School bus stop procedures**

Drivers shall make school bus stops for purposes of loading or unloading pupils in accordance with section 4511.75 of the Revised Code and with procedures described in the Ohio preservice driver training manual ([education.ohio.gov](http://education.ohio.gov)). The following shall be included in those procedures:

- (1) Warning lights shall be activated approximately three-hundred feet prior to a stop whenever practical. A strobe light may be used if available and if conditions warrant.
- (2) The bus shall be stopped near the right side of the paved or traveled portion of the roadway.

- (3) The bus shall be stopped along the drive way entrance or along the curb when picking up or discharging passengers with special needs which require the use of special equipment.
- (4) The parking brake shall be set at all stops whenever pupils are loading or unloading.

Operators of vehicles equipped with an approved brake interlock device are exempt from these requirements to set the parking brake

- (5) The transmission shall be placed into the neutral gear for both manual and automatic transmissions.
  - (6) The driver must use an approved hand signal and eye contact with students outside the bus at any stop where students must cross
- (D) Each bus shall have a detailed route sheet on board which shall include the following:
- (1) Direction to designated stops;
  - (2) Time schedule;
  - (3) Designated stop;
  - (4) Driver-designated place of safety;
  - (5) Number of riders at each stop location and residence side; and
  - (6) List identifying road hazards.
- (E) If practical, each route shall have a responsible student designated to assist a substitute bus driver with each route.

Effective: 02/25/2007

R.C. 119.032 review dates: 11/29/2006 and 02/25/2012

Promulgated Under: 119.03

Statutory Authority: 3301.07, 4511.76

Rule Amplifies: 3327.01, 3327.12, 4511.76

Prior Effective Dates: 10/22/84, 7/1/91, 10/5/98, 11/13/01

### **3301-83-14 Records and reports.**

Each school transportation vehicle owner or operator shall maintain and make available for inspection the following records for the management and reporting of the pupil transportation program.

- (A) Maintenance and repair:



- (1) Records to document that reported mechanical deficiencies discovered during inspections were corrected.
  - (2) A maintenance and repair record for each school transportation vehicle.
  - (3) Documented proof of pre-trip inspection for each school transportation vehicle must be kept on file for no less than twelve months.
- (B) An accounting system for fuel consumption and costs for routine and non-routine use of school buses and annual operating costs by vehicle and by fleet as prescribed by the Ohio department of education form T-2, if applicable.
- (C) A pupil accounting system that details assigned:
- (1) School bus;
  - (2) School bus stop;
  - (3) School of attendance, student name and address, telephone number, date of birth, and grade.
- (D) A record of routine and non-routine daily and annual miles driven by vehicle and by fleet.
- (E) A reporting of the numbers of regular and substitute school bus drivers, mechanics, supervisors, secretaries, clerks and drivers aides.
- (F) Maintain and file a copy of the following documents:
- (1) School bus driver training records
  - (2) Ohio pre-service school bus driver training certificate
  - (3) Drug and alcohol certificate
  - (4) Blood-borne pathogens certificate
  - (5) BMV report
  - (6) Annual inservice training records
  - (7) Criminal record check
  - (8) Physical examination report
  - (9) Local certificate issued pursuant to section 3327.10 of the Revised Code.

The physical examination, criminal record, BMV report, and the drug and alcohol test results are to be kept confidential

(G) **Maintain and file "School Vehicle Accident Report"**

File with the department's office of pupil transportation a report (T10 form) of any school bus or van accident that results in a fatality, an injury or vehicle or property damage in excess of one thousand dollars. Reports shall be submitted within fifteen days of the accident or occurrence

(H) **Submit reports as required by the Ohio department of education.**

**3301-83-15 Emergency and evacuation procedures.**

(A) **Emergency**

Each school bus owner shall adopt a policy for handling emergencies on school buses while pupils are being transported. Such a policy shall include, but not necessarily be limited to, procedures for handling any medical emergencies of pupils while they are being transported. Each school bus owner shall provide training to all school bus drivers transporting pupils to ensure that the drivers understand the policy and their responsibilities. No school bus driver shall transport pupils unless the driver has received such training. These policies shall include procedures for when and how to notify parents if their students were on a transportation vehicle involved in an accident. This policy shall be developed in cooperation with all those whose services would be required in the event of emergencies. The transportation director/supervisor, school administrators, teachers, drivers, maintenance and service personnel and students shall be provided instruction in the procedures to be followed in the event of:

(1) **Accident**

The policy shall describe how to protect the accident scene; evacuate and control students; evaluate the need for medical assistance; notify the responsible law enforcement agency, school officials and emergency services; collect and record data essential to the preparation of required reports; and communicate with parents and/or guardians.

(2) **Disability of driver**

Procedures for handling situations in the event of illness, injury, or disability of the bus driver shall be included in the policy.

(3) **School bus failure** The policy shall describe procedures for securing the bus, disposing of and controlling passengers, notifying school officials, securing alternate equipment, and repairing and recovering the disabled school bus.

(4) Inclement weather conditions

The pre-emergency policy shall provide instruction as to school closings, delayed take-ups and/or early dismissals.

(5) Tornado

The policy shall provide procedures for drivers and students in the event of tornado sightings and/or warnings.

(6) Policies shall also be developed to address other dangerous and/or threatening situations (weapons, assaults, unauthorized attempted boardings, and impeding the movement of the bus).

(B) Evacuation

The superintendent or designee shall organize and conduct three emergency exit drills for all students who ride school buses to and from school.

- (1) Each of the following three emergency procedures shall be conducted at least once annually:
  - (a) Everyone exits through the front entrance door;
  - (b) Everyone exits through the rear emergency door;
  - (c) Front half exits through the front door and rear half exits through the rear door.
- (2) All drills shall be arranged and scheduled by the transportation director/supervisor in cooperation with building principals. The drills shall be supervised by at least one staff person other than the driver assigned to the route.
- (3) Drills shall be held on school property when possible and not on the bus route.
- (4) The driver shall stay in the bus during evacuation drills. The parking brake must be set, ignition turned off, and transmission in gear or park.
- (5) Children shall not take lunch boxes, books, etc., when they leave the bus.
- (6) Pupils shall assemble at a distance of at least one hundred feet from the bus in an “emergency drill” and remain there until given further directions.
- (7) Emergency evacuation drills of preschool and special needs children may require modification of the procedures listed in paragraph (B) of this rule.

HISTORY: Eff 10-22-84; 7-1-91; 10-5-98; 10-1-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 3301.07, 4511.76

Rule amplifies: RC 3301.07, 4511.76

R.C. 119.032 review dates: 06/07/2004 and 10/01/2009

### **3301-83-16 Non-routine use of school buses.**

“Non-routine use of school buses” is defined as transportation of passengers for purposes other than regularly scheduled routes to and from school. School buses may be used for non-routine trips only when such trips will not interfere with routine transportation services.

#### **(A) Approved non-routine use of buses**

- (1) Trips that are extensions of the instructional program as determined by school district or county board of mental retardation and developmental disabilities administration.
- (2) Trips for the transportation of enrolled pupils directly participating in school-sponsored events. A “school-sponsored event” is defined as any activity in which pupils are participating and are under the direct supervision and control of a certified staff member or any advisor as designated by the superintendent.
- (3) Transporting pupils taking part in summer recreation programs when such programs are sponsored by a recreation commission and there is an agreement between the board of education, and the recreation commission .
- (4) Trips for transportation of the aged when contracted with a municipal corporation or a public or nonprofit private agency or organization delivering services to the aged.
- (5) Trips for transportation of pupils and/or adults, as approved by the board of education to and from events within the local community which are school or local community sponsored. Such events shall be open to the public.
- (6) Emergency evacuation and/or emergency evacuation drills when such emergencies are declared by state or local directors of emergency disaster services.
- (7) A civil emergency as declared by a governing authority.
- (8) Transporting school and/or school bus owner employees engaged in approved employee improvement programs.
- (9) Transportation coordination, to participate with local human services providers, in transporting welfare reform participants

and those participating in temporary assistance programs.

(B) Costs

No pupil charge may be made for transporting pupils to and from regular day classes and other educational field trips on school days. This applies equally to board-owned buses and privately-owned buses operated under a contract with a board of education. A fee not to exceed actual costs may be assessed for transportation to and from educational field trips on non-school days. This rule does not apply to private transportation arranged for or by parents or other groups not related to the educating school board, or for transportation not required under section 3327.01 of the Revised Code and not provided for by the school board on a regular basis.

The board of education or county board of mental retardation and developmental disabilities shall recover an amount not to exceed the actual operational costs associated with non-routine use of school buses, with the exception of field trips that are extensions of the instructional program. These costs include the following, as reported on the district's T-2 reports the Ohio department of education:

- (1) Driver salary and benefits;
- (2) Fuel;
- (3) Maintenance;
- (4) Service;
- (5) Supervision;
- (6) Insurance.

(C) Permits

School bus owners or their designees shall issue a trip permit which shall accompany the driver on any non-routine trip. The permit shall provide the following information:

- (1) Date of trip;
- (2) Destination;
- (3) Purpose of trip;
- (4) Name of school district;
- (5) Drivers name;
- (6) Bus registration number;
- (7) Total miles of trip;
- (8) Designated meal stops;

- (9) Drivers must have a route map for destination;
- (10) School bus owner or designee signature.

(D) Chaperones

One or more adult chaperones, as approved by the school bus owner or designee, may accompany each school bus required for any non-routine trip involving school-age passengers. The chaperon's responsibility shall be to assist the school bus driver in maintaining passenger control and in enforcing procedures for the safety of all passengers. A certificated person licensed as a school bus driver may serve as a chaperon and driver concurrently.

(E) Out-of-state trips

Any out-of-state travel shall remain within two hundred forty miles round-trip distance from point of exit from the state to the point of entry to the state.

(F) Driver selection for assignment to non-routine trips should be based upon a policy adopted by the school bus owner which gives consideration to driver knowledge, skill, experience, vehicle familiarity and experience in operating a bus in the area to be traveled.

(G) A pre-trip inspection as detailed in paragraph (B) of rule 3301-83-11 of the Administrative Code shall be completed and documented immediately prior to departure of a school bus on a non-routine trip. Such pre-trip inspection will not be necessary provided the bus received a documented pre-trip inspection during routine service on the same day and by the same driver.

(H) Transportation coordination

- (1) Each school bus owner may participate in the written county transportation plan that establishes policies regarding the transportation needs of Ohio works first participants seeking or striving to retain employment. A copy of the plan shall be maintained on file.
- (2) Based upon the availability of local and/or state resources, school bus owners may enter into contractual agreements with local social service agencies to provide school bus transportation to Ohio works first participants, when there are no other alternative methods of transportation as identified in the county transportation plan.

The social service agency(ies) shall pay for the fully allocated costs associated with the use of the school bus(es).

- (a) The agency(ies) shall agree to hold harmless the school bus

- owner from all liability arising from such use.
- (b) The school bus owner and/or agency(ies) must obtain liability in an amount equal to or greater than the maximum tort damage permitted by law.
  - (c) The proposed use is consistent with owner policies regarding the use of school buses.
  - (d) Mileage under such contract/agreement is not reimbursable by the department of education.
- (3) School bus owners may enter into agreement with any recognized organization serving the aged to provide for the use of school buses, under certain conditions:
- (a) The organization must pay for the fully allocated costs associated with the use of the bus(es)
  - (b) The organization must agree to hold harmless the school bus owner from all liability arising from such use
  - (c) The school bus owner and/or organization must obtain liability in an amount equal to or greater than the maximum tort damage permitted by law
  - (d) The proposed use is consistent with owner policies regarding the use of school buses
  - (e) Mileage under such contract/agreement is not reimbursable by the department of education
- (4) The first priority for the use of school buses must be for the purposes outlined in Chapter 3301-83 inclusive of the Administrative Code.
- (5) Transportation coordination shall not be conducted during those times the school bus is in regular use and school children, or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, are being transported.
- (6) It will be the responsibility of the school bus owner to ensure compliance to all laws and regulations applicable to such additional use of the school bus.

### **3301-83-17 Authorized and unauthorized passengers.**

#### **(A) Authorized passengers:**

- (1) Pupils enrolled in approved programs who are eligible for transportation services authorized or required by state and

- federal law and school bus owner policy.
- (2) Children attending an approved preschool program authorized and directed by the board of education or county board of mental retardation and developmental disabilities.
  - (3) Resident preschool children and parent(s) or guardian who are participating in school-sponsored special programs that require attendance of both. This includes parent and child participating in a graduation, reality, and dual-role skills (GRADS) or similar type program.
  - (4) School officials may authorize transportation of a school-age visitor to the home of a regular school bus passenger upon proper parental authorization on a space-available basis which does not displace regular riders.
  - (5) Resident preschool children and school age pupils may be transported to preschool programs and school-age child-care programs (for example, latchkey programs). These extra miles are not reimbursable. School age pupils may be counted for reimbursement only once if eligible for routine transportation (see rule 3301-83-01 of the Administrative Code).
  - (6) Resident preschool special needs children are to be transported to school district preschool special education programs within the district and outside the district if assigned by the school district of residence. If transportation is necessary for preschool special needs children to receive a free and appropriate education it must be provided at no cost to the parent or guardian.
  - (7) School districts may enter into contractual agreements to provide transportation service for latchkey programs under the provisions of sections 3313.207, 3313.208, and 3313.209 of the Revised Code; and to provide transportation service for preschool and day care programs under provisions of division (C) of section 3313.646 of the Revised Code.
  - (8) Ohio Works First participants and the elderly may be transported under the provisions of paragraphs (H)(1) to (H)(5) of rule 3301-83-16 of the Administrative Code and according to policy and procedure of the school bus owner.
  - (9) School bus owners may establish a volunteer bus rider assistance program pursuant to section 3327.16 of the Revised Code. Qualified adults, including parents, or responsible older pupils may be authorized.

**(B) Unauthorized passengers:**

- (1) Family members of school bus drivers who are not enrolled in any of the approved school programs, unless adults appointed as



chaperons on non-routine trips.

- (2) School employees, on routine bus routes, unless assigned by proper school officials as part of their duties.
- (3) Adults not enrolled in any of the approved programs, unless assigned by proper school officials as bus monitors.

HISTORY: Eff 10-22-84; 7-1-91; 10-5-98; 10-1-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 3301.07, 4511.76

Rule amplifies: RC 3301.07, 4511.76

R.C. 119.032 review dates: 06/07/2004 and 10/01/2009

### **3301-83-18 Passenger capacity.**

- (A) Seating shall be provided that will permit each passenger to sit in a position which will provide maximum protection by the barrier.
- (B) The number of passengers in a school bus shall not exceed the school bus manufacturer's rated capacity. Seating shall be adjusted according to the passengers individual physical size.
- (C) No person shall stand while the school bus is in motion, with the exception of bus aides and driver training staff, in the official performance of their duties.

HISTORY: Eff 9-1-70; 10-22-84; 10-5-98; 10-1-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 3301.07, 4511.76

Rule amplifies: RC 3301.07, 4511.76

R.C. 119.032 review dates: 06/07/2004 and 10/01/2009

### **3301-83-19 Authorized vehicles for transportation of pupils to and from school and school-related events.**

The following are authorized vehicles for the transportation of pupils to and from school and school-related events:

#### **(A) School buses**

All vehicles designed to carry more than nine passengers, not including

the driver, and used to transport pupils to or from school or school-related events shall meet or exceed all applicable federal regulations and the Ohio school bus construction standards. Refer to division (F) of section 4511.01 of the Revised Code and rules 4501-5-01 to 4501-5-10 of the Administrative Code.

**(B) Public transit vehicles**

Public transit vehicles includes vehicles owned and operated by regional transit authorities or community transit authorities, or which are privately owned, under contract with a board of education or county board of developmental disabilities and operated on routes designed for the purpose of transporting fare-paying passengers and eligible pupils simultaneously.

Nonconforming vehicles (i.e. ten to fifteen passenger motor vehicles not meeting the FMCSR's for a school bus) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry more than sixteen passengers including the driver.

**(C) Vehicles other than school buses**

Vehicles originally designed and constructed at the factory for nine or fewer passengers, not including the driver, to be used when school bus transportation cannot be reasonably provided. These vehicles shall not be routinely used for service to and from regularly scheduled school sessions except for preschool children, special needs children, homeless children, children inaccessible to school buses, or students placed in alternative schools.

This section does not apply to parental transportation of children when not scheduled, arranged, managed, reimbursed, or contracted for by a board of education, school, or county board of developmental disabilities.

Requirements for vehicles identified in this section shall include the following:

- (1) The vehicle shall be equipped with safety equipment including a fire extinguisher, first-aid kit, body fluid cleanup kit, fuses, spare fuses, and emergency reflectors.
- (2) The vehicle shall have a rooftop sign marked "School Transportation."
- (3) The name of the school district, or the name of the contractor, if applicable, shall be clearly marked on the side of the vehicle.
- (4) These vehicles shall be inspected by a qualified mechanic not less than two times per year. This inspection shall cover at the

minimum all applicable sections of the school bus inspection detailed in paragraph (B) of rule 3301-83-11 of the Administrative Code. In addition, periodic maintenance intervals shall be established and implemented. Documentation and proof of these inspections and service procedures, in addition to all other vehicle records required under rule 3301-83-14 of the Administrative Code, shall be kept on file with the school district transportation department.

- (5) It is the responsibility of each vehicle driver to complete and document a daily pre-trip inspection before transporting pupils. The vehicle owner may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the vehicle driver. Pre-trip inspection records shall be kept on file for a minimum of twelve months.
- (6) Loading of these vehicles shall be performed in compliance with the passenger, weight, and other associated restrictions as identified by the original equipment manufacturer.
- (7) Drivers of these vehicles shall meet all qualifications for school transportation drivers as identified in paragraph (F) of rule 3301-83-06 of the Administrative Code and section 3327.10 of the Revised Code.

**(D) Commercial carriers**

Commercial carriers include carriers that are licensed and inspected by the appropriate government agencies to transport passengers for hire. Examples would include railroads, airlines, commercial watercraft, or commercial buses. Nonconforming vehicles (i.e. ten to fifteen passenger vehicles not meeting the FMCSR's for school buses) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry sixteen or more passengers including the driver.

**(E) Taxicabs**

Taxicabs may be used for transportation of pupils when the use of other modes of transportation as described in this rule are not reasonable as determined by the public school district.

Taxicabs shall be originally designed and constructed at the factory for nine or fewer passengers, not including the driver, and shall, with the exception of the rooftop sign marked "School Transportation," which shall not be required, comply with paragraph (F) of this rule.

The owner or operator of taxicabs shall provide documentation to the school district confirming compliance with this chapter.

The owner or operator of taxicabs shall provide proof of insurance to the school district in the amounts as specified in section 3327.09 of the Revised Code for vehicles used in the transportation of school children.

- (F) Vehicles not meeting the definitions listed in paragraphs (A) to (E) of this rule do not conform to state and federal law/rule and shall not be used for transportation of pupils to or from school or school related events.

Effective: 02/25/2007

R.C. 119.032 review dates: 11/29/2006 and 02/25/2012

Promulgated Under: 119.03

Statutory Authority: 3301.07, 4511.76

Rule Amplifies: 3327.08, 3327.09, 4511.76

Prior Effective Dates: 10/22/84, 7/1/91, 10/5/98, 8/17/01 (Emer.),  
11/13/01

### **3301-83-20 General rules.**

- (A) The use of alcohol, tobacco, and non-prescribed drugs is prohibited on the school bus.
- (B) The driver shall use the established route and make stops only at points designated by the school bus owner or the administrator who is authorized to designate such stops. District shall have a routing plan in place and documented for all routine routes.
- (C) The driver shall operate the bus on the approved time schedule and shall wait for pupils if ahead of schedule.
- (D) Firearms, ammunition, weapons, explosives or other dangerous materials or objects are prohibited on school buses. Animals are also prohibited, with the exception of those intended for special needs assistance.
- (E) All buses shall be kept clean on the inside and on the outside. Front and rear windows, lights and mirrors should be clean and all markings clearly visible.
- (F) The following equipment may be installed in a school bus: broom, snow brush, ice scraper, and trash container. All equipment must be properly secured.
- (G) All buses shall be equipped with emergency assistance cards which list three telephone numbers to call. The cards shall provide space for

describing the location of the school bus and the type of emergency.

- (H) The school bus driver shall use the seat belt whenever the school bus is in motion.
- (I) Identified route hazards shall be documented and provided to school bus drivers whose routes are affected. School bus drivers should report any such regular pedestrian or vehicular concerns as the following:
  - (1) Construction sites;
  - (2) Areas of poor visibility;
  - (3) Restricted sight distances;
  - (4) Railroad crossings;
  - (5) Other route hazards as noted by the school bus driver.
- (J) Equipment such as music instruments, athletic uniforms, etc., which cannot be held by passengers in their seats, shall be stored in the rear of the bus; however, the placement of such items in the rear of the bus shall not displace students. When it is necessary to transport such equipment concurrently with pupils, space shall be provided to comply with this rule without having standees in the bus. Equipment required in the assistance of preschool and special needs children shall be safely and properly secured. A clear aisle to the exit door must be maintained at all times.
- (K) Maximum hours. The school bus driver shall operate the bus for not more than ten hours in any one twenty-four hour period. Operation means on-road driving. Lay-over time does not count as operating time.
- (L) Fueling
  - (1) Buses shall not be fueled while the engine is running.
  - (2) Smoking shall not be permitted while fueling.
  - (3) Buses shall not be fueled with pupils on board.
- (M) Except in cases of extreme emergency, cellular telephones, including hands-free and wireless devices, or other portable communication devices shall not be used by the driver while the school bus is in motion or while the driver is supervising the loading or unloading of students.
- (N) Medically necessary oxygen may be transported provided it is properly secured. The oxygen must be housed in portable units less than fifteen pounds total weight each. Guidelines for transporting oxygen will be developed and administered by the Ohio department of education.
- (O) Districts shall adopt engine idling time policies that minimize the amount of time diesel engines shall be left idling. Diesel engine idling in

excess of five minutes in school loading zones shall not be permitted unless the operation of a wheelchair lift is required.

Effective: August 1, 2007

### **3301-83-21 Supplementary provisions for county boards of mental retardation and developmental disabilities.**

- (A) As used in this rule, the following definitions apply:
- (1) “Individualized education program” means a written statement for a special needs child that is developed and implemented in accordance with paragraph (E) of rule 3301-51-02 of the Administrative Code.
  - (2) “Individualized habilitation plan” means a written plan of intervention and action that is developed on the basis of a comprehensive evaluation.
  - (3) “County board” means a county board of mental retardation and developmental disabilities.
  - (4) “Department” means Ohio department of education.
- (B) The county board shall provide transportation services for children ages three to twenty-one eligible for transportation and enrolled in department-funded programs.

The nature and extent of transportation services to be provided to each individual served shall be determined through the individualized education program or individualized habilitation plan process. The determination shall be reviewed annually.

- (1) When it is determined through the individualized education program or individualized habilitation plan process that transportation other than that provided by the county board is an integral part of the education or habilitation of the individual, the county board shall provide reimbursement for transportation to the parent or guardian. Under these circumstances, written agreement between the county board and the parent or guardian shall be obtained prior to the provision of such transportation services.

Documentation of this agreement shall be kept on file.

- (2) Reimbursement of transportation costs paid to a parent or guardian may be approved as part of the transportation operating subsidy from the department with prior written agreement between the county board and the parent or guardian.
- (C) The county board shall meet or exceed the insurance requirement for

transportation vehicles and pupils as identified in Chapter 3327 of the Revised Code.

- (D) A school bus driver shall have a current and valid “American Red Cross” first aid certificate or equivalent first aid training.
- (E) All new bus drivers, assistants, and substitutes shall attend, prior to their assignment to a bus with passengers on board, an orientation which includes a review of the vehicle operator’s manual and a practical overview of the characteristics and needs of individuals to be transported.
- (F) The county board shall adopt a policy and procedures that ensure assistance is provided to individuals while being transported on county board vehicles when the individualized education program or individualized habilitation plan indicates a need for such assistance.
- (G) Individuals shall be picked up and returned to their residences unless other arrangements have been agreed upon by the county board program and the responsible parent or guardian.
- (H) All pupil transportation provided for children ages three through twenty-one must comply with all pupil transportation rules as identified in chapter 3301-83 of the Administrative Code and rule 3301-51-10 of the Administrative Code.

HISTORY: Eff 7-1-91; 10-5-98; 10-1-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 3301.07, 4511.76

Rule amplifies: RC 3301.07, 4511.76

R.C. 119.032 review dates: 06/07/2004 and 10/01/2009

### **3301-83-22 Vehicle maintenance.**

School buses and other vehicles used to transport school children shall be maintained in safe operating condition through a systematic preventative maintenance program. All school buses being used for pupil transportation must be presented to the Ohio Department of Public Safety for inspection, and shall not be operated with students on board without a current inspection sticker signifying that they have passed such inspection. The Ohio State Highway Patrol shall be notified within fifteen days of any school buses involved in motor vehicle accidents which result in mechanical damage , or that are damaged in excess of five hundred dollars.

HISTORY: Eff 7-1-91; 10-5-98; 10-1-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 3301.07, 4511.76

Rule amplifies: RC 3301.07, 4511.76, 4511.761

R.C. 119.032 review dates: 06/07/2004 and 10/01/2009

### **3301-83-23    Employment of school bus and van 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. “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: sections 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: sections 2905.01 (kidnapping), 2905.02 (abduction), 2905.05 (criminal child enticement), 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), (2), (3), or (4) of section 2919.22 (endangering children) of the Revised Code.
  - (c) Violent offenses: sections 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), 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: sections 2925.02 (corrupting another with drugs), 2925.03 (trafficking in drugs), 2925.04 (illegal manufacture of drugs or cultivation of marijuana), 2925.05 (funding of drug or marijuana trafficking), 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 sections 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), 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 sections 4511.75 (violation of school bus warning lights), 4511.21.2 (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.
- (B) No provider of school transportation services shall employ an applicant upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. In addition, the district shall release an employee from employment upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. Likewise, a district shall release from employment an individual if the results of a criminal records check indicate that, pursuant to this rule, the applicant does not qualify for employment.
- (C) A provider of school transportation services maintains the discretion whether to employ or retain in employment an individual who has been deemed rehabilitated pursuant to this rule. A provider of school transportation services may employ an applicant or continue to employ an individual that has previously pled guilty to, been found guilty by a jury or court of, or convicted of an offense listed in division (B)(1) of section 3319.39 of the Revised Code, if all of the following conditions for rehabilitation are met:
  - (1) The offense is not a non-rehabilitative offense as listed in paragraph (A)(6) of this rule;
  - (2) At the time of the offense, the victim of the offense was not a person under eighteen years of age or enrolled as a student in a district.
  - (3) The applicant or employee provides written confirmation of his/her efforts at rehabilitation and the results of those efforts. Written confirmation may include a statement by a court, parole officer, probation officer and/or counselor, or another source as approved by the employer that the applicant or employee has been rehabilitated.
  - (4) A reasonable person would conclude that the applicant’s hiring or the retention of the employee would not jeopardize the health, safety, or welfare of the persons served by the employer, based upon information pertinent to the following factors:
    - (a) The nature and seriousness of the crime;

- (b) The extent of the applicant or employee's past criminal activity;
  - (c) The age of the applicant or employee when the crime was committed;
  - (d) The amount of time elapsed since the applicant or employee's last criminal activity;
  - (e) The conduct and work activity of the applicant or employee before and after the criminal activity;
  - (f) Whether the applicant or employee has completed the terms of his probation or deferred adjudication;
  - (g) Evidence of rehabilitation;
  - (h) Whether the applicant fully disclosed the crime to the district and/or employer;
  - (i) Whether employment could have a negative impact on the local education community;
  - (j) Whether employment could have a negative impact on the state-wide education community;
  - (k) If the employer is a private employer, information regarding the individual's criminal background check and any subsequent actions by the contractor must be disclosed to any entity contracting for school transportation services;
  - (l) Any entity contracting for transportation services is not bound by the determination of a private employer to re-employ an individual in accordance with this section; and
  - (m) Any other factor the employer considers relevant.
- (D) It is the applicant or employee's duty to provide written evidence that the conditions specified in paragraph (C) of this rule are met. If the applicant or employee fails to provide such evidence or if the employer determines that the proof offered by the applicant or employee is inconclusive or does not establish proof of rehabilitation, the applicant shall not be hired or the employee shall be released from employment. Any doubt shall be resolved in favor of protecting the persons served by the school transportation provider.
- (E) Except as otherwise specified in this rule, the provisions of this rule are also applicable to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code or any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to section 2953.32 of the Revised Code.

- (F) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of an offense listed in division (B)(1) of section 3319.39 of the Revised Code shall not prevent an applicant's hiring or the retention of an employee if the applicant or employee has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.
- (G) As a condition of initial or continued employment pursuant to the requirements of this rule, the district may request the applicant or employee to be evaluated by a licensed provider (e.g. physician, psychologist, psychiatrist, independent social worker, professional counselor, chemical dependency counselor, etc.) and/or successfully complete a recognized and/or certified treatment program relevant to the nature of the conviction. (Unless otherwise specified in an employee contract, labor agreement, or other similar agreement, the employee or applicant shall bear all direct and associated costs of the evaluation and treatment program.) Failure on the part of an applicant or employee to comply with the district's request pursuant to this paragraph may be considered by the district as a factor against initial or continued employment.
- (H) Prior to rendering a decision on employment, the employer shall provide an opportunity for a meeting to an employee, if requested by the individual, so that he/she may provide evidence of rehabilitation pursuant to the requirements of this rule.
- (I) The decision of the employer on whether to employ or continue to employ an individual pursuant to the requirements of this rule can not be appealed to the Ohio department of education or state board of education.
- (J) This rule is promulgated under the state board and department of education's rule-making authority under division (E) of section 3319.39 of the Revised Code.

### **3301-51-10 Transportation of children with disabilities.**

- (A) Definitions.
- (1) The term disabilities includes the following: autism, deaf-blindness, deafness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual

impairment including blindness.

- (2) Special transportation means vehicle transportation service directly related to the child's disability and required by the individualized education program or any applicable state or federal law.
- (3) Transportation means travel to and from school, between schools, and in and around school buildings, and may include the following:
  - (a) Travel to and from school, between schools, and in and around school buildings during normal school hours and outside of normal school hours if included on the individual education program.
  - (b) Specialized equipment, such as special or adapted vehicles, lifts, and ramps, if required to provide special transportation for a child with disabilities.
  - (c) Fitting and/or retrofitting vehicles with specialized equipment, such as car seats, securement systems, and harnesses.
  - (d) Employment of aides for particular special education vehicles if deemed necessary by the school district.
  - (e) Other travel that may be arranged by the school district with no reimbursement from the state.
- (4) School district means city, local, exempted village, county board of education, or county board of mental retardation and developmental disabilities, for purposes of this rule.
- (5) Children with disabilities in this rule refers to those aged three through twenty-one.
- (6) Weekend travel means two trips on one weekend.
- (7) Department means the Ohio department of education.

(B) State residential schools.

- (1) This section refers to the Ohio state school for the blind and the Ohio state school for the deaf.
- (2) Reimbursement for transportation to and from the school district of residence shall be approved by the department, center of school finance, for eligible children with disabilities placed in the Ohio state school for the blind and the Ohio state school for the deaf.
- (3) Reimbursement claims for weekend travel and/or daily travel are to be submitted on the appropriate department, center of school finance form.

(C) Eligibility.

- (1) Reimbursement for special transportation may be approved by the department, center of school finance, for children with disabilities attending a special education program approved by the department, office for exceptional children, and/or attending a regular class in a public school.
- (2) School district transportation personnel shall be consulted in the preparation of the individualized education program when transportation is required as a related service and when the child's needs are such that information to ensure the safe transportation and well-being of the child is necessary to provide such transportation.
- (3) When required by the individualized education program, specialized service and door-to-door transportation will be provided based upon the unique needs of an individual child.
- (4) A community school governing board shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program specifies transportation.
- (5) For transportation purposes, a child with disabilities attending a nonpublic school, placed by parent, guardian, or others, shall be entitled to transportation the same as any child without disabilities attending a nonpublic school in accordance with section 3327.01 of the Revised Code.

(D) General requirements.

- (1) Each school district shall establish its own reasonable travel time. Travel time is defined as beginning at the initial pickup of the child and ending with the final arrival at the school destination.  
  
The school district shall develop its travel time standard, approved by the individual board of education, and shall consider the following factors: age of child, condition of disability, geographic size of school district, location of special education class, traffic patterns, and roadway conditions.
- (2) Those who transport eligible children with disabilities must comply with the appropriate provisions of the rules 3301-83-03 to 3301-83-22 of the Administrative Code.
- (3) Drivers and transportation aides must have access to appropriate information about the child to the degree that such information might affect safe transportation and medical well-being while being transported. This information must be available in the vehicle or readily accessible in the school transportation office and is confidential.
- (4) Emergency evacuation and other pertinent safety precautions must be considered by school districts deciding upon the appropriate

transportation services for children with disabilities.

- (5) All vehicles used must be authorized vehicles as defined in rule 3301-83-19 of the Administrative Code. A privately owned vehicle utilized to transport a pupil of the family is not subject to regulation other than that required by state law.

HISTORY: Replaces rule 3301-51-10; Eff 6-30-73; 7-4-77; 1-1-95;  
Replaces 3301-51-10, eff. 10-1-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4511.76, 3301.07

Rule amplifies: RC 4511.76, 3301.07

R.C. 119.032 review dates: 10/01/2009



## Laws

### **3327.01 Transportation of pupils.**

Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend the board of education shall provide transportation for such pupils to and from such school except as provided in section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts the board shall provide transportation for all children who are so crippled that they are unable to walk to and from the school for which the state board of education

prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts the board shall provide transportation to and from school or special education classes for educable mentally retarded children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term.

The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education.

No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

Effective Date: 06-29-2004; 09-29-2005

### **3327.02 Resolution declaring impracticality of transportation – offer of payment in lieu of transportation.**

- (A) After considering each of the following factors, the board of education of a city, exempted village, or local school district may determine that it is impractical to transport a pupil who is eligible for transportation to and from a school under section 3327.01 of the Revised Code:
- (1) The time and distance required to provide the transportation;
  - (2) The number of pupils to be transported;
  - (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
  - (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
  - (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
  - (6) Whether other reimbursable types of transportation are available.
- (B) (1) Based on its consideration of the factors established in division

- (A) of this section, the board may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality.
- (2) The board shall report its determination to the state board of education in a manner determined by the state board.
  - (3) The board of education of a local school district additionally shall submit the resolution for concurrence to the educational service center that contains the local district's territory. If the educational service center governing board considers transportation by school conveyance practicable, it shall so inform the local board and transportation shall be provided by such local board. If the educational service center board agrees with the view of the local board, the local board may offer payment in lieu of transportation as provided in this section.
- (C) After passing the resolution declaring the impracticality of transportation, the district board shall offer to provide payment in lieu of transportation by doing the following:
- (1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:
    - (a) The board's resolution;
    - (b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.
  - (2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.
- (D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board shall pay the parent, guardian, or other person in charge of the child an amount that shall be not less than the amount determined by the department of education as the minimum for payment in lieu of transportation, and not more than the amount determined by the department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.
- (E) (1) (a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures.

- (b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119 of the Revised Code. The state board may approve the payment in lieu of transportation or may order the board of education to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.
  - (2) The school district shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.
- (F)
- (1) If the department determines that a school district board has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to the state average daily cost of transportation as determined by the state board of education for the previous year. The school district board shall make payments on a schedule ordered by the department.
  - (2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any payments the department makes to the school district board under division (D) of section 3317.022 of the Revised Code. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation.
- (G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following:
- (1) Disburse the entire amount of the payments to the parent, guardian, or other person in control of the pupil affected by the failure of the school district of residence to provide transportation;
  - (2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

Effective Date: 04-08-2003

### **3327.10 [Effective 3/29/2010] Qualifications of drivers.**

- (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the superintendent of schools, in case such person is employed by the board of a city or exempted village school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.
- (B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:
- (1) A person licensed under Chapter 4731 of the Revised Code or by another state to practice medicine and surgery or osteopathic medicine and surgery;
  - (2) A physician assistant;
  - (3) A certified nurse practitioner;
  - (4) A clinical nurse specialist;
  - (5) A certified nurse-midwife.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.

- (C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.
- (D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:
  - (1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.
  - (2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.
- (E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.
- (F)
  - (1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record.
  - (2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for six years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent

municipal ordinance.

- (3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the state board of education prescribing qualifications of drivers of school buses and other student transportation.
- (G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:
- (1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.
  - (2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.
- (H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.
- (I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.
- (J) (1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall

request a criminal records check by a date prescribed by the department of education and every six years thereafter.

- (2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

- (3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:
- a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.
  - (b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

- (K) (1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person



who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed by the rule.

Amended by 128th General Assembly File No. 16, HB 19, § 1, eff. 3/29/2010.

Amended by 128th General Assembly File No. 9, HB 1, § 101.01, eff. 1/1/2010.

## **4511.01 Traffic laws – operation of motor vehicles definitions.**

As used in this chapter and in Chapter 4513. of the Revised Code:

(F) “School bus” means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided “school bus” does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and “school bus” does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

#### **4511.75 Stopping for stopped school bus.**

- (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

- (B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.
- (C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle, streetcar, or trackless trolley overtaking the school bus shall comply with division (A) of this section.
- (D) School buses operating on divided highways or on highways with four

or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

- (E) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.
- (F) (1) Whoever violates division (A) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (A) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
- (2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action.
- (G) As used in this section:
- (1) "Head start agency" has the same meaning as in section 3301.32 of the Revised Code.
- (2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section 4511.77 of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

Effective Date: 07-01-2004; 06-30-2005

#### **4511.76 Administrative rules for school bus construction, design, equipment, operation and licensing.**

- (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.
- (B) 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.
- (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 moral character of the applicant; 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.
- (E) As used in this section, “vehicle used for pupil transportation” means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code.
- (F) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Effective Date: 01-01-2004

### **4511.761 School bus inspections.**

- (A) The state highway patrol shall inspect every school bus to ascertain whether its construction, design, and equipment comply with the regulations adopted pursuant to section 4511.76 of the Revised Code and all other provisions of law.

The superintendent of the state highway patrol shall adopt a distinctive inspection decal not less than twelve inches in size, and bearing the date of the inspection, which shall be affixed to the outside surface of each side of each school bus which upon such inspection is found to comply with the regulations adopted pursuant to section 4511.76 of the Revised Code. The appearance of said decal shall be changed from year to year as to shape and color in order to provide easy visual inspection.

No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this state unless there are displayed thereon the decals issued by the state highway patrol bearing the proper date of inspection for the calendar year for which the inspection decals were issued.

- (B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (C) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under section 4511.763 of the Revised Code.

Effective Date: 01-01-2004

### **4511.62 Stopping at railroad grade crossing.**

- (A) (1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:
- (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

- (b) A crossing gate is lowered.
  - (c) A flagperson gives or continues to give a signal of the approach or passage of a train.
  - (d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other vehicles, trackless trolleys, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.
  - (e) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
  - (f) There is insufficient undercarriage clearance to safely negotiate the crossing.
- (2) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (f) of this section exist at the crossing.
- (B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.
- (C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Effective Date: 01-01-2004

### **4511.63 Stopping at grade crossings.**

- (A) Except as provided in division (B) of this section, the operator of any bus, any school vehicle, or any vehicle transporting a material or materials required to be placarded under 49 C.F.R. Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.
- (B) This section does not apply at grade crossings when the public utilities

commission has authorized and approved an exempt crossing as provided in this division.

- (1) Any local authority may file an application with the commission requesting the approval of an exempt crossing. Upon receipt of such a request, the commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the commission shall notify each railroad operating over the crossing of the comment period.
- (2) After considering any comments or other information received, the commission may approve or reject the application. By order, the commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the commission and any other conditions ordered by the commission are satisfied.
- (3) By order, the commission may rescind any exempt crossing designation made under this section if the commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(C) As used in this section:

- (1) “School vehicle” means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
- (2) “Bus” means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
- (3) “Exempt crossing” means a highway rail grade crossing authorized and approved by the public utilities commission under division (B) of this section at which vehicles may cross without making the stop otherwise required by this section.

(D) Except as otherwise provided in this division, whoever violates this

section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Effective Date: 01-01-2004; 05-18-2005



# **Standards for Employment of School Bus and School Van Drivers with Criminal Charges and Convictions**

Provided by the Pupil Transportation Office,  
Ohio Department of Education  
July 2012

The requirements for background checks for school transportation drivers have changed several times since 2007. With the July 2012 implementation of OAC 3301-83-23, one final adjustment is implemented as required by law. This code is similar to the existing practice, but adds certain additional disqualifying events.

This document supersedes all other documents published on this matter.

Employment of individuals for school transportation is governed by various statutes in the Ohio Revised Code and rules in the Ohio Administrative Code. This document is provided to assist individuals, school district personnel and others in the education community in applying the requirements pertaining to criminal background checks for school transportation staff.

## **Disclaimer**

This information is not intended to be used as legal advice. It is intended to be used as general information and for guidance as it only provides a limited summary of parts of the statutes and administrative rules regarding licensure and employment for persons with certain criminal convictions. For additional information, consult the Ohio Revised Code and the Ohio Administrative Code as referenced below. If you have a specific legal issue or question, please consult with your legal counsel. For general inquiries, you may contact the Ohio Department of Education's Pupil Transportation Office at 614-466-4230.

## **Raising the ethical standards in Ohio**

The State Board of Education and the state legislature have enacted policy and law to ensure that all individuals who work in Ohio's education system are appropriate to be in the profession. Various regulations apply to teaching staff, nonteaching staff, and pupil transportation drivers. One very significant aspect of these regulations is the completion of a criminal background check for all the aforementioned employees.

A brief synopsis of the changes in regulations for criminal background checks specific for pupil transportation drivers is as follows:

1984 – Rules adopted by State Board of Education that recommend a criminal background check for bus drivers.

1991 – Criminal background checks become mandatory for all new pupil transportation drivers, and are required to be renewed every 2 years.

1998 – Rule requiring criminal background check is revised to require a new check every 6 years with driver recertification instead of every 2 years.

2007 (July 1) – SB 97 becomes effective that requires employers to obtain federal information in addition to the state information for each new transportation employee.

2007 (Nov 14) – HB 190 becomes effective requiring employers to obtain federal information in addition to state information for all employees on a regular cycle. For drivers of pupil transportation vehicles, this includes preemployment and at their 6 year renewal. This bill also adds language to RC 3327.10 (K) that identifies criminal offenses to be monitored and a rehabilitation program for some of those offenses.

2008 (Sep 12) – HB 428 becomes effective; amending R.C. 3327.10(K) to refer to the list of criminal offenses in 3319.31 (C) that are absolute bars from employment for drivers of pupil transportation vehicles. The bill also removes any reference to rehabilitation for other offenses. This same bill also requires districts to suspend any employee arrested, summoned or indicted for an alleged violation of offenses listed in 3319.31 (C) (if a licensed employee) or 3319.39 (B)(1) (if a non-licensed employee).

2010 (Jan 1) – HB 1 amendment becomes effective that eliminates the need for a state bcii check for re-certifying drivers if an initial check was completed at hiring and if they can prove Ohio residency for the previous 5 years. FBI checks are still required for all recertifying drivers.

2010 (Mar 29) – HB 19 takes effect, changing the disqualifying offenses for pupil transportation drivers, and directing ODE to amend its rule 3301-83-23 to include a new list of disqualifying offenses specific to school bus and school van drivers, and the rehabilitation standards for them. Until that rule is amended school bus and school van drivers are evaluated in accordance with rule 3301-20-03.

2012 (July 1) – Ohio Administrative Code 3301-83-23 takes effect, and becomes the final determination of eligibility for pupil transportation drivers.

The culmination of this progressive series of revisions in the law is that a specific list of criminal convictions is identified that precludes individuals from employment as a school bus or school van driver. Rules have been adopted that require these criminal records to be checked for each driver at preemployment and with each driving certification renewal. It is the intent of these laws and rules that only appropriate individuals seeking employment in pupil transportation be hired, and that Ohio's children are being served by individuals committed to a safe, supportive, and healthy community.

## **Standards used for different roles in pupil transportation**

The standards reviewed in this document are applicable to drivers of pupil transportation vehicles with students on board- including both school buses and school vans

Drivers who are also employed in another capacity for a school must be evaluated in accordance with the regulations that pertain to that other capacity in addition to meeting the requirements that pertain to being a driver. Example: A building custodian is also used as a school bus driver. The requirement for background checks for building custodians is that the checks must be completed each 5 years. The requirement for bus drivers is 6 years. In this case, the individual must follow the shortest cycle which is 5 years. We recommend that the individual be recertified as a bus driver at the same time (i.e. 5 years) so that the same criminal background checks can be used for both positions.

### **Criminal background checks for bus and van drivers.**

#### **(ref. ORC 3327.10, 3319.39 (B)(1), 3319.40)**

Ohio Revised Code §3327.10 (J) requires employers to conduct criminal background checks on individuals applying for or employed in a position as a driver of a vehicle used for pupil transportation. Those background checks must be requested prior to the person's hiring, and every six years thereafter.

Furthermore division (G)(2) of section 3327.10 of the revised code requires that the required criminal records check required in division (J) be completed and received by the public or private employer prior to permitting the individual to operate a vehicle used for pupil transportation.

For any individual who is recertifying, the employer shall request only criminal records from the FBI if a state check was completed at initial hire, AND the person presents proof that that they have been a resident of this state for the five-year period prior to the date upon which the new criminal records check is due.

In §3327.10 (K) the code stipulates that persons who have been convicted or pled guilty to any offense identified in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment.

Employers may wish to consider adopting local policy regarding convictions for other offenses NOT included in 3319.39 (B)(1), including what conditions they may wish to implement in the consideration of employment of these individuals.

A second provision in HB 428, effective on September 12 2008, created a new Revised Code Section 3319.40 and requires that school districts suspend employees who have been arrested, summoned, or indicted for an alleged

violation of an offense listed in 3319.39 (B)(1) (for non-licensed employees).

A summary of the offenses listed in both of these sections follows the text in this document.

## Requirements for when to complete the background checks

Ohio Administrative Code 3301-83-06 and 3301-83-10 establish the cycle of background checks, training and certification requirements for drivers.

Background checks must be completed as part of the application process for bus or van driver certificates. No certificate may be applied for without the employer's certification that the background check has been requested and received by the employer.

## List of disqualifying offenses

For all offenses listed, an applicant cannot be hired or shall be released from employment.

For all offenses listed, employers are required to suspend the employee during the pendency of the criminal action. Each district may determine its own policy with regard to continued employment of these individuals during this period.

ORC Section	Notes	Offense	Eligible for Rehabilitation
<b>Sexually oriented offenses</b>			
2907.02		Rape	Non-rehabilitative
2907.03		Sexual Battery	Non-rehabilitative
2907.04		Unlawful Sexual Conduct With a Minor	Non-rehabilitative
2907.05		Gross Sexual Imposition	Non-rehabilitative
2907.06		Sexual Imposition	Non-rehabilitative
2907.07		Importuning	Non-rehabilitative
2907.12		Felonious Sexual Penetration (former section)	Non-rehabilitative
2907.21		Compelling Prostitution	Non-rehabilitative
2907.22		Promoting Prostitution	Non-rehabilitative
2907.23		Procuring	Non-rehabilitative
2907.25		Prostitution; after positive HIV test	Non-rehabilitative
2907.31		Disseminating Matter Harmful to Juveniles	Non-rehabilitative
2907.32		Pandering Obscenity	Non-rehabilitative
2907.321		Pandering Obscenity Involving a Minor	Non-rehabilitative

<b>ORC Section</b>	<b>Notes</b>	<b>Offense</b>	<b>Eligible for Rehabilitation</b>
2907.322		Pandering Sexually Oriented Matter Involving a Minor	Non-rehabilitative
2907.323		Illegal Use of Minor In Nudity-Oriented Material or Performance	Non-rehabilitative
<b>Child related violent offenses</b>			
2905.01		Kidnapping	Non-rehabilitative
2905.02		Abduction	Non-rehabilitative
2905.04		Child Stealing (as it existed prior to July 1, 1996)	Non-rehabilitative
2905.05		Criminal Child Enticement	Non-rehabilitative
2919.22 B		Endangering Children (if division (B)(1), (2), (3) or (4) is violated)	Non-rehabilitative
2919.23		Interference of Custody - if a violation of this statute (R.C. §2919.23) would have been a violation of R.C. §2905.04 (child stealing) before 7/1/96	Non-rehabilitative
<b>Violent offenses</b>			
2903.01		Aggravated Murder	Non-rehabilitative
2903.02		Murder	Non-rehabilitative
2903.03		Voluntary Manslaughter	Non-rehabilitative
2903.04		Involuntary Manslaughter	Non-rehabilitative
2903.06	Added July 1, 2012	Vehicular Manslaughter	Non-rehabilitative
2903.08	Added July 1, 2012	Vehicular Manslaughter	Non-rehabilitative
2903.09	Added July 1, 2012	Vehicular Manslaughter	Non-rehabilitative
2909.24	Added July 1, 2012	Terrorism	Non-rehabilitative
<b>Other violence-related offenses</b>			
2903.11		Felonious Assault	AFTER 20 YEARS
2903.12		Aggravated Assault	AFTER 20 YEARS
2911.01		Aggravated Robbery	AFTER 20 YEARS
2911.02		Robbery	AFTER 20 YEARS
2911.11		Aggravated Burglary	AFTER 20 YEARS
2923.161		Improper Discharge Firearm at or into Habitation; School-related Offenses	AFTER 20 YEARS

<b>ORC Section</b>	<b>Notes</b>	<b>Offense</b>	<b>Eligible for Rehabilitation</b>
2919.12		Unlawful Abortion	AFTER 20 YEARS
3716.11		Placing Harmful Objects in Food/Confection	AFTER 20 YEARS
<b>Drug offenses</b>			
2925.02		Corrupting Another With Drugs	AFTER 10 YEARS
2925.03		Trafficking in Drugs	AFTER 10 YEARS
2925.04		Illegal Manufacturing of Drugs or Cultivation of Marihuana	AFTER 10 YEARS
2925.06		Illegal Administration or Distribution of Anabolic Steroids	AFTER 10 YEARS
<b>Non violent theft offense</b>			
2911.12		Burglary	AFTER 10 YEARS
<b>Major motor vehicle offenses</b>			
4511.19	Added July 1, 2012	Operating under the influence	AFTER SIX YEARS
4511.20	Added July 1, 2012	Reckless Operation	AFTER SIX YEARS
4510.11	Added July 1, 2012	Driving under suspension	AFTER SIX YEARS
4510.14	Added July 1, 2012	Driving under OVI suspension	AFTER SIX YEARS
4511.194	Added July 1, 2012	Physical control under influence	AFTER SIX YEARS
<b>Other offenses</b>			
2903.13		Assault	AFTER 5 YEARS
2903.16		Failing to provide for a functionally impaired person	AFTER 5 YEARS
2903.21		Aggravated Menacing	AFTER 5 YEARS
2903.34		Patient abuse or neglect	AFTER 5 YEARS
2907.08		Voyeurism	AFTER 5 YEARS
2907.09		Public Indecency	AFTER 5 YEARS
2919.22 A		Endangering Children Section A	AFTER 5 YEARS
2919.24		Contributing to unruliness or delinquency of a child	AFTER 5 YEARS
2919.25		Domestic Violence	AFTER 5 YEARS
2923.12		Carrying concealed weapons	AFTER 5 YEARS
2923.13		Having weapons while under disability	AFTER 20 YEARS
2925.11		Possession of controlled substance	AFTER 5 YEARS

ORC Section	Notes	Offense	Eligible for Rehabilitation
<b>Other motor vehicle offenses</b>			
4511.75	Added July 1, 2012	Violation of school bus lights	AFTER ONE YEAR
4511.21.2	Added July 1, 2012	School zone speed limit	AFTER ONE YEAR
4511.62	Added July 1, 2012	Railroad crossing violation	AFTER ONE YEAR
		A conviction of or guilty plea to a violation of any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to any of the offenses listed above.	

### Eligibility for re-employment

As stipulated in sections 3319.39 and 3319.391 of the Revised Code, the department of education has adopted rule that sets rehabilitation standards for those individuals with certain criminal convictions. A specific rule for bus and van drivers (3301-83-23) is in existence and effective on July 1, 2012. Refer to section (C) of the rule for the standards that must be met.

### 3319.39 [Effective 3/29/10] Criminal records check

- (A) (1) Except as provided in division (F)(2)(b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant:
- (a) The applicant is applying to be an instructor of adult education.
  - (b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility,

during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

- (c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check.
  - (2) A person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.
  - (3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the board of education of a school district, governing board of an educational service center, or governing authority of a chartered nonpublic school shall not employ that applicant for any position.
- (B) (1) Except as provided in rules adopted by the department of education in accordance with division (E) of this section and as provided in division (B)(3) of this section, no board of education of a school district, no governing board of an educational service center, and no governing authority of a chartered nonpublic school shall employ a person if the person previously has been convicted of or pleaded guilty to any of the following:



- (a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;
  - (b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.
- (2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.
  - (3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.
- (C) (1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the appointing or hiring officer of the board or governing authority.
  - (2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C)(1) of

this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment.

- (D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.
- (E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B)(1) or (3) of this section but who meets standards in regard to rehabilitation set by the department.

The department shall amend rule 3301-83-23 of the Ohio Administrative Code that took effect August 27, 2009, and that specifies the offenses that disqualify a person for employment as a school bus or school van driver and establishes rehabilitation standards for school bus and school van drivers.

- (F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for the school district, educational service center, or school for that position.
- (G) As used in this section:
  - (1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a board of education, governing board of an educational service center, or a chartered nonpublic school, except that "applicant" does not include a person already employed by a board or chartered nonpublic school who is under consideration for a different

position with such board or school.

- (2) “Teacher” means a person holding an educator license or permit issued under section 3319.22 or 3319.301 of the Revised Code and teachers in a chartered nonpublic school.
- (3) “Criminal records check” has the same meaning as in section 109.572 of the Revised Code.
- (4) “Minor drug possession offense” has the same meaning as in section 2925.01 of the Revised Code.

- (H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers and substitutes for other district employees under this section, the appointing or hiring officer of such educational service center shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers and other substitute employees for the local district.

Amended by 128th General Assembly File No. 16, HB 19, § 1, eff. 3/29/2010.

Effective Date: 06-09-2004; 2007 SB97 01-01-2007; 2007 HB190 11-14-2007; 2008 HB428 09-12-2008

### **3319.40 Suspension of employee pending criminal action.**

- (A) As used in this section, “license” has the same meaning as in section 3319.31 of the Revised Code.
- (B) If a person who is employed by a school district or chartered nonpublic school is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 of the Revised Code, if the person holds a license, or an offense listed in division (B)(1) of section 3319.39 of the Revised Code, if the person does not hold a license, the superintendent of the district or the chief administrative officer of the chartered nonpublic school 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. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code is a person whose duties are assigned by the district treasurer under division (B) of section 3313.31 of the Revised Code, the treasurer shall suspend the person from all duties that require the care, custody, or control of a child. If the person who is arrested,

summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code is the superintendent or treasurer of the district, the district board shall suspend the superintendent or treasurer from all duties that require the care, custody, or control of a child. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code is the chief administrative officer of the chartered nonpublic school, the governing authority of the chartered nonpublic school shall suspend the chief administrative officer from all duties that require the care, custody, or control of a child.

- (C) When a person who holds a license is suspended in accordance with this section, the superintendent, treasurer, board of education, chief administrative officer, or governing authority that imposed the suspension promptly shall report the person's suspension to the department of education. The report shall include the offense for which the person was arrested, summoned, or indicted.

Effective Date: 2008 HB428 09-12-2008

## Other Related Rules

### **3301-83-01 Calculation of pupil transportation operation payments.**

- (A) Authority – Pupil transportation operation payment amount for each school district may be determined as prescribed by the general assembly, in section 3317.022 of the Revised Code.
- (B) Eligibility – Fiscal year payment for pupil transportation operation shall be made to all city, exempted village, and local school districts eligible for school foundation funding as provided for by Chapter 3317. of the Revised Code.
- (C) Formula for calculation of regular education payment amounts.
  - (1) Type I (board-owned and operated school buses):
    - (a) Funding shall be computed and distributed as specified in section 3317.022 of the Revised Code.
    - (b) For purposes of making computations under division (J) of section 3317.02 of the Revised Code, transportation ADM means average daily number of eligible pupils actually riding pursuant to paragraph (E)(1) of this rule.
    - (c) Payment for extra service miles run on days public school is not in session may be made by multiplying the extra miles by a per mile amount approved by the state board of education.
  - (2) Type II (contractor-owned and operated school buses):
    - (a) Funding shall be computed and distributed as specified in section 3317.022 of the Revised Code.
    - (b) Payment for extra service miles run on days public school is not in session may be made by multiplying the extra miles by a per mile amount approved by the state board of education.
  - (3) Type III (public utility) – An amount for the number of eligible pupils transported, as determined by multiplying the number of eligible pupils by a per pupil amount approved by the state board of education.
  - (4) Type IV (payment to parent or guardian) – Payment shall be determined by multiplying the number of eligible pupils by a per pupil amount approved by the state board of education.
  - (5) Type V (board-owned vehicles other than school buses) – An

amount for the approved total annual miles traveled, as determined by multiplying the total annual miles by a per mile amount approved by the state board of education.

- (6) Type VI (privately owned vehicles other than school buses) – An amount for the approved total annual miles traveled, as determined by multiplying the total annual miles by a per mile amount approved by the state board of education.

(D) Reimbursement for special education transportation.

- (1) Reimbursement for special transportation may be approved by the department's center for school finance for children with disabilities attending a special education program approved by the department's office of exceptional children and/or attending a regular class in a public school.
- (2) For eligible children with disabilities, the department's center for school finance will approve reimbursement for the actual cost of special transportation up to six dollars per instructional day per child and one-half the actual cost in excess of six dollars per day. This amount may be adjusted by factors included in the budget bill, or to remain within the budgeted allocation for special education transportation.
- (3) All vehicles used must be authorized vehicles as defined in rule 3301-83-19 of the Administrative Code. A privately owned vehicle utilized to transport a pupil of the family is not subject to regulation other than that required by state law.
- (4) Eligible children with disabilities who ride on regular school buses on regular routes are not eligible for special education transportation reimbursement. They are to be counted on the department's T-1 and T-2 forms.

However, if fifty per cent or more of the passengers on a regular school bus, on a regular route, are eligible children with disabilities, that cost can be prorated and reported to the department's center for school finance for reimbursement.

- (5) Reimbursement claims for transportation of children with disabilities shall be reported on the appropriate form as required by the department's center for school finance.
- (6) The amount reimbursed to the school district may not exceed the actual cost for transportation of eligible children with disabilities.

(E) Reporting and annual adjustments

- (1) Each school district shall file annual reports of all pupils transported, miles traveled, actual costs, and other necessary

information for the purposes of calculation and adjustments in amount due. Pupils transported and miles traveled shall be reported by vehicle as the average daily number of eligible pupils actually transported and miles traveled during the first full week of October that school is in session. Actual cost shall be reported by vehicle on or before the first day of August following the close of the fiscal year.

- (2) All adjustments by transportation service type shall be made within the first quarter following the close of the fiscal year.

(F) Vehicles approved for use and operational payment

- (1) Board-owned and operated school buses – A vehicle operated by a qualified driver meeting the definition of a school bus successfully passing the annual state highway patrol safety inspection assigned a school bus identification number and painted national school bus chrome with proper black lettering. Vehicle met or exceeded Ohio school bus minimum standards at the time of construction.
- (2) Contractor-owned school buses – A vehicle meeting all the requirements of a board-owned school bus and requirement of licensing by the Ohio department of highway safety and bonding as required by law.
- (3) Public transit vehicles – Vehicles owned and operated by regional transit authorities, community transit authorities, or privately owned, or taxis, under contract with a board of education and operated on routes designed for the purpose of transporting fare-paying passengers and eligible students simultaneously.
- (4) Board-owned vehicles other than school buses – A vehicle, nine-passenger or less, not including driver, with no school bus identification other than school district name.
- (5) Privately owned vehicles other than school buses used in compliance with rule 3301-83-19 of the Administrative Code.
- (6) Privately owned vehicles may include ambulances and/or taxicabs for the purpose of transporting eligible children with disabilities.

(G) Operational regulations

- (1) Only pupils eligible for payment may be included in the counts as reported in paragraph (E)(1) of this rule. An “eligible pupil” must meet the following criteria:
  - (a) Is one whose place of residence is one mile or more from the school of assignment for public school pupils and school of attendance in case of nonpublic pupils when measured in the following manner: “Measurement of distance originates at a

point on the traveled portion of the roadway nearest the primary entrance to the place of residence and then along the most direct route traversable excluding interstate routes by motor vehicle to the school bus loading area nearest and opposite the entrance door used by pupils transported”; and

- (b) Is transported from an approved a pick-up point near the residence, to a school of assignment in the case of public school pupils, and to the school of attendance in the case of nonpublic school pupils and who is returned from the school of assignment or attendance to the designated pick-up point; and
  - (c) Is enrolled in grades kindergarten through twelve and regularly transported to and from a public school; or
  - (d) Is enrolled in grades kindergarten through twelve and regularly transported to and from a nonpublic school chartered by the state board of education and eligible for transportation service.
- (2) Nonresident non-open enrollment pupils regularly transported may be reported for payment purposes only when such pupils are released by the district of residence. Miles traveled to transport eligible pupils participating in an open enrollment program may be reported for payment purposes by the resident district from home to the designated border pick-up point and by the educating school district from the border pick-up point to the building of attendance in the educating district. If the educating district or the resident district provides all the open enrollment transportation for a student, the miles may be reported by the district providing the service.
- (3) Miles traveled from bus storage location or school building to first student pick-up, all route miles, and return to storage both a.m. and p.m., including kindergarten miles, are approved for payment purposes.
- (4) Miles traveled to and from storage locations outside the county or counties of the school district location are not approved miles for payment purposes. Miles traveled from county line to first pick-up and return to county line are approved miles.
- (5) Total annual miles for payment purposes shall be calculated by multiplying total daily miles by one hundred eighty days.
- (6) Recalculation of pupil transportation operation payment amount due may be approved when:
- (a) Local board policy or routing is revised to provide transportation service for additional pupils or increased miles on or before the first of February, and providing such change in policy is to continue in effect for the remainder of the



school year.

- (b) A nonpublic school is chartered for operation subsequent to the initial reporting period.
  - (c) School district erroneously reports or Ohio department of education errs in actual calculation of amount due.
- (7) School districts contracting with transit authorities for the purpose of transporting eligible pupils to and from school shall require the transit authority director to file with the board of education actual operational costs in excess of, or less than, reimbursement as provided for by paragraph (C)(3) of this rule. Such report shall be filed with the board of education at the close of each fiscal year. Each board of education shall file with the Ohio department of education all transit authority and local board costs on or before the twentieth day of July of each year.
- (8) Type IV, payment to parent or guardian in lieu of transportation service for eligible pupils whose transportation is deemed impractical by school conveyance, must be declared as being impractical by board of education resolution. Payment under this type will not be made for pupils who live within two miles of their school of attendance. Post-secondary transportation shall be reported as type IV when pupils are eligible for such reimbursement under law and any rules adopted by the state board of education.
- (9) For payment purposes, all school districts providing transportation service to nonpublic or vocational schools on days public schools are not in session and shuttle service to joint vocational schools may report on forms provided by the Ohio department of education such additional miles.

Effective: 02/25/2007

R.C. 119.032 review dates: 11/29/2006 and 02/25/2012

Promulgated Under: 119.03

Statutory Authority: 3301.07, 3317.022, 4511.76

Rule Amplifies: 3317.022, 4511.76

Prior Effective Dates: 11/1/75, 12/28/77, 12/28/79, 3/22/82, 4/1/84, 5/1/86, 4/1/88, 5/1/92, 5/6/94, 10/1/04, 5/19/06

## Position Papers

### Guidelines Regarding the Safe Transportation of Oxygen on a School Bus

The Department of Education has established the following guidelines regarding the safe transportation of oxygen on a school bus:

- A. Oxygen shall be transported on school buses only when it is medically necessary. The Individualized Education Program (IEP) for a child with disabilities must document the oxygen use requirement.
  1. Prior to initial transportation, school administration and transportation personnel should be informed as to the type and size of the oxygen tank to be transported.
  2. Regarding a student using oxygen only on an “as needed” basis, the decision as to what is necessary is the responsibility of trained medical personnel only. This decision is not the responsibility of the bus operator or aide.
    - a. A determination must be made as to who will load and unload the medical support equipment. Appropriate training must be provided for these procedures.
  3. The development of an emergency plan is strongly recommended in the event of a medical emergency or equipment failure.
  4. It is recommended that only one medical support device per student be transported.
  5. The transportation department should not assume responsibility for storing any medical equipment.
  6. Changes in medical equipment or transportation must be so noted on the IEP.
  7. A contingency procedure should be developed to avoid oxygen being transported without proper securement in the event the regular bus breaks down.
- B. Oxygen must be transported in a secure container maintained in accordance with the manufacturer’s instructions. The oxygen must be housed in a portable unit and should be less than 15 pounds total weight.
  1. Gas oxygen tanks shall have a maximum capacity of twenty-two (22) cubic feet (Medical E). Medical E tanks are usually no larger than 4 ½ inches in diameter and 31 inches in length.

2. Liquid oxygen units shall have a maximum capacity of thirty-eight (38) cubic feet and be no larger than 5 inches in diameter and 13 inches in length. For transportation purposes, these units must not be larger than 38 cubic feet.
  3. All oxygen shall have valves and regulators that are protected against breakage. Manufacturer's precautions are usually printed on a label attached to the cylinder and should be followed whenever possible.
- C. All oxygen tanks shall be securely attached to prevent movement and leakage. This securement should be located on the sidewall of the school bus in the upright position at a rib or body support in a rack or mounting bracket capable of sustaining five (5) times the weight of the tank and contents.
1. Since they are under pressure and could accelerate a fire, all oxygen tanks (gas or liquid) must be secured away from intense heat or friction.
  2. In cases where the oxygen is attached to a wheelchair or other support equipment, the tank shall be removed and secured prior to transport.
  3. Oxygen tanks or other medical support equipment shall never be stored or secured in the head impact zone.
- D. While it is not mandatory to place any placards or labels on the bus, a decal indicating medical support equipment is in use may be helpful to emergency personnel in the event of an accident.

The transportation of oxygen on a school bus creates added concern and responsibility to all involved. However, with prior planning and proper securement, oxygen can be safely transported.

Thank you for this opportunity to assist you. If you have any additional questions or comments, please contact the Ohio Department of Education, Office of School Finance, Pupil Transportation Section at (614) 466-4230.

**School Bus Driver Recertification**  
**A review of Driver Recertification Procedures**  
*Issued by the Office of Pupil Transportation*  
*Updated-5 July 2012*

1. All drivers must recertify on a 6 year cycle. This six year cycle begins on the date of issue of their most recent preservice certificate.
2. Drivers need to complete the requirements for recertification during their 6th year of driving after their most recent preservice certificate.
  - a. Example: A driver is trained and receives a preservice certificate in February 2000. The first 12 month period is considered year 1 (ending Feb 2001 for this driver) . . . the 6th 12 month period is considered year 6, in this case ending Feb 2006. The driver must initiate and complete recertification during year six. Without a new certificate, he/she may not drive in March of 2006.
3. Undated and Ohio basic certificates are no longer valid.
4. A driver may recertify earlier than their 6 year cycle.
  - a. Admission to a recertification class may be limited to space available, with priority given to drivers who must recertify in the year the class is being taken.
  - b. We do not recommend that districts send all their drivers through recertification at the same time.
5. The certificate of any driver who has not driven for two or more years is considered to be invalid. That driver must complete either a new certification program or complete recertification prior to resuming transportation of pupils.
6. There are three separate parts to recertification. All must be completed and documented on a T-9 form available from the regional preservice instructor.
  - A) BCI Criminal background check, including BOTH state and federal information, must be completed no more than 12 months prior to the application for recertification (OAC 3301-83-06(B)(10)).
    - a. A current list of disqualifying convictions is contained in ORC 3327.10, and by reference RC 3313.31(C) and 3313.39 (B)(1). A document that provides guidance on evaluating criminal background checks is available on the Pupil Transportation site of the Ohio Department of Education website.

- b. This check must be completed and written evidence on file with the driver's employer. The evidence of the check is not to be submitted with the application.
- B) Attend an Ohio Pre-Service School Bus Driver Training recertification class (3301-83-10(F)(1)). This class shall be valid for 12 months for application for a certificate. Class schedules can be obtained by contacting the area preservice instructor.
- a. As an alternative to class, drivers may substitute attendance at a recertification class by completing an Ohio Pre-Service Advanced School Bus Driver Training Course no more than 24 months prior to the application for recertification (3301-83-10(F)(5)).
- C) Complete a driving performance evaluation with a certified On-Bus Instructor (OBI) (3301-83- 0(F)(3)). OBIs are selected by their districts, and trained and certified by Ohio Preservice Instructors.
- a. The driving evaluation also includes a pretrip inspection. A prescribed pretrip inspection procedure and form will be demonstrated to the applicant, who will in turn be asked to demonstrate the pretrip inspection when they are comfortable with it. The driver applicant will be allowed to carry the written form with them as they complete the inspection. The forms used are located in the Ohio preservice manual.
  - b. A driver will have up to three opportunities to successfully demonstrate the driving skills with an OBI designated by the school bus owner.
  - c. A driver may request a fourth opportunity if necessary to be administered by an Ohio Preservice Instructor. The driver must be offered appropriate driving instruction prior to this fourth opportunity.
  - d. As an alternative to the driving performance evaluation a driver may participate in a state and/or regional school bus driver safety ROAD-E-O, and must achieve a minimum of eighty percent of the possible points. The date of the ROAD-E-O can be no more than 24 months prior to the application for recertification (3301-83-10(F)(6)).
7. After all of the steps above have been completed the recertification application (T9) must be completed, documenting the above steps and the candidate's successful completion. This form must be electronically submitted to ODE NO LATER than 30 days prior to the expiration of the driver's current certificate.

8. If the application is submitted late, a certificate may still be issued, but no guarantee will be made that it will be issued prior to the expiration date of the old certificate.
9. No driver may operate a school bus with pupils on board without a current preservice certificate. A copy of the current certificate must be on file with the school bus driver's employer, and must be made available for inspection when requested by the Ohio Department of Education or its assignee.
10. Temporary preservice certificates are not valid for use with drivers who need to recertify. These certificates may only be used for new drivers who are completing all required steps for new school bus drivers.

## Use of Preservice Temporary Certificates

Position Paper Published by Ohio Department of Education Pupil  
Transportation Office  
September 23, 2008

In accordance with OAC 3301-83-10, every school bus driver in the state of Ohio must complete the Ohio Preservice Driver Training program prior to transporting students on a school bus. Completion of this program is acknowledged by the issuance of a preservice driver training certificate by ODE, which is valid for six (6) years from the date of issue.

Under unusual circumstances, a temporary preservice certificate may be issued one time by the employing superintendent that is valid for not more than 90 days. The conditions for use of these temporary certificates are as follows:

1. The driver must have completed all behind-the-wheel training and been successfully evaluated by an OBI on both driving and pretrip skills.
2. A satisfactory criminal background report is on file with the employer.
3. A satisfactory driving history report is on file with the employer.
4. A satisfactory T8 physical is on file with the employer.
5. A satisfactory pre-employment drug screen has been completed.
6. The driver must hold a valid CDL with passenger and school bus endorsements.
7. The driver must have completed training on all district procedures, including but not limited to route procedures, safety and emergency procedures, and local rules and regulations.
8. The driver must be familiar with all ODE Pupil Transportation Operation and Safety rules.
9. All training information recorded on the T-9 paper form must be entered in the web-based reporting system.
- 10. Temporary preservice certificates are NOT valid for drivers who are applying for recertification.**

The intent of these certificates is to accommodate districts who have completed all training for a new driver, but who have a need to employ the driver prior to completing the classroom portion of the preservice program, or for drivers who have completed all portions of the program including classroom but not yet received their six year certificate.

**District administrators may obtain temporary certificates from their regional preservice instructor upon proof that the driver candidate has**

**completed all the required steps and has been entered into the ODE driver reporting system.**

All temporary cards shall be signed and dated by the appropriate administrator to be considered valid.

For questions regarding the administration of this program, please contact the pupil transportation office at ODE.



## **Guidelines for Determining Driver-designated Place of Safety**

November 18, 2005

Chapter 3301-83 of the Administrative Code contains operation and safety rules regulating pupil transportation and governs all pupil transportation in Ohio. These rules pertain to both safety and administrative procedures for pupil transportation. Compliance with these rules is mandated under Ohio Revised Code 4511.76.

Within this chapter are rules specific to a driver-designated place of safety for students who are loading or unloading from school buses. The primary reference is in Section 3301-83-13 B6, and reads as follows: “Each pupil shall be assigned a residence side designated place of safety. Driver must account for each pupil at designated place of safety before leaving. Pupils are not to proceed to their residence until the school bus has departed.”

In section 3301-83-08 C2, additional language states: “Pupils must wait in a location clear of traffic and away from the bus stop.”

The purpose of the place of safety is to reduce as much as possible the potential of a student being hit by a school bus while he/she is in the process of being picked up or dropped off.

While the code cited above does not further define a “designated place of safety,” a standard of teaching has been developed within the preservice program that all bus drivers are required to participate in. The following principles are being taught to bus drivers as reflective of “best practice.”

1. The place of safety should be at least 20 or more steps away from the bus stop. (Drivers are instructed to teach ‘steps’ instead of feet so that the distance will be readily understood by all ages of students being transported.)
2. The place of safety should be far enough away from the bus so that the bus can proceed without any chance of the student running back into the path of school bus as it leaves the designated stop.
3. When possible, the driver should choose a stationary and recognizable object – such as a flag pole, garage door, or sign post.
4. The place of safety should be such that a driver can account for the location of the child before moving the bus. At stops with multiple students, a place of safety should be identified where each student can be seen.
5. School bus drivers who do not believe a place of safety can be determined at a given stop should communicate with their supervisor and ask for assistance.
6. Drivers should always count their students twice before leaving the school bus stop.

## Clarification on School Transportation Driver Physicals Blood Pressure Requirements

Posted March 4, 2009  
Pupil Transportation Office  
Ohio Department of Education

Each school bus driver and school van driver is required to meet physical qualifications as set forth in rule 3301-83-07 of the Ohio Administrative Code<sup>1</sup>.

One of the qualifications in this code pertains to the driver's blood pressure. The following is offered as clarification of the requirements for evaluating blood pressure and required follow-up.

- 1) A driver who has blood pressure not higher than 160/90 mmHg has passed the blood pressure requirement.
- 2) A driver who has blood pressure higher than 181/105 mm Hg has failed the blood pressure requirement, and subsequently does not meet the physical qualifications standard.
- 3) A driver who has blood pressure between 161-180 systolic and/or 91-104 diastolic may be granted a temporary certificate from the examining physician. The following additional follow-up visits are required:
  - a. Within 90 days the driver must be retested by the examining physician (who performed the T-8 exam). The blood pressure must be not higher than 160/90 mmHg at that retest in order to remain physically qualified.
  - b. A 6 month check up is required from the driver's treating physician (not necessarily the T-8 physician). At this check the blood pressure must be not higher than 160/90 mmHg in order to remain physically qualified.

<b>Blood Pressure</b>	<b>Outcome</b>	<b>Required retest</b>	<b>Required retest</b>
Less than 160/90	Passes BP test	n/a	n/a
BP 161-180 diastolic and/or 91-104 systolic	Conditional pass – followup required	90 day retest by T-8 physician – must be less than 160/90 or driver is disqualified	6 month (from date of T-8) check by treating physician – must be less than 160/90 or driver is disqualified
Greater than 180/104	Fails physical	n/a	n/a

<sup>1</sup> Under the Code of Federal Regulations Title 49-Transportation, Part 390.3 (f)(1), all school bus operations as defined in 390.5 are exempt from DOT physicals. 390.5 defines school buses as vehicles being used to transport only school children and/or school personnel.

# Clarification on Child Safety Seat Requirements with respect to School Bus Transportation

February 3, 2010

The following information is provided with the intent of clarifying the legislated requirements pertaining to child safety seat requirements in school transportation. This is not a recommendation or position statement regarding the use of child restraints and/or mobility aids.

Additional information and recommendations about the use of child safety restraint systems can be obtained by reviewing materials from the National Highway Traffic Safety Administration.

- 1) The use of child seats or booster seats in a school bus requires that an FMVSS approved passenger restraint system be installed in the seating position being used for that seat. Since most school buses over 10,000 lbs GVW are delivered without passenger restraints, it is not possible to use child seats without some accommodation. Options available to bus owners would include replacing a 'nonseat belt seat' with a 'seat belt ready seat', use of a replacement seat that incorporates child restraints, or use of a vest-style restraint that uses a cam-wrap encircling the seat back. Of these options, the vest-style restraint is the only system that does not require a 'seat-belt ready seat.'

The attachment of post production belts or restraints to seats that have not been designed for belts is not compliant with FMVSS regulations or school bus construction standards. It will also cause your bus to fail the MVI safety inspection.

- 2) The only vehicles for which child restraint rules apply are those required by the United States department of transportation to be equipped with seat belts at the time of manufacture. In Federal Motor Vehicle Safety Standard 201 this is defined as cars, multipurpose passenger vehicles, trucks and buses with a GVWR of 4,536 kilograms (10,000 pounds) or less.

Full size school buses that exceed 10,000 pounds GVW are not required to have seat belts, and consequently are not required to have child safety restraints for passengers on board.

- 3) Child Safety Restraints are mandated in Ohio Revised Code 4511.81 for school vehicles that are required to have safety belts. Following is a summary of the regulations (The full text of the law and code follow this paper):
  - A) If a child is less than four years of age or weighs less than forty pounds, you must have the child properly secured in an approved child restraint system that meets FMVSS
  - B) If a child is less than eight years of age and less than four feet nine inches in height, you must have the child properly

secured in accordance with the manufacturer's instructions on a booster seat that meets FMVSS.

- C) If a child is at least eight years of age but not older than fifteen years of age, you must have the child properly secured either in a child restraint system that meets FMVSS or in an occupant restraining device (seat belt).

For additional information contact the Office of Pupil Transportation at the Ohio Department of Education.

## **4511.81 Child restraint system - child highway safety fund.**

- (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

- (B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

- (C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code or a vehicle that is regulated under section 5104.011 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

- (D) When any child who is at least eight years of age but not older than

fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

- (E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.
- (F) The director of public safety shall adopt such rules as are necessary to carry out this section.
- (G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.
- (H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the child who otherwise would be required to be restrained under this section has a physical

impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

- (I) There is hereby created in the state treasury the child highway safety fund, consisting of fines imposed pursuant to division (K)(1) of this section for violations of divisions (A), (B), (C), and (D) of this section. The money in the fund shall be used by the department of health only to defray the cost of designating hospitals as pediatric trauma centers under section 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems and booster seats and the importance of their proper use. The program also shall include a process for providing child restraint systems and booster seats to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and booster seats, and their proper use.
- (J) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system or booster seat under the department's child highway safety program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.
- (K) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.
- (L) (1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:
  - (a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.
  - (b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), (C), or (D) of this

section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (L)(1) of this section shall be forwarded to the treasurer of state for deposit in the child highway safety fund created by division (I) of this section.

Effective Date: 01-01-2004; 04-06-2007; 2008 HB30 09-12-2008; 2008 HB320 10-07-2009 This version is effective 10-07-2009

## **4501-37 Child Restraint Systems**

Persons using child restraint systems as set forth in paragraphs (A) and (B) of this rule shall adhere to the manufacturer's instructions regarding the proper installation and securing of the restraint system. No child restraint system shall be used in a motor vehicle for a purpose, or in a manner, for which it is not intended.

(A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation in Title 49 of the Code of Federal Regulations, Section 571.208 cited as 49 C.F.R. 571.208 (January 2, 2008) to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle standards as set forth in Title 49 of the Code of Federal Regulations, Section 571.213 cited as 49 C.F.R. 571.213 (August 5, 2008):

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards as set forth in Title 49 of the Code of Federal Regulations, Section 571.213, cited as 49 C.F.R. 571.213 (August 5, 2008):

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

Effective: 12/14/2008

**4501-37-06    Transportation of child at least four but not older than fifteen years of age.**

When any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation in Title 49 of the Code of Federal Regulations, section 571.208, cited as 49 C.F.R. 571.208 (January 2, 2008) to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards as set forth in Title 49 of the Code of Federal Regulations, section 571.213, cited as 49 C.F.R. 571.213 (August 5, 2008) or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

Effective: 12/14/2008



## **Transportation Services for Nonpublic and Community School Students**

For questions regarding these procedures, contact the Office of Pupil Transportation at the Ohio Department of Education (614) 466-4230, or your Area Coordinator's Office

Students enrolled in nonpublic or community schools may be entitled to pupil transportation services from their public school district of residence. The procedures, information and references included in this document are intended to provide guidance for parents in procuring that service, if they are eligible.

Upon enrollment in a nonpublic or community school, the parent/guardian should contact the transportation department of the public school district in which they reside. A written request is strongly suggested. Without this initial contact, the public school district will not have any knowledge of the student's transportation needs.

Upon contact from a parent, staff at the public school district will follow procedures to determine whether the child is eligible for transportation. The following factors will be evaluated:

- 1) Is the child a special education student? Two scenarios exist in this case:
  - a) For attendance at nonpublic schools: If there is an IEP for the child written by the public school, but the parent elects to send the child to a nonpublic school instead of a program designated on the IEP, there is no obligation to provide special education transportation. Instead, the district must offer the student the same transportation as it would for a regular education student.
  - b) For attendance at community schools: If the child has special education needs, the community school (as a public school) has the same obligation to establish an IEP for the child as any other public school. If that IEP identifies pupil transportation as a required related service, the obligation of providing transportation is assigned to the community school. If there is an IEP, but transportation is not identified as a related service, the public school of residence shall provide transportation as it would for a regular education student.
- 2) Is the school selected eligible for services from a public school? The nonpublic school must be approved by the state board of education, or have a letter of intent to be approved. Without one of these in place, no services can be provided.
- 3) If the school is approved, is the student in one of the grades approved?
- 4) Is the student eligible for transportation services, as based upon the public school transportation policy? i.e. If the student is a high school

student, and the public school does not transport high school students, then the student would not be eligible for services. In general, transportation is provided on a 'same basis' principle.

5) Does the nonpublic or community school meet the 30 minute eligibility test as set by law? Although a nonpublic school may be approved, and the student may fit the 'same basis' eligibility, the nonpublic school must be reachable within 30 minutes by direct travel. This is done in a school bus, on a school day, and during the regular attendance times that a bus would be traveling to the school. The origin of the timing run is the public school building that the child would be assigned to if attending public school. Districts will schedule and complete this time check, and if they find that it is greater than 30 minutes, will ask for the Ohio Department of Education to supervise another timing run. Districts are encouraged to meet with parents prior to this timing to attain agreement upon the route selected, and are also encouraged to invite the involved parents to ride along and observe. If a timing is over 30 minutes transportation services are not required to be provided.

Timings, once run and supervised by ODE, are considered final and will not be re-run unless approved by the director of pupil transportation for ODE. This approval will not be granted unless it can be demonstrated that the conditions pertaining to the timing have changed substantially.

If it is determined that the school is eligible, the student is eligible, and the timing is 30 minutes or less, staff at the public school will determine the most appropriate transportation available for the student.

Public schools use a number of methods to provide transportation for students, including yellow school buses, public transit buses, taxi service, and in some cases contracts with other school districts or private vendors. All of these modes of transportation will be considered for the eligible student. Parents do not have the choice of type of service offered. If transportation is offered but not used, the school district has no further obligation.

Because of the logistics involved, it is frequently more difficult and expensive for a public school district to arrange for transportation for a nonpublic or community school student. In some cases, the public school may find that it is not practical to provide that transportation.

Ohio Law allows for public schools to determine impracticality of transportation after consideration of a number of factors. Upon that determination, the local public school is then permitted to provide payment- in-lieu of transportation. To enable that action, school boards and parents must complete several steps as follows:

- The public school board will pass a resolution of impracticality
- The public school board will then provide the parent with notification of that resolution, and ask for the parent to accept or reject the determination. At the same time, the board is to provide the parent with information regarding their rights should they reject the deter-

mination.

- The parent must acknowledge and return a waiver/contract to the public school indicating their acceptance or rejection.
- For the parent who accepts, the school board will verify attendance for the school identified, and make payment to the parent at the end of the school year.

Parents who decide to reject the determination of impractical transportation may request mediation. That request must be submitted in writing to the superintendent of their public school and to the area coordinator's office of the Ohio Department of Education. Upon receipt of that request, the ODE area coordinator will schedule a fact-finding hearing, wherein the school district and the parent(s) will be allowed to present their reasons.

At the conclusion of that hearing, if both parties are still in disagreement, ODE staff will direct the public school to provide transportation services of some type pending a hearing with the state board in accordance with Chapter 119 of the Revised Code. Following that hearing and a recommendation by the mediator, the state board may approve the payment-in-lieu of transportation or may order the board of education to continue transporting. That decision is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

Reference: ORC 3327.01, ORC 3327.02

# Recommendations for Nonroutine Bus Trip Instructions for Passengers

Published 21 May 2007

The following items shall be reviewed with passengers prior to the onset of every nonroutine bus trip. This page contains an overview of the items to be reviewed, and the following page contains a sample script to assist bus drivers with the delivery of this information.

Completion of the following meets the requirements of OAC 3301-83-16 and ORC 4511.76(C).

## **Aisles and exits:**

Drivers should point out the location of emergency exits in the bus including basic instructions on how to open the exits. Emergency exits and service doors may not be blocked – equipment may not be stored in the aisle or in any location that blocks an exit.

Emergency equipment:

Show the location of the first aid kit, body fluid cleanup kit, fire extinguisher, fuses (flares) and reflective triangles. Driver should also demonstrate the use of the emergency override switch for all air or electric service doors.

## **General rules:**

Emphasize the requirement to remain seated; no eating and no drinking; silence at railroad crossings and the need to follow directions from the bus driver. This applies to coaches, chaperones and students equally.

## **Chaperones:**

The bus driver is ultimately responsible for the vehicle and passengers but the chaperone plays an important role in avoiding unnecessary distractions and safety violations. Chaperones should space themselves throughout the bus in order to effectively monitor student behavior. Chaperones must make it a priority to remind students to (a) remain properly seated at all times, (b) keep noise to a minimum, (c) maintain complete silence at railroad crossings, (d) keep the aisles and exits clear at all times, and (e) keep the bus clean.

Chaperones should assist the bus driver in checking the bus for articles left behind by students.

## **BUS DRIVER'S SAMPLE SCRIPT:**

### **Aisles and exits:**

Ohio school bus safety rules require that we take a moment to explain some of the safety features of this bus before departing. First, please note the emergency exits nearest to your seat. There are [number] exits on this school bus. *[Demonstrate the use of the emergency exits.]*

No equipment may be stored in the aisle of a school bus. Equipment may not block emergency exits or the service door. If applicable: *This bus is equipped*

*with an air/electric door. The emergency switch is located [here] and allows the door to be opened manually by moving the switch in this manner [demonstrate switch].*

**Emergency equipment:**

The first aid kit and body fluid cleanup kit are located [show location]. The fire extinguisher, fusees and reflective triangles are located [show location].

**General rules:**

All passengers are required to remain seated properly on Ohio school buses. Eating and drinking is not permitted. All passengers are required to remain silent at railroad crossings and at any other time I have requested silence.

**Chaperones:**

*It is prudent to explain the chaperones' responsibilities in a manner that does not minimize their authority in front of the students. This might involve speaking to them separately prior to boarding the bus.*

The chaperones are responsible for assisting the bus driver in preventing distractions and safety violations by the passengers – this is best accomplished by spreading out throughout the bus. Chaperones must remind students to remain properly seated at all times, to keep the noise inside the bus to a minimum, maintain complete silence at railroad crossings, to keep the aisle and exits clear at all times. Lastly, chaperones must assist the bus driver in keeping the bus clean, in checking for articles left behind by the passengers.

Chaperones are subject to all bus rules – just as the student passengers.





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