

## **Policy ~~8600~~ 360 – Transportation**

**Revised policy and repeal of Policy 8740 (Bonding) and Policy 8750 (Liability Insurance) effective upon passage**

*1<sup>st</sup> reading*      January 24, 2019

*2<sup>nd</sup> reading*      February 7, 2019

*3<sup>rd</sup> reading*

**Statutory authority**      West Virginia Code 18-5-13, 18-5-16, West Virginia Board of Education Policy 4336

### **Administrative Guidelines**

(none)

It is the policy of the Board of Education to provide transportation for students as required by State ~~Code~~ law and West Virginia State Board of Education policy. ~~The State Code authorizes the Board to provide, at public expense, adequate means of transportation for all children of school age who live more than two (2) miles distance from the nearest available road; for children participating in Board-approved curricular and extracurricular activities; across county lines for students transferred from one school county to another if mutual agreement of both county boards, as reflected in the minutes of each participating board; and within available revenues, for students within two (2) miles distance of the school. In the event topography, impassable roads, long bus rides or other conditions prevent the practicable transportation of any student to an in-county high school, the Board may transfer the student to a high school in an adjoining county or accept similarly situated students from an adjoining county. In such case, the Board may enter into an agreement providing for the payment of the cost for transportation, if any, for these students.~~

### **Guidelines for School Bus Routing**

~~The recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions are as follows for:~~

- ~~A.—elementary school students, thirty (30) minutes;~~
- ~~B.—middle school, immediate school and junior high school students; forty-five (45) minutes; and~~
- ~~C.—high school students, sixty (60) minutes.~~

~~The Board may not create a new bus route for the transportation of students in any of the grade levels pre-kindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after July 1, 2008 which exceeds by more than fifteen (15) minutes the above recommended duration of the one-way school bus transportation time for elementary students unless:~~

- ~~A.—the Board adopts a separate motion to approve creation of the route and request written permission of the West Virginia State Board of Education to create the route;~~
- ~~B.—receives the written permission of the WVBE to create the route.~~

~~The Board may not create, nor may the WVBE permit, the creation of a new bus route for the transportation of students in any of the grade levels pre-kindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after the first day of July 1, 2008 which exceeds by more than thirty (30) minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the West Virginia State Board of Education.~~

school buses shall be purchased and maintained by the Board for the transportation of resident students between their home areas and the schools of the County to which they are assigned or, on a space-available basis, to their nonpublic schools. The Superintendent may substitute smaller buses for reasons of economy or efficiency of operation.

In the event students eligible for special education or Section 504 services require special transportation arrangements, the terms of such arrangements as contained in a student's IEP or Section 504 Plan shall prevail to the extent such transportation arrangements conflict with this policy.

Transportation of eligible vocational or special education children between their home areas and schools outside the County may be arranged through the use of Board-owned vehicles, through cooperation with other counties, through commercial carriers, and/or by other means in the most efficient and economical manner.

The Superintendent shall approve the bus routes annually. These routes, including bus stop locations, shall be developed pursuant to the guidelines given in West Virginia Board of Education Policy 4336. The Superintendent is authorized to make any necessary changes in ~~the~~ an approved route and to develop administrative guidelines detailing the process by which bus routes shall be developed.

### **~~School Bus Stop Locations~~**

- ~~A. Ideally, bus stops should be located out of the traffic stream at least .20 miles apart.~~
- ~~B. For bus stop locations near a railroad crossing, consideration should be given to the traffic flow in the area and to assure that adequate distance is allowed for traffic to clear the railroad tracks. The safety of the general motorists should be taken in consideration.~~
- ~~C. With irregular terrain, the highest priority in establishing a bus location should be the safety of the students. Every effort should be made by county school officials to select a safe bus stop with ample waiting areas for students.~~
- ~~D. The minimum sight distance should be related to the approved speed of traffic. The approved speed is the posted speed limit, advisory speed limit or a value judged to most accurately represent the prevailing speed at a specific location.~~
- ~~E. Sight distance needed on a level grade for essential speeds is as follows:~~

~~Speed (mph)      Recommended Sight Distance      Minimum Sight Distance~~

<del>25</del>	<del>300 feet</del>	<del>139 feet</del>
<del>30</del>	<del>360 feet</del>	<del>176 feet</del>
<del>35</del>	<del>420 feet</del>	<del>219 feet</del>
<del>40</del>	<del>480 feet</del>	<del>263 feet</del>
<del>45</del>	<del>540 feet</del>	<del>314 feet</del>
<del>50</del>	<del>600 feet</del>	<del>369 feet</del>
<del>55</del>	<del>660 feet</del>	<del>432 feet</del>

- ~~F. The West Virginia Division of Transportation (hereinafter, "DOT") and County Traffic Engineers will provide assistance in the selection and the use of school bus STOP signs which warn motorists of the presence of students as a bus stop. The county shall request the DOT for assistance if needed.~~
- ~~G. Bus stops should be located to minimize students walking along unsafe highways.~~
- ~~H. A school bus operator shall contact the Transportation Director when a bus stop is determined to be unsafe. The Transportation Director shall evaluate and take action to relocate the stop to a safer place, if necessary.~~

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- I. ~~School bus operators are to pick up and discharge students only at the designated locations. A guardian shall be at the bus stop for pickup and delivery of his/her child enrolled in Preschool — third grade~~
  - J. ~~When possible, a bus stop shall be 200 feet from the crest of a hill or a curve, if the view of approaching traffic is obstructed.~~

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus and the "Student Code of Conduct" shall be applicable to all students while being transported by bus. In the event video recording devices have audio recording capabilities, the bus shall contain an appropriate posted notice of such capabilities.

The Board is also ~~authorized to mount~~ authorizes the installation of a camera on any school bus for the purpose of enforcing the law forbidding the overtaking and passing a school bus that is stopped for the purpose of receiving and discharging students and for any other lawful purpose.

Students meeting the Federal definition of "homeless" will be transported from their temporary place of residence to their school of assignment, at the request of the parent, guardian or unaccompanied minor, to the same extent as all other students of the County and consistent with this policy. If the homeless child or youth continues his/her education in the school of origin but begins living in an area served by another county, the county of origin and the county in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the counties cannot agree upon a method, the responsibility and costs for transportation are to be shared equally. In no event will a homeless student be denied enrollment based on issues related to student transportation.

~~Should any bus operator be disqualified from performing the duties of bus operator through the revocation or suspension of bus operator certification or through the revocation or suspension of commercial driver's license, as a result of criminal conviction or for any other reason, the bus operator shall be deemed incompetent and shall be subject to disciplinary action up to and including termination of employment.~~

~~The Superintendent shall be responsible for developing and implementing appropriate administrative guidelines for this policy.~~

#### *Bus Operator Certification*

It is the policy of the Board of Education that all bus operators hold proper certification under standards for school bus operators established within the ~~West Virginia State Code law~~ and West Virginia Board of Education policy, which include attainment of the age of twenty-one (21), good moral character, proper training and experience, demonstrated competency, physical and mental/emotional capabilities, and passing the physical examination. It is also the purpose of this Board to protect its students from drivers whose certification is invalidated in the State of West Virginia.

~~The State Superintendent may, after ten days' notice and upon proper evidence, revoke the certificate of any bus operator for any of the following causes:~~

~~If a certificate has been granted through an error, oversight or misinformation, the State Superintendent may recall the certificate and make such corrections as will conform to the requirements of law and State Board rules.~~

~~Per State Board policy 4336, a bus operator may be suspended, have their certification revoked, or their certification non-renewed due to:~~

- A. ~~failure to meet the physical and mental/emotional requirements as indicated from the results of any physical or psychological examination.~~

~~The superintendent shall have the right to require a physical and/or psychological examination from a designated health care provider when s/he has any reasonable questions regarding the ability of a school bus operator and the safety of students or the sufficiency of an annual physical examination.~~

- ~~B. failure to pass the online examination developed by the State Department.~~
- ~~C. failure to complete the annual minimum twelve (12) hours of transportation related professional development.~~
- ~~D. failure of any drug or alcohol test administered by the Board or submission of an adulterated specimen.~~

~~The school bus operator shall not be certified to operate a school bus for at least two (2) years subsequent to a positive or adulterated test result. For a second positive test result or adulteration, certification shall be revoked and refused permanently.~~

- ~~E. accumulation of ten (10) or more points on Department of Motor Vehicles (DMV) driving record or conviction of reckless driving, as defined by WV Code 17C-5-3 or conviction for leaving the scene of an accident involving physical injury or death, as defined by WV Code 17C-4-1, or conviction for obstructing an officer or fleeing an officer as defined by WV Code 61-5-17 while an employee.~~
- ~~F. conviction of a felony.~~
- ~~G. conviction of and/or DMV suspension or revocation of license, on a charge of operating a motor vehicle while under the influence of alcohol, or controlled substances, or preponderance of evidence presented, such as positive breath or blood test, of operating a motor vehicle under the influence of same.~~

~~The applicant/employee shall not be certified to operate a school bus for at least two (2) years subsequent to a first offense for such conviction or suspension/revocation. For a second offense certification shall be withdrawn and refused permanently.~~

- ~~H. conviction on a charge of possession or sale of a controlled substance.~~
- ~~I. demonstration of a preponderance of evidence or by conviction that the school bus operator is an abuser of alcohol, or lawfully prescribed controlled substances or a user of illegal controlled substances or controlled substances not lawfully prescribed.~~
- ~~J. conviction of any sexual assault or abuse charge.~~

~~The school bus operator may also have certification renewal refused or certification suspended or revoked when it is shown by a preponderance of evidence that s/he has sexually assaulted or sexually abused any person, or engaged in a consensual sexual or amorous relationship with a student.~~

- ~~K. demonstrations by a preponderance of evidence of frequent violations of traffic laws, sound safety practices, regulations, or ordinances, or any single violation that threatened the safety of student passengers, or other users of streets or highways.~~
- ~~L. violation of West Virginia Board of Education policy 5902—Employee Code of Conduct that has a rational nexus or relationship to the performance of a school bus operator's duties.~~

~~The above violations, misconduct, etc., shall not be confined to the time the school bus operator is driving the school vehicle.~~

~~Bus operators are on further notice that when the State Superintendent receives information concerning any of the violations set forth above, or any other conduct that would justify the recall, refusal, or suspension or the imposition of any condition upon the certification of any school bus operator, the bus operator is notified of the pending action against him/her and afforded the opportunity for a hearing in accordance with West Virginia Board of Education policy 1340—Rules of Procedure for Administrative Hearings and Appeals.~~

~~A driver involved in a preventable school bus accident, or judged guilty of a minor traffic violation, shall be subject to the disciplinary action. established in The Superintendent's shall develop administrative guidelines to this effect.~~

Additionally, any school bus operator under contract with the Board who fails to comply with any of the aforementioned rules is guilty of breach of contract and the employee may be subject to discipline up to and including termination after notice and, if requested or required, hearing by the Board.

### **~~Bus Operator Certification Test~~**

~~Notwithstanding any other provision of West Virginia Code to the contrary or any rules of the Board concerning school bus operator certification in effect on July 1, 2010, the certification test for school bus operators shall be required as follows, and school bus operator shall not be required to take the certification test more frequently for:—~~

- ~~A.—substitute school bus operators and for school bus operators with regular employee status, but on a probationary contract, the certification test shall be administered annually;~~
- ~~B.—school bus operators with regular employee status and continuing contract status, the certification test shall be administered triennially, and;~~
- ~~C.—substitute school bus operators who are retired from a county board and who at the time of retirement had ten (10) years of experience as a regular full time bus operator, the certification test shall be administered triennially.~~

### *Transportation for Curricular/Co-Curricular and Extra-Curricular County-Sponsored Trips*

It shall be the policy of the Board of Education to use regular or special-purpose school vehicles for transportation on curricular/co-curricular and extra-curricular County-sponsored trips pursuant to the guidelines given in West Virginia Board of Education Policy 4336.

~~The transportation for all curricular/co-curricular and extra-curricular County-sponsored trips is to be by vehicles owned or approved by the County and driven by approved drivers. Exceptions must have the approval of the Superintendent.~~

~~The Board shall require participating school officials to submit a planned schedule of curricular/co-curricular and extra-curricular trips to the County Superintendent or his/her designee for approval. Thereafter, the procedure shall be as follows:~~

- ~~A.—The Director of Transportation supervisor shall receive a copy of the approved schedule far enough in advance to arrange safe and adequate transportation.~~
- ~~B.—Only school bus operators employed by the Board shall operate type A1, A2, B, C, and D buses on such trips.~~
- ~~C.—All school buses used for such trips shall be covered by insurance as provided in WV Code 18-5-13.~~

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

Students not affiliated with the trip activity, non-County students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without prior approval of the Principal.

A report on all curricular/co-curricular and extra-curricular trips provided shall be filed through the WVEIS at the end of each month.

The Superintendent shall ~~prepare~~ develop administrative guidelines ~~consistent with this policy~~ regarding the scheduling and operation of curricular/co-curricular and extracurricular school trips.

### *Nonroutine Use of School Buses*

The Board of Education ~~will~~ shall permit school buses to be used for purposes other than regularly-scheduled routes to and from school in accordance with State law and rules of the State policy, provided such trips do not interfere with routine school transportation services.

~~School buses may be used to provide transportation for participants in projects operated, financed, sponsored or approved by the Bureau of Senior Services. This transportation shall be provided at no cost to the Board. All costs and~~

~~expenses incident in any way to this transportation shall be borne by the Bureau or the local County affiliated or the Bureau.~~

The Board may lease school buses to any:

- ~~A. public and private nonprofit organizations and private corporations to transport school-age children for camps or educational activities;~~
- ~~B. college, university or officially recognized campus organization for transporting students, faculty and staff to and from the college or university;~~

~~Only college and university students, faculty and staff may be transported.~~

- ~~C. public and private nonprofit organizations, including education employee organizations, for transportation associated with fairs, festivals and other educational and cultural events.~~

School buses leased to outside entities shall be pursuant to the guidelines of West Virginia Board of Education Policy 4336 and West Virginia Code 18-5-13 (g), and shall be at no cost to the Board. All costs and expenses incident in any way to school buses leased to outside entities, including compensation for bus operators, consideration for insurance coverage and the cost of service and repairs, shall be borne by the outside entity in accordance with administrative guidelines and as required by the terms of the lease agreements.

~~Leased buses may be operated only by bus operators regularly employed by the Board, except that these buses may be operated by bus operators regularly employed by another county board in this state if bus operators from the owning county are unavailable.~~

~~Drivers shall be selected for nonroutine trips as per Policy 4250 – Extra Duty Assignments and WV Code 18A-4-8b(f).~~

The Superintendent shall develop administrative guidelines which ~~should~~ shall include the process for selection of bus operators for non-routine uses, fees in addition to the charges above, provision for insurance coverage, rules concerning student behavior, and the requirement that chaperones accompany each school bus trip involving school age passengers whose responsibility it will be to assist the staff member(s) in maintaining passenger control and in enforcing procedures for the safety of all passengers.

#### *Transportation of Students by Private Vehicle*

The Board of Education authorizes the transportation ~~by private vehicle~~ of students of the County by private vehicle.

Any such transportation must be approved in advance and in writing by the appropriate personnel in accordance with ~~the Superintendent's~~ administrative guidelines.

An employee shall not be prohibited from using the employee's own vehicle to transport, without prior written permission, a student to his/her home or other location with the oral approval by the parent if that student is in need of and is without alternate adequate means of transportation due to an emergency.

The parent of the any participating student ~~will~~ shall be given, ~~on~~ upon request, the name of the driver and the description of the vehicle used.

No person shall be approved for the transportation of students in a private vehicle who is not an employee of this Board; an approved volunteer; and/or the parent of a student enrolled in this County; and the holder of a currently-valid license to operate a motor vehicle in the State of West Virginia. ~~Unless otherwise stated~~ Pursuant to West Virginia Board of Education Policy 4336, the above persons are transportation of students in any vehicle other than a school bus is limited to transporting nine (9) or fewer students in a vehicle.

However, students may be transported to a school-sponsored activity in a vehicle that has a seating capacity of sixteen (16) or more passengers which is not owned and operated by the Board but only if the owner proves to the Board that the vehicle and driver satisfy requirements established by the State Board.

No person shall be permitted to transport students who is not the holder of automobile liability and personal injury insurance in the amount required by County administrative guidelines. The Superintendent may withdraw the authorization of any private vehicle driver whose insurance is not adequate.

Additionally, every driver who transports a child under the age of eight (8) years in a passenger automobile, van or pickup truck other than one operated for hire shall, while the motor vehicle is in motion and operated on a street or highway of this state, provide for the protection of the child by properly placing, maintaining and securing the child in a child passenger safety device system meeting applicable Federal motor vehicle safety standards, provided, that if a child is under the age of eight (8) years and is at least four (4) feet nine (9) inches tall, a safety belt shall be sufficient to meet the requirements of this policy.

Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to registration requirements of the State.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the Principal.

#### *Transportation by Limited Passenger Vehicles*

The ~~County~~ Board may provide for professional employees to be certified to drive ~~County~~ Board-owned vehicles that have a seating capacity of fewer than ten (10) passengers pursuant to the guidelines of West Virginia Board of Education Policy 4336. ~~These employees may use the vehicles to transport student for school sponsored activities, but may not use the vehicles to transport students between school and home. Not more than one (1) of these vehicles may be used for any school sponsored activity.~~

~~Students may not be transported to a school sponsored activity in any County Board owned vehicle that does not meet school bus or public transit ratings. This policy does not prohibit a parent from transporting ten (10) or fewer students in a privately owned vehicle.~~

Students who are transported by limited passenger vehicles are expected to conduct themselves in the same manner required of students transported by school bus and shall be subject to all applicable disciplinary rules.

~~Only authorized professional Board employees may operate and transport students via limited passenger vehicles.~~

The Superintendent ~~is responsible for developing and implementing~~ shall include in the appropriate administrative guidelines for this policy regarding the scheduling and operation of curricular/co-curricular and extracurricular school trips guidelines providing for the use of private and limited passenger vehicles.