TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 92
WEST VIRGINIA SCHOOL TRANSPORTATION REQUIREMENTS (4336)

§126-92-1. General.

1.1. Scope. -- This legislative rule establishes requirements for safe school transportation provided by the West Virginia Schools for the Deaf and the Blind (WVSDB), West Virginia Schools of Diversion and Transition (WVSDT), and any other public school district under the supervision of the West Virginia Board of Education (WVBE).

1.2. Authority. -- W. Va. Constitution, Art. XII, §2 and W. Va. Code §18-2-5.

1.3. Filing Date. -- July 9, 2025.

1.4. Effective Date. -- August 8, 2025.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. 126CSR92, Policy 4336, West Virginia School Bus Transportation Regulations, Procedures, and Specifications For The Design And Equipment of School Buses (Policy 4336) filed January 10, 2020, and effective February 10, 2020.

§126-92-2. Incorporation By Reference

2.1. The West Virginia Minimum School Transportation Procedures Manual is attached to this rule and is incorporated by reference in its entirety.

§126-92-3. Public School District Requirements.

3.1. Public School Districts shall adhere to the West Virginia Minimum School Transportation Procedures Manual and any policies relative to the manual approved by the WVBE.

§126-92-4. Severability.

4.1. If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

WEST VIRGINIA SCHOOL TRANSPORTATION REQUIREMENTS MANUAL

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Purpose

This manual provides requirements to public school districts to ensure safe, high-quality programs for the students transported to and from the public schools and school-related activities. The public school districts of education shall ensure that this policy is readily available to all staff involved in the transportation of students.

Section 1: Bus Passenger Regulations

A. The Director of the WVDE Office of School Transportation (State Director), shall serve as the liaison with public school districts in the implementation of this manual.

B. The school bus operator (operator) shall be in charge of any passengers riding the bus. The operator shall follow W. Va. 126CSR99, Policy 4373, Expected Behavior in Safe and Supportive Schools (Policy 4373) to provide discipline on buses.

C. The public school districts shall provide training on Policy 4373 to all operators and aides upon initial employment with the districts, and any time Policy 4373 is revised.

D. Enrolling or enrolled students, employees, or persons approved previously by a public school district are the only passengers eligible to be transported by the public school district school transportation system.

E. The following requirements for student transportation have been established and outlined in W. Va. Code §18-5-13.

    a. Provide transportation according to rules established by the public school district, as follows:

    b. To provide at public expense adequate means of transportation:

    c. For all children of school age who live more than two-miles distance from school by the nearest available road.

    d. For school children participating in public school districts approved curricular and extracurricular activities.

    e. Across district lines for students transferred from one district to another by mutual agreement of both public school districts. The agreement shall be recorded in the meeting minutes of each participating public school district and is subject to subsection (h) of this section; and

    f. Within available revenues, for students within two-miles distance of the school

F. Transportation services are not recommended on streets, roadways, or private property developments which are not maintained by the West Virginia Department of Highways, a public municipality, not under jurisdiction of law enforcement agencies, or anywhere visibility, sight

distances, or adequate space to maneuver the bus may be in question. It shall be the responsibility of the public school district to develop a policy to address these issues and to determine if these conditions exist prior to establishing a bus route.

G. The bus operator shall insure that students participate in emergency evacuation drills at least twice annually and three times annually for pre-kindergarten (pre-k) student(s). The first drill is to be completed by October 31st and the second by April 30th of each school year.

H. Transportation requirements regarding WV Universal Pre-K are addressed in WVBE Policy 2525: West Virginia's Universal Access to a Quality Early Education System (Policy 2525). Policy 2525 addresses seating arrangements, supervision, and contact with families when children who typically ride the bus are absent. Transportation and school staff are responsible for requirements addressed in Policy 2525, as designated in the policy. Additionally, it is recognized that compartmentalization, the passive safety restraint systems required in buses under Federal Motor Vehicle Safety Standards (FMVSS) 222, provides a higher level of safety to children over 40 pounds; however, if a child weighing 40 pounds or less is transported, the following guidelines should be considered. All passengers under the age of five weighing 40 pounds or less should be secured in a Child Safety Restraint System (CSRS) and, if secured, shall meet the following any time a CSRS is being used:

1. each child shall be transported in a CSRS suitable for the child's weight, age, height, or specialized need that meets applicable FMVSS.

2. each child shall be properly secured in the CSRS.

3. the CSRS shall be properly secured to the bus seat, using an anchorage system that meets applicable FMVSS.

4. the seat directly behind a child transported in a CSRS shall remain unoccupied unless occupants in that seat are in a CSRS as well, or unless the seats are of an integrated type.

5. the services of a bus aide should be provided to assist the operator when transporting a student requiring a CSRS.

6. lap belts shall only be used to secure a CSRS, not a child. If lap belts are used to secure a CSRS, the bus seat(s) shall be seat belt ready.

7. any use of lap/shoulder belt combinations shall meet all federal and state regulations.

8. No student shall be carried on or off the bus as per National Standards Guidelines.

Section 2: Regulations for Students Transported on Buses

A. Responsibilities of parents/guardians.

1. Parents/guardians shall:

a. provide written guidance regarding any special care a student may need while riding the

bus.

2. be responsible for providing or designating supervision for all pre-k to grade 3 students at all bus stops until the bus arrives for both pickup and delivery.

B. The districts:

1. may terminate bus transportation service if a parent/guardian continuously fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents/guardians and students.

2. shall establish a written policy for operators to follow when a parent/guardian or designee fails to be present at the bus stop.

3. shall provide training to elementary school students annually on section eight and 13 of this policy.

4. school staff should provide supervision for students when buses are loading and unloading on school property.

C. Responsibilities of students.

1. Students shall:

a. walk on the left side of the road facing traffic.

b. arrive at the bus stop at least 5 minutes before the scheduled arrival of the bus.

c. wait for the bus in an orderly manner at the designated stop.

d. when crossing the highway to board the bus, make sure all traffic has stopped, then look for the bus operator's signal before proceeding across the highway.

e. board and exit the bus in an orderly manner.

f. comply with Policy 4373.

g. be responsible for vandalism that occurs on a seat in which they ride.

h. change seats only with permission of the operator and only when the bus is not in motion.

i. avoid unnecessary conversation with the operator.

j. keep heads and arms inside bus windows at all times.

k. report any open exit or released hatch to the operator immediately.

l. provide enrollment information to the operator.

m. follow the operator's/aide's instructions at all times.

2. Students shall not:

a. ride in stepwell or forward of front row seats.

b. stand at any time while the bus is in motion.

c. throw, or pass, any object of any nature into or from the bus through a door or window.

d. use harassing, profane, or obscene language or gestures.

e. open emergency exits, except during emergencies, unless directed by the operator.

f. wear headphones, earpieces, or use any electronic devices, including cell phones, that may prevent hearing a warning signal or horn or seeing the operator's hand signals while loading or unloading from the bus.

3. Students shall not eat or drink on the school bus. Exception: as medically necessary pursuant to W.Va. 126CSR25A, Policy 2422.7, Standards for Basic and Specialized Health Care Procedures (Policy 2422.7).

Section 3: Regulations for Transporting Students with Disabilities Requiring Special Transportation

A. Students with disabilities' Individualized Education Programs (IEP), individualized health care plans, and Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 Plans (504 Plan) shall specify the bus modifications and support required for transporting the student, when appropriate. At no time shall a student be carried onto or off of the bus as per National Standards Guidelines.

B. When transportation of a student with disabilities necessitates a transfer while en-route, appropriate supervision at the point of transfer remains the responsibility of the public school district. If possible, the transfer should be conducted on board of education property.

C. Vehicle requirements for use in transporting students with disabilities shall be guided by this policy.

1. It is recommended that buses used to transport students with disabilities be equipped with cellular telephones and/or two-way radios.

D. Wheelchair safety guidelines:
1. Ensure the brakes are working correctly.
2. Ensure frame is secure.
3. Ensure wheelchair has a posture belt and it is secured around the student.
4. Ensure the wheelchair is equipped with footrests.
5. Ensure the wheelchair fits the student.

E. Safe school bus wheelchair lift loading.
   1. Ensure the wheelchair in facing away from the bus.
   2. Ensure the wheelchair brakes are securely locked.
   3. Ensure the roll stops are in the "up" position on the lift. If barriers are not up, they are interlocked, and the lift will not move regardless.
   4. Lower the platform using the handheld controls
   5. Ensure the platform is flat against the ground, including both vertical arms, before attempting to load the student on the lift.
   6. Unfold the outboard roll stop with the handheld control "down" button.
   7. Secure the wheelchair seat belt around the student (if applicable).
   8. Back the wheelchair onto the lift platform. (note: again, student should be facing away from the bus.)

F. Safety tips for motorized wheelchairs.
   1. Never allow the student to "drive" the wheelchair onto the lift.
   2. Disengage the motor.
   3. Manually push the wheelchair onto the lift.
   4. Ensure the brakes are locked.

G. The operator and the bus aide shall:

   1. assist and supervise students with disabilities.

   2. complete first aid and Cardiopulmonary Resuscitation (CPR) training.

   3. the aide shall position himself/herself on the bus in a position that best serves the needs of all students.

H. Any operator, including substitutes who transfer to a bus transporting students with special healthcare needs, shall receive a minimum of three hours of training for the transportation of students with special health care needs, lifts and any adaptive equipment.

   1. The operator shall be responsible for receiving the student and properly securing the wheelchair. Aides shall assist the operator as necessary.

I. All aides serving in a school transportation capacity shall receive a minimum of six hours initial training in emergency procedures, the proper operation of the lift, use of adaptive and emergency equipment, proper loading and unloading procedures for students with special healthcare needs and Policy 2422.7. A combination of classroom and hands-on training shall be utilized. A minimum of one hour of refresher training shall be completed annually. All training is to be conducted by a qualified individual, (i.e.) WVDE certified trainer, school nurse or special education director.

J. Aides should be able to perform the same duties as the operator in the event of an emergency. Aides shall be given a timed modified physical performance exam prior to beginning their duties as follows:

   1. move from the front of the bus to the rear and exit through the rear door.

2. ascend and descend the bus steps.

3. lower and lift objects.

4. identify, apply, and release the bus parking brake.

K. Any operator who is not familiar with the equipment provided on a special needs bus shall be instructed in the proper usage of that equipment to ensure safe transportation of students.

L. The districts special education director/designee and/or school nurse shall provide the following information to the districts transportation director/designee, operator, and aide:

1. student's name and address.

2. parent's name, address, home, and telephone number(s).

3. emergency health care (action) plan information, individualized health care needs and any transportation related services.

M. When the IEP, emergency action plan, or 504 Plan requires that medicine be administered to a student with disabilities while being transported, the procedures shall be in accordance with Policy 2422.7.

1. The school nurse shall train the aides in medication administration or in the delivery of medication and other basic or specialized health care procedures as specified in Policy 2422.7.

N. Parents/guardians of students with disabilities, pursuant to the IEP, shall assist in the transportation of their child by:

1. providing documentation on the special care needed.

2. arranging for the student to be at the bus stop and providing the necessary supervision.

3. arranging for the student to be picked up at the designated time at the bus stop.

4. contacting the districts transportation office if the child is to be absent.

O. The public school districts shall implement Policy 4373 in conjunction with 126CSR16, Policy 2419, Regulations for the Education of Students with Exceptionalities (Policy 2419).

P. The district's director/designee shall be included in the IEP meeting when transportation is listed as a related service.

Section 4: Regulations for Transporting Homeless Students

A. Public school districts shall ensure compliance with Subtitle B of Title VII of the McKinney-Vento

Homeless Assistance Act, 42 U.S.C. 11431, et seq. (McKinney-Vento Act) when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the public school district in which the school of origin is located, that public school district shall provide or arrange for the child's or youth's transportation to and from the school of origin.

B. If the homeless child or youth continues his/her education in the school of origin but begins living in an area served by another public school districts, the public school districts of origin and the public school districts 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 public school districts cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

Section 5: Student Conduct on Buses

A. Students are required to exhibit the following conduct on public school buses as spelled out in policy 4373.

1. All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe, and conducive to learning and personal-social development.

2. Students shall help create an atmosphere free from bullying, intimidation, harassment, or any other inappropriate behavior.

3. Students shall demonstrate honesty and trustworthiness.

4. Students shall treat others with respect, deal peacefully with anger, use good manners, and be considerate of the feelings of others.

5. Students shall demonstrate responsibility, use self-control, and be self-disciplined.

6. Students shall demonstrate fairness, follow rules, and not take advantage of others.

7. Students shall demonstrate compassion and caring.

8. Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

9. students shall have proper approval to exit the bus other than at their regularly assigned bus stop.

Section 6: Procedures for Student Discipline When Transported by School Bus

A. The operator shall immediately notify the school principal when any transported student has violated Policy 4373. Written notification shall be completed by the operator as soon as possible.

1. Student discipline is the responsibility of the principal together with the operator. A student to be suspended from the bus shall be notified by the principal/designee, with the operator's

assistance. The parents/guardians of the student shall be notified by the school principal/designee.

2. All students shall be transported until the parent/guardian has been properly notified about the suspension. A student should not be left at a bus stop and the operators shall follow the district's ridership procedures.

3. A suspended student shall be readmitted to the bus only after the principal/designee notifies the operator that the student may be readmitted. Parents/guardians will also be notified by the school principal/designee when their child may resume riding the bus.

4. If a student has been recommended for discipline three times in one year by the operator, a conference to discuss the student's disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present with the operator and the principal/designee. If the inappropriate behavior continues, the student's rights to transportation services may be suspended for the remainder of the year, to the extent feasible.

Section 7: Medical Exclusion of Students from a Bus

A. The school nurse or administrator, pursuant to 126CSR51, Policy 2423, Health Promotion and Disease Prevention (Policy 2423) and W. Va. Code §18A-5-1 and §18-5-22, shall notify the operator when a student shall be excluded from the bus due to an infectious disease.

B. The student will be returned to the bus transportation program when the appropriate medical official has given the student a written statement signifying that the student may again be transported with other students.

Section 8: General Operating Procedures

A. The operator shall wear a seatbelt as designed anytime the vehicle is in motion.

B. Transportation employees are professionals and shall conduct themselves in a professional manner, as required by 126CSR162, Policy 5902, Employee Code of Conduct (Policy 5902), section 4.2. Additionally, all operators and aides shall wear non-skid shoes. Heels of more than two inches in height, sandals, clogs, flip flops, crocs, open-toed or open-heeled shoes, and wooden-soled shoes shall not be permitted.

C. The operator shall not knowingly operate an unsafe bus and shall perform all inspections and duties set forth in section 22 of this policy and any additional inspections and duties required by the public school districts. A director of transportation, supervisor of transportation, coordinator of transportation, school bus supervisor, chief mechanic, crew leader, or mechanic shall not knowingly place an unsafe bus in operation for the purpose of transporting students.

D. The public school districts shall provide each operator a tentative bus schedule by the first day of school.

E. The operator shall not permit any unauthorized person to occupy the operator's seat or tamper

with any part of the bus at any time.

F. The operator and/or aide shall not distribute items of reward (incentive, recognition) that could cause a choking hazard or bodily injury.

G. The operator shall obey all speed limits. Truck speed limits apply to buses. Adverse weather conditions require reduced speeds.

H. Operators shall use proper signals as required by law when operating a bus.

1. In accordance with WV Code §17C-12-8 (b) It shall be unlawful to operate any flashing warning light on any school bus except when any said school bus is stopped or is slowing down to stop on any street or highway for the purpose of permitting school children to board or alight from said school bus.

2. Four-way hazard lights should be used only in emergencies and railroad crossing procedures.

I. The operator shall not leave the bus when it is running and has students onboard unless the bus is equipped with a lift and safety interlocks for FMVSS 403 and 404 lift equipment, and the operator is assisting the loading or unloading of a student with the lift.

J. If the operator leaves the bus due to an emergency (i.e. but not limited to: render aid to a person in need of emergency medical assistance, check the mechanical condition of school bus, installation of tire chains, emergency drills, etc.), the park brake shall be engaged, and the keys shall be in the possession of the operator with the exception referred to in section I above.

K. The bus shall not be operated in reverse while at the school except in an emergency. The operator shall use the assistance of a school official or another adult when the situation requires such a movement.

L. The operator shall follow the route as specified by the district transportation director. The district transportation director shall review any potential hazards on the school bus route that have been identified and address them appropriately.

M. All bus schedule changes made by the district transportation director shall be communicated to the parents and students as quickly as possible.

N. In case of an accident or a mechanical failure while students are being transported, the operator shall provide for the safety of the students and request assistance as soon as possible.

O. For buses equipped with a manual transmission, the operator should only disengage the clutch while making a complete stop or shifting gears. Buses equipped with an automatic transmission shall not be operated in neutral while moving (freewheeling).

P. Students shall participate in emergency evacuation drills at least twice annually and at least three times annually for pre-kindergarten (pre-k) in a school year, according to Federal Highway Safety Standard No. 17, Section E (1). If students with disabilities are transported, care shall be given in determining the level of involvement these students may have during the drill. Some students'

healthcare requirements or medical conditions may preclude them from participating. However, appropriate measures shall be taken, such as preparing a plan of action to ensure the safety of all occupants. Operators and aides shall have a plan in place and know their responsibilities if the need arises.

1. Drills are to be conducted on districts/school property whenever possible. If drills are conducted on non-school property, care shall be taken to provide for the safety of students.

2. School officials shall assist in the drills when conducted on school property.

3. The drills shall include students exiting through the front and rear door and instruction on the proper use of exit windows, roof hatches, and other equipment used to assist with emergencies.

4. Wheels shall be chocked during the drill.

5. Upon completion, the date of each drill shall be reported to the district's director.

Q. Signage, including but not limited to advertisements, banners, photos, stickers, and posters, except those approved by the WVDE, is not permitted to be displayed in or on buses.

R. Only service animals recognized under the Americans with Disabilities Act (ADA) are permitted on a bus.

S. Only property of students, public school districts property, or school property may be transported on a bus.

T. Baggage and other items transported in the passenger compartment shall be stored and secured so that the aisles are kept clear, and the door(s) and emergency exit(s) remain unobstructed at all times.

U. Fireworks, ammunition, explosives, lighter fluid, aerosol cans, pressurized containers, other highly flammable materials, and all deadly or dangerous weapons, are prohibited.

1. Aerosol cans such as windshield deicer shall be stored in an outside storage box on the bus. Properly labeled pump spray bottles may be stored inside the bus but must be stored out of sight in a secure location.

V. Medical support equipment and special adaptive/assistive equipment such as oxygen bottles may be transported as follows:

1. oxygen bottles should be no larger than 38 cubic feet of liquid oxygen and 22 cubic feet for compressed gas. Only two oxygen containers are allowed on the bus.

2. tanks and valves should be located and positioned to protect them from direct sunlight, bus heater vents, or other heat sources. Stationary tanks shall be properly mounted with Original Equipment Manufacturer (OEM) approved mounting devices.

3. oxygen bottles of a non-stationary type, medically prescribed for a student by a physician, shall be in a padded carrier designed for personal use and protection and shall be in the possession of the passenger. Documentation of prescribed need should be on file.

4. operators and aides shall be trained in the proper transportation of special adaptive/assistive equipment such as oxygen bottles.

5. if compressed gas is in use, a placard shall be installed and readily visible.

W. Bus Safety Equipment.

1.Three directional triangles shall be carried on each bus and used as a warning device during emergencies as required by Federal Motor Vehicle Safety Standard (FMVSS 571.125.)

2. Link-type bus tire chains shall be used when emergency weather conditions dictate or when directed by the district's director and must be stored in the designated storage box on the bus at all times. Operators shall be trained in the installation and use of chains. Automatic tire chains shall not take the place of regular chains.

3. Fire extinguishers shall be charged, available for use in all buses, inspected daily and serviced annually by a certified technician. Inspection tag shall be initialed monthly as required by National Fire Protection Association (NFPA) 10-2022.

4. First aid/body fluid cleanup kits and belt cutters shall be readily available in the bus. Belt cutters shall be securely mounted, within reach of the operator, and labeled if in a compartment and not clearly visible.

5. A strobe light shall be used in inclement weather only where visibility of the bus is limited. Rain, snow, sleet, fog, etc. are all considered inclement weather. Nighttime shall not be considered limited visibility.

X. General Reports.

1. Operators are to compile monthly reports and submit them to the district's director no later than three working days following the last day of the school month.

2. The district's director shall submit state reports through the West Virginia Education Information System (WVEIS) no later than ten working days following the last day of the school month.

3. The certification of the Bus Fleet Data shall be submitted through WVEIS on the Webb (WOW) by July 15th of each year.

4. All students transported to and from school shall have their transit times entered into WVEIS by the end of the second month of school and updated as necessary. The ridership should be entered for the month of October each year, no later than November 15th.

5. Road hazards and unsafe bus stops are to be reported immediately to the district

transportation director.

Y. Accident Reports.

1. A bus accident is to be reported to the district's director when the bus touches another vehicle, person, or object, or leaves a mark and/or causes damage.

2. A verbal report is to be given by the operator as soon as possible and a written report provided on the next business day to the district's director.

3. All bus accidents involving bodily injury, a fatality, extensive property damage, or structural damage to a bus shall be reported immediately via phone by the district's director to the State Director. A written report is to follow to the State Director within one week.

4. Counties shall develop an emergency response plan regarding school bus accidents. It is recommended that law enforcement and first responders be included in creating the plan. The plan should include but not be limited to who shall determine the severity of the accident and when it's appropriate to call 911, when to release students to the care of their parents/guardians, and whether the bus is safe to continue the route or whether a replacement bus is needed.

Z. Cellular Phones and Other Electronic Devices.

1. The use of earpieces, ear buds, headsets, cellular phones, or other portable electronic devices, even those equipped with hands-free technology (Bluetooth), is prohibited for operators while operating the bus and by aides while students are present.

2. Global Positioning systems (GPS) units used on curricular and extra-curricular trips are prohibited unless audible only or managed by a districts employee other than the operator.

3. The use of two-way radios, cellular phones or any technologies that requires the operator to input data while driving or while supervising the loading and unloading of students is prohibited.

4. If communication with the public school district's transportation department is necessary, the bus must be stopped in a location where the bus can safely remain stationary. Districts two-way radios shall be used to conduct transportation business only. Any use that could interfere with emergency communication shall be prohibited. W. Va. Code §17C-14-15 states that the driver of a school bus shall not use or operate a wireless telecommunications device while the bus is in motion, unless that device is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials.

Section 9: Bus Stop Locations

A. The highest priority in establishing bus stop locations must be the safety of students. Public school districts shall select a safe bus stop location with ample waiting areas for students. With irregular terrain, special consideration must be given in establishing a bus stop location.

B. School bus stops should be located out of the traffic stream and at least 2/10 of a mile apart. Operators should avoid stopping at intersections whenever possible.

C. For bus stop locations near a railroad crossing, consideration shall 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 considered.

D. The minimum unobstructed 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.

1. Sight distance needed on a level grade for essential speeds is as follows:

Speed/Miles Per Hour (MPH)	Recommended Sight Distance	Minimum Sight Distance
25	300 feet	139 feet
30	360 feet	176 feet
35	420 feet	219 feet
40	480 feet	263 feet
45	540 feet	314 feet
50	600 feet	369 feet
55	660 feet	432 feet
EXCEPTION: When a bus stop is near the crest of a hill or a curve, the view of approaching traffic is obstructed, the sight distance shall be a minimum of 200 feet.		

E. West Virginia Department of Transportation (WVDOT) District Traffic Engineers will provide assistance in the selection and the use of bus STOP signs which warn motorists of the presence of students at a bus stop. The public school districts shall request assistance from the WVDOT if needed.

F. Bus stops shall be located to minimize students' walking along roadways.

G. Bus stops shall be located to minimize the need for students to cross the highway.

H. The operator shall contact the district's director when a bus stop is determined to be potentially unsafe. The district's director shall evaluate and take action to relocate the stop to a safer place, if necessary.

1. The district's director may request the State Director/designee to assist in evaluation of bus stop locations, but the final decision shall remain the responsibility of the public school districts.

I. Operators are to pick up and discharge students only at the designated locations. Any transfer points should be conducted off highway, with a preference given to transferring on school property.

Section 10: Procedures for Loading and Unloading of Student Passengers and Railroad Crossings

A. The operator shall not change the location or procedure of a bus stop without approval from the district's director.

B. School bus operators are required to know how to use specific bus equipment as it pertains to loading and unloading of student passengers, including:

1. Eight (8)-way flashing warning light system

2. Stop arm

3. Mirrors

4. Entrance door

5. Crossing control arm

C. There shall be sufficient space on the school bus seat for each passenger's body to be completely contained within the seat compartment. If a child safety restraint system (CSRS) is required, the system must be height/weight appropriate for the student, and the student must be properly secured within the CSRS. No unrestrained person may occupy the seat immediately behind a person utilizing a CSRS.

D. Special Dangers of Loading and Unloading.

1. Dropped or Forgotten Objects. The operator shall always focus on students as they approach and leave the bus and watch for any student who disappear from sight. The operator shall not engage in any other activity while loading and unloading student passengers.

2. Handrail Hang-ups. Clothing, accessories, or parts of students' bodies can get caught in the handrail or door as they enter or exit the bus. Closely observe all students exiting the bus to confirm that they are in a safe location prior to moving the bus.

3. The operator shall report to the appropriate law enforcement official any motorist who violates the state law regarding the stopping of motor vehicles when a bus is loading and unloading in accordance with W. Va. Code §17C-12-7 and §17C-12-9.

E. If backing is required at or near a school bus stop, the backing procedure should be completed prior to passenger discharge. Backing shall not be done while loading or unloading students except in an emergency.

1. If an adult or responsible person is available, ask for his/her assistance while backing.

2. If an operator fails to stop at a student's bus stop, the operator shall not back up.

F. The following are the required loading procedures in the circumstances where students do not have to cross a highway prior to boarding the bus:

1. When approaching the stop, the operator shall:

   a. approach cautiously at a slow rate of speed, indicating an approaching stop to the following vehicles by activating brakes.

   b. look for pedestrians, traffic, or other objects before, during, and after coming to a stop. Continuously check all mirrors.

   c. activate alternating flashing amber warning lights at least 200 feet or approximately five to ten seconds before the bus stop or in accordance with state law.

   d. If the alternating flashing amber warning lights have been activated during student loading, the operator shall come to a complete stop and activate alternating flashing red lights, whether or not the driver can see the students to ensure no student may be approaching the bus from a blind spot.

   e. continuously check mirrors to monitor the danger zones for students, traffic, and other objects.

   f. move as far as possible to the right on the traveled portion of the roadway.

   g. bring the bus to a full stop with the front bumper at least ten feet away from students at the designated stop, as to ensure that the bus operator has an optimal view of the students.

   h. place transmission in Park (or in Neutral if there is no park shift point) and set the parking brake at each stop.

   i. open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the bus.

   j. make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.

2. Students shall wait in a designated location for the bus, facing the bus as it approaches. Students shall board the bus only when signaled by the operator. The signal shall consist of the "thumbs up" method that is recognized by students and does not create a hazard. External public address (PA) systems shall be an acceptable alternative.

1. The operator shall:

   a. monitor all mirrors continuously.

   b. instruct the students in safe loading procedures.

   c. count the number of students at the bus stop and be sure all students board the bus. If possible, know the names of the students at each stop.

d. ask other students present about the whereabouts of any absent student.

e. have the students board the bus slowly, in a single file using the handrail.

f. make sure all dome lights are on while loading in the dark.

g. before deactivating the red flashing warning lights and continuing on the route, check to make sure all students are seated and facing forward.

h. make a final check of all mirrors. Make certain no one is running to catch the bus.

i. If the operator cannot account for a student outside of the bus, the operator is to secure the bus, take the key, and check around and underneath the bus. Ensure the red loading lights stay activated, and traffic remains stopped while checking outside the bus.

2. the operator shall prepare to leave when all students are accounted for by:

a. closing the door, deactivating the alternating flashing red lights.

b. engaging the transmission.

c. releasing the parking brake.

d. checking all mirrors again.

e. allowing congested traffic to disperse.

f. when it is safe, the operator shall continue the route.

G. The following is the loading procedure on a highway when students are required to cross the highway before boarding the bus. Follow procedure for approaching the bus stop as described in this section.

1. before students cross the road, they shall:

2. stop and look in all directions, making sure the roadway is clear and safe.

3. check to see if the red flashing lights on the bus are flashing.

4. wait for the operator's signal before crossing the roadway. The signal shall consist of the "thumbs up" method. External PA shall be an acceptable alternative.

5. upon the operator's signal, students shall proceed across the roadway, continuing to look in all directions, crossing far enough in front of the bus to be in view of the operator.

H. Unloading Procedures on the Highway (where students do not have to cross the highway after exiting the bus).

1. When unloading students on the highway, the operator shall:

2. perform a safe stop as described in this section.

3. have the students remain seated until told to exit.

4. check all mirrors.

5. instruct students to exit the bus and walk at least ten feet away or the safest possible distance from the side of the bus to a position where the operator can plainly see all students.

6. count the number of students while unloading to confirm the location of all students before pulling away from the stop.

7. check all mirrors again. Make sure no students are around or returning to the bus.

8. If a student cannot be accounted for, the operator shall secure the bus, remove the key and check around and underneath the bus. Ensure the red loading lights stay activated, and traffic remains stopped while checking outside the bus.

    a. When all students are accounted for, the operator shall prepare to leave by following the procedure outlined in this section.

l. The following procedures must be used when any student crosses a roadway during unloading:

1. students shall walk approximately ten feet or the safest distance away from the side of the bus to a location at least ten feet in front of the right corner of the bumper where the operator can see them, but still remaining away from the front of the bus.

2. students shall stop at the right edge of the roadway. The operator should be able to see the student's feet.

3. when students reach the edge of the roadway, they shall:

    a. stop and look in all directions, making sure the roadway is clear and safe.

    b. check to see if the red flashing lights on the bus are still flashing.

    c. wait for the operator's signal before crossing the roadway. The signal shall consist of the "thumbs up" method. External PA shall be an alternative to the thumbs up method.

    d. upon the operator's signal, cross far enough in front of the bus to be in view of the operator.

    e. stop at the left edge of the bus and look again for the operator's thumbs up signal to continue to cross the roadway.

    f. look for traffic in both directions, making sure the roadway is clear.

g. students shall proceed across the roadway, continuing to look in all directions.

h. when passengers have safely crossed the road, cancel the red flashing warning lights to allow stopped traffic to move on. Continue the bus route when it is safe to do so.

J. Loading procedures when students are loading at the school campus.

1. Follow the procedure for approaching the bus stop as outlined in this section. After the bus arrives at the stop where the students will board the bus, the operator should:

2. turn off the ignition switch.

3. remove key if leaving the operator's compartment. The operator's compartment shall be defined as the area directly adjacent to the operator's seat and forward of the front seat barrier.

4. position himself/herself to supervise loading.

5. When all students are accounted for, the operator shall prepare to leave by following procedures outlined in this section.

K. Unloading Procedures at School.

1. When unloading at the school, the operator shall follow these procedures:

a. Follow the procedure for approaching the bus stop as outlined in this section.

b. After the bus arrives at the location where the students will unload, secure the bus by:

I. turning off the ignition switch.

II. removing key, if leaving operator's compartment with students onboard.

III. having the students remain seated until told to exit.

IV. positioning himself/herself to supervise unloading.

V. having students exit in orderly fashion.

VI. observing students as they step from the bus to assure that all move promptly away from the unloading area.

VII. walking through the bus and check for hiding/sleeping students and items left by students.

VIII. checking all mirrors.

IX. making certain that no students are returning to the bus.

X. checking around and underneath the bus if the operator cannot account for a student outside the bus.

2. when all students are accounted for, the operator will prepare to leave by following the procedures outlined in this section.

L. Off highway bus stops require different procedures compared to conventional highway bus stops. An "off highway" bus stop is a loading/unloading zone located off the traveled portion of the roadway.

1. Off Highway Loading Procedures

2. the bus operator shall:

a. activate the right turn signal indicator about 100-300 feet or approximately 3-5 seconds before pulling over into the loading/unloading location.

b. continuously check mirrors to monitor the danger zones for students, pedestrians, traffic and other objects.

c. when pulling over, move a safe distance from the traveled portion of the roadway.

d. bring the school bus to a full stop with the front bumper at least 10 feet away from the students. This forces the students to walk to the bus so the operator will have a better view of their movements.

e. place transmission in park (or neutral if there is no park shift point) and set the parking brake at each stop.

f. follow loading procedures outlined in this section.

g. prepare to leave by following procedures outlined in this section.

M. Off Highway Unloading Procedures

1. the bus operator shall:

a. follow procedures outlined in this section for when approaching the stop.

b. after the bus has come to a full stop, place transmission in park (or neutral if there is no park shift point) and set the parking brake.

c. follow unloading procedures outlined in this section.

d. when all students are accounted for, prepare to leave by following the procedures outlined in this section.

N. Railroad-highway Crossing Procedures (As required by W. Va. Code §17C-12-3 certain vehicles must stop at all railroad grade crossings.)

1. All buses shall stop at railroad grade crossings whether loaded or empty.

2. When approaching the crossing, the operator shall:

   a. slow down, including shifting to a lower gear in a manual transmission bus and testing the brakes.

   b. activate hazard lights approximately 200 feet before the crossing. Make sure his/her intentions are known.

   c. scan the surroundings and check for traffic behind the bus.

   d. stay to the right of the roadway if possible.

   e. choose an escape route in the event of a brake failure or problems behind the bus.

3. At the crossing, the operator shall:

   a. stop no closer than 15 feet and no farther than 50 feet from the nearest rail, where the operator has the best view of the tracks.

   b. place the transmission in Park, or if there is no Park shift point, in Neutral and press down on the service brake or set the parking brake.

   c. turn off all radios, including the two-way radio, all noisy equipment, and silence the passengers.

   d. open the service door and operator's window. Look and listen for an approaching train. If a train is present, close the door, set the park brake and wait for train to pass.

4. Crossing the track, the operator shall:

   a. check the crossing signals again before proceeding. Close the entrance door.

   b. stop only before the first set of tracks if at a multiple track crossing. When certain that there is not a train approaching on any track, proceed across all of the tracks until the bus has completely cleared them. Close the operator's window, turn the emergency flashers off, and continue the route.

   c. cross the tracks in a low gear. Do not change gears while crossing.

   d. drive through the gate if it comes down after the bus has started across even if it means the bus will break the gate.

5. Special situations.

   a. If the bus stalls or is trapped on the tracks, the operator shall get all passengers out of the bus and off the tracks immediately.

      I. The operator shall move everyone far away from the bus at an angle, which is both away from the tracks and toward the approaching train.

   b. If there is a police officer or a crossing flagger at the crossing, the operator shall obey their directions.

      I. If there is no police officer at the crossing and the operator believes the signal is malfunctioning, the operator shall call his/her dispatcher to report the situation and ask for instructions on how to proceed.

   c. Obstructed view of tracks.

      I. The operator shall not attempt to cross the tracks unless he/she can see far enough down the track to know that no trains are approaching.

      II. Operators are to be extremely careful at "passive" crossings as these crossings do not have any type of traffic control device.

      III. Even if there are active railroad signals that indicate the tracks are clear, the operator must look and listen to be sure it is safe to proceed.

   d. Containment or storage areas.

      I. Operators shall be familiar with the length of their buses and the size of the containment area at highway-railroad crossings on the bus route, as well as any crossings the buses encounter in the course of a school activity trip.

      II. The operator shall add 15 feet (or 30 feet if stopping between two sets of tracks) to the length of the bus to determine an acceptable amount of containment or storage area.

      III. When approaching a crossing with a signal or stop sign on the opposite side, the operator shall determine if the proper amount of space is available.

      IV. The operator shall determine that the bus has enough containment or storage area to completely clear the railroad tracks if there is a need to stop on the other side.

Section 11: Idling of Buses at Schools and School Functions as required by W. Va. Code §17C-13A-3

A. Except when outside temperatures dictate, an operator shall not idle the bus while waiting for or loading students.

B. Buses will be permitted to idle when the driving windows need to be defrosted, when the safety

and comfort of the students is in question, or when emergency dictates. The school bus may idle for no more than fifteen total minutes in a continuous sixty-minute period as required by WV Code §17C-13a-3(c)(10).

C. Counties may modify idling limitations to meet IEP requirements for medically fragile students requiring controlled bus climate.

D. Public school districts shall develop a policy to address violations of this section.

Section 12: Guidelines for Curricular and Extra-curricular Trips

A. Public school districts providing transportation for students participating in curricular and extra-curricular activities shall require participating school officials to submit a planned schedule to the district's superintendent or his/her designee for approval. The procedure shall be as follows:

1. the district's director shall receive a copy of the approved schedule far enough in advance to arrange safe and adequate transportation.

2. schedules for approved trips shall not interfere with the regular transportation schedule.

3. only operators employed by the public school districts shall operate type A, C, and D buses on such trips.

4. all buses used for such trips shall be covered by insurance as required by W. Va. Code §18-5-13.

5. students transported in a bus on such trips shall, in addition to the operator, be supervised by at least one professional employee/approved chaperone of the public school districts who shall provide a list of all persons on the bus to the operator. Provisions for students with special healthcare needs shall be made in advance, if necessary.

    a. Students transported in a bus on such trips shall be instructed on the location and operation of all emergency exits and proper procedures for evacuating the bus in case of accident or breakdown.

B. Public school districts providing curricular and extra-curricular transportation shall file a report through the WVEIS at the end of each month on curricular and extra-curricular trips.

C. As required by W. Va. Code §18-5-13(D)(4)(5), (4) Notwithstanding any other provision of this code to the contrary and pursuant to rules established by the state board, the public school districts may provide for professional or service employees to be certified to drive public school districts-owned and insured vehicles: Provided, That:
    (A) No more than 10 passengers including the driver may be transported at one time;
    (B) Not more than two of these vehicles may be used for any school-sponsored activity;
    (C) The certified employees may use the vehicles to transport students for school sponsored activities but may not use the vehicles to transport students between school and home.

D. (5) Notwithstanding any other provision of this code to the contrary, students may be transported

to a school-sponsored activity in a districts-owned or leased vehicle that does not meet school bus or public transit ratings: Provided, That no more than 10 passengers including the driver may be transported at one time: Provided, however, That this section does not prohibit a parent, guardian, or other adult approved in writing by the parent or guardian from transporting students in a privately-owned vehicle.

1. To become certified, the counties shall consider the following for operators of non-conforming vehicles transporting student passengers: training to include, but not limited to, handling characteristics of the vehicle, emergency procedures, pre-trip inspection of the vehicle before each trip, railroad crossing procedures, first aid and CPR training, annual physical examination, non-DOT drug and alcohol screening, alcohol and drug screening training (see Prescription and OTC Medication Restriction Guidelines), and an annual DMV records check indicating safe driving practices.

2. The vehicle shall be equipped with safety equipment including a fire extinguisher, first-aid kit, body fluid cleanup kit, and emergency reflectors. The rear of the vehicle should have a decal indicating "this vehicle stops at all railroad crossings."

E. Air and Rimfire Rifles

1. Compressed air and rimfire rifles may only be transported to and from the shooting events on a school bus.

2. They must be unloaded and in a locked case.

3. Transported in the undercarriage storage areas if available. If undercarriage storage areas are not available, the must be inaccessible to the passengers.

F. Students may be transported to a school-sponsored activity in a vehicle that has a seating capacity of 16 or more passengers such as a charter or public transit bus which is not owned and operated by the public school districts only as follows:

1. Automobile insurance coverage is provided.

a. a certificate of insurance must be issued as follows:

I. the certificate holder will be the public school districts.

II. the certificate of insurance must have evidence of a minimum of $5,000,000 per occurrence of automobile liability.

III. the certificate of insurance should provide for 30-day notice of cancellation. Any certificate of insurance limited to a specific event or date is not acceptable.

IV. acceptance will be for all locations and operations of the school system. A list of approved charter services shall be provided by the districts school transportation office to each school in the districts.

V. for the charter or a public transit bus company to remain eligible to provide service, a new Certificate of Insurance must be supplied to the public school districts whenever the insurance is renewed, which normally occurs on an annual basis. The public school districts will contact the bus company before suspending the company from providing charter service due to an expired certificate.

VI. any notice from the insurance company that a bus company's insurance has been cancelled for any reason will result in the bus company's suspension from providing charter service to the public school districts;

2. Preventive maintenance and maintenance records are provided.

3. Bus or public transit ratings are provided.

4. Driver training, certification, and criminal history record checks are provided.

5. The vehicle owner shall provide to the public school districts proof that the vehicle and driver satisfy the requirements of WVBE policy.

G. Public school districts may lease buses pursuant to W. Va. Code §18-5-13(7)(g).

1. Leased buses may be operated only by operators regularly employed by the public school districts.

2. The lessee shall bear all costs and expenses incurred by, or incidental to, the use of the bus.

3. The public school districts may lease buses to:

a. public and private nonprofit organizations and private corporations to transport school-age children for camps or educational activities.

b. any 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 pursuant to this paragraph.

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

4. The lease shall include provisions for:

a. compensation for operators.

b. consideration for insurance coverage, repairs, and other costs of service.

c. any rules concerning passenger behavior.

5. The public school districts may charge fees in addition to those charges otherwise required

by this subsection.

Section 13: Requirements for Bus Routing

A. The recommended duration of the one-way bus transportation time for students to and from school under normal weather and operating conditions as required by W. Va. Code §18-2E-5d is as follows:

1. for elementary, primary, and intermediate school students, no more than 30 minutes.

2. for middle and junior high school students, no more than 45 minutes.

3. for high school students, no more than 60 minutes.

B. A public school districts may not create a new bus route for the transportation of students in any of the grade levels pre-k through grade five to and from any school included in a school closure, consolidation, or new construction project which exceeds by more than 15 minutes the recommended duration of the one-way bus transportation time for elementary students in accordance with the requirements of this section unless:

1. the public school district adopts a separate motion to approve creation of the bus route and requests written permission of the WVBE to create the route; and

2. receives the written permission of the WVBE to create the route.

C. The WVBE shall provide technical assistance to public school districts with the objective of achieving bus transportation routes for students which are within the recommended time durations established by the WVBE.

D. Transportation to Alternative Education Sites.

1. Buses transporting students to these sites shall be equipped with the following:

a. an effective means of communication such as cellular phone or two-way radio.

b. a video camera.

c. an aide, another operator, or a staff member from the alternative school.

Section 14: Operator Assignments

A. Any person accepting employment as an operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited, or interfered with, by any commitment as a result of any other employment.

B. Transportation employees, including operators, may be delegated and trained to administer epinephrine auto-injectors (EpiPens) by the certified school nurse (Registered Nurse-RN), as

directed in W. Va. Code §18-5-22c and Policy 2422.7, if the public school districts elects to adopt such policy. EpiPens are the only medication which counties may elect to allow school nurse RNs to delegate and train operators to administer during an emergency situation.

1. Only medication required for use during transportation shall be transported on the school bus.

C. Any person who performs responsibilities as an operator shall not be eligible to operate a bus without a minimum of six (6) consecutive hours of off-duty rest between the conclusion of the previous day and immediately prior to the beginning of the next day's scheduled run.

1. Any operator who accumulates more than ten hours of driving time in a 24-hour period shall be required to have eight consecutive hours off-duty.

2. Any operator who has been on-duty 15 hours in a 24-hour period shall be required to have eight consecutive hours off-duty.

3. An operator who operates a passenger-carrying commercial motor vehicle must be off-duty eight consecutive hours for rest after having been on-duty 60 hours in seven consecutive days or 70 hours in eight consecutive days. These requirements apply if the operator has any additional job with a public school districts or any employer in which on-duty hours accumulate. The operator is responsible for monitoring total on-duty hours.

a. "On-duty" time is time for which the operator is being compensated by any employer.

b. "Off-duty" time is defined as time uncompensated by any employer.

Section 15: Criteria for Contract Operators and the Certification of Operator Candidates

A. All operator candidates shall be certified by the WVDE Office of School Transportation as the designee of the State Superintendent of Schools (State Superintendent) at the request of the public school districts or the public institution seeking to employ them.

B. The operator candidate shall meet the following criteria to be certified:

1. the candidate shall be at least 21 years of age.

2. The candidate shall have at least three years of driving experience as a licensed operator of any vehicle and be eligible to obtain a valid commercial driver's license permit. A Commercial Learners Permit (CLP) will allow the candidate to take the required on-road training.

a. The candidate shall complete a form granting the employing public school districts permission to obtain his/her driving record from the Department of Motor Vehicles (DMV) of the appropriate state(s). The driving record shall be for five years, if available. This form is available in the West Virginia School Bus Operator Training and Certification Manual. The DMV Check is good for six months from the date of issue.

3. The candidate shall submit to the public school districts or institution seeking to employ

him/her a WVDE Application for Bus Operator Certification and Release of Information form. The public school districts shall submit to the WVDE Office of School Transportation the Release of Information Form (Form 7) and a copy of the application form for each operator candidate; upon receipt of this information a request for a criminal background report will be issued.

4. All candidates for initial operator certification shall be fingerprinted by the West Virginia State Police (State Police) or its designee. The fingerprints shall be submitted for analysis to the State Police for a state criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation (FBI) for a national criminal history record check.

   a. Information contained in either the central abuse registry record or the FBI record may form the basis for the denial of a certificate for cause in accordance with W. Va. Code §18A-3-10.

   b. Upon written consent to the WVDE by the candidate and within 90 days of the state fingerprint analysis, the results of a state analysis may be provided to a public school districts or institution to which the candidate is applying for employment without further cost to the candidate. After 90 days, applicant must be fingerprinted again.

      I. The candidate shall successfully complete a minimum number of hours of non-driving instruction, as specified in the West Virginia School Bus Operator Training and Certification Manual, excluding first aid/CPR. Instruction shall be in person with a WVDE-certified operator trainer, online training modules, or a combination thereof. A WVDE-certified bus operator trainer shall be present and take an active role in the training when online training modules are utilized, unless specified by the State Director. Training shall not be duplicated to reach the initial number of training hours. Only the number of hours per section of training designated by the WVDE shall be used to reach the required hours of instruction. Example: If an operator trainer determines a candidate requires five hours additional training on pre-trip inspection, the additional hours shall only be completed after the required hours of instruction are complete.

New applicant without a CDL	Minimum 40 hours
Possess a CDL with P and S endorsements	Minimum 36 hours
Possess a valid First Aid / CPR card	Minimum 34 hours
Possess a CDL with P & S plus valid First Aid/CPR card	Minimum 30 hours

5. The candidate shall successfully complete a minimum of twelve hours of on-the-road training including two hours of night driving, as specified in the West Virginia School Bus Operator Training and Certification Manual. The training shall be with a WVDE-certified bus operator trainer and no student (school age) passengers on board.

6. The candidate shall receive six hours of training in the transportation of special education students, as specified in the West Virginia School Bus Operator Training and Certification Manual.

7. The candidate shall receive appropriate training on WVBE Policies 5902, 4373, 2525, and any additional districts specific policies. The training shall be completed by the employing districts or institution.

8. The candidate shall have first aid and cardiopulmonary resuscitation (CPR) certification from a program approved by the State Director.

9. The candidate shall pass a physical examination from a medical examiner certified by the Federal Motor Carrier Safety Administration (FMCSA). The term "medical examiner" is defined as Doctor of Medicine, Doctor of Osteopathy, physician assistant, advanced practice nurse, and Doctor of Chiropractic. The physical examination for certification purposes, will only be good for six months from date of examination.

    a. The medical examiner shall record physical examinations on the U.S. Department of Transportation (USDOT) Medical Examination Report Form (for Commercial Driver Medical Certification).

    b. The physical examination shall cover all health issues set forth in section 20 of this policy. Tuberculin testing is not required unless there is evidence of exposure to tuberculosis or signs or symptoms of active tuberculosis as referenced in W. Va. Code §16-3D-3.

10. The candidate shall be subject to pre-employment drug testing for the use of certain controlled substances as required by the US Department of Transportation (USDOT) regulations. Negative drug test results must be obtained prior to beginning any on highway training.

11. The employing agency shall request a full query from the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse for violations of any candidate who currently holds a commercial driver's license (CDL), has previously held a commercial driver's license (CDL), or who has obtained a commercial learners permit (CLP).

12. The candidate shall pass a knowledge exam provided by the WVDE and administered by the public school districts seeking to employ him/her.

    a. The candidate who fails the knowledge exam may retake it after required additional training from the training modules. After subsequent failures, required addition training will happen before the knowledge exam may be taken. The test may be given as many times as possible at the discretion of the public school districts or institution seeking to employ him/ her.

13. Upon successful completion of the knowledge exam, the candidate shall pass additional tests on skills and performance at the request of the public school districts or institution seeking to employ the candidate administered by a qualified bus inspector employed by the WVDE or a certified bus operator examiner using vehicles owned or leased by the public school districts.

    a. Should a candidate fail any portion of the skills or performance tests, the remainder of the test(s) shall not be administered. The skills and performance tests shall be

administered to a candidate no more than three times annually and only after consultation with the test examiner or State Director. The request shall be in writing and shall include reasons for retesting. Candidates must wait a minimum of three days prior to being retested and must receive documented additional training in the areas of failure. If the failure happens in any portion of the physical performance test, the entire physical performance test will be re-administered. If the failure happens in any portion of the skills test, the entire skills test will be re-administered.

14. Prior to the candidate taking any skills examination or test provided by or administered by the WVDE, the candidate shall obtain a CDL with a minimum Class B license and P (passenger) and S (school bus) endorsements.

15. The candidate shall pass a physical performance exam as referenced in section 16.

16. Upon successful completion of the WVDE training program and receipt of the certification card, the newly certified operator shall initially be required to drive a minimum of two bus routes (one A.M. route and one P.M. route, two A.M. routes on different days, two P.M. routes on different days) with a certified operator and students on-board prior to accepting any other assignment.

C. The State Superintendent may refuse to certify a candidate as an operator who is not of good moral character and physically, mentally, and emotionally qualified to perform the duties of an operator safely and efficiently.

1. Reasons supporting a refusal to certify a candidate shall include failure to complete and pass any of the following:

   a. a physical examination and completed form which includes a list of all prescribed medications and their dosages.

   b. training provided by a certified trainer.

   c. knowledge exam developed by the WVDE.

   d. skills and performance exams.

   e. drug screen.

   f. accumulation of six or more points against the candidate's driving record from any state DMV.

   g. conviction of one drug/alcohol-related driving offense within the last two years or conviction of two or more drug/alcohol-related driving offenses within the last ten years.

   h. conviction for an offense involving the use or possession of any illegal/controlled substance without a valid prescription or abuse with a valid prescription, within the last five years as demonstrated by a preponderance of evidence.

i. pattern of abuse of alcohol within the last five years regardless of the candidate's driving record, as demonstrated by a preponderance of evidence.

j. a criminal background or driving history that demonstrates a lack of good moral character.

k. conduct constituting sexual abuse, negligence, or assault of a minor whether or not criminally charged, as demonstrated by a preponderance of evidence.

l. conviction of a felony

m. conviction of a misdemeanor that has a rational nexus to a bus operator's duties and responsibilities.

D. When the State Director recommends to the State Superintendent that a candidate be denied certification for any reasons set forth in sections 19, the candidate will receive notice of the recommended denial for cause and be afforded the opportunity for a hearing before the School Bus Operator Review Panel in accordance with W. Va. 126CSR4, Policy 1340, Rules of Procedure for Administrative Hearings and Appeals (Policy 1340).

E. Counties may elect to hire a contract operator to transport students in passenger vehicles with a designed seating capacity of ten or less occupants, in areas where bus service is limited due to terrain. At no time shall the maximum occupancy exceed ten (10), including the driver. These vehicles can only be used to transport students to and from the nearest bus route and shall not be used to transport students from home to school.

1. The contract operator shall comply with all federal, state, and districts regulations and provide documentation of compliance to the districts. The districts shall maintain the documentation.

2. The contract operator must have at the minimum, a Class D CDL license. The contract operator shall submit to Criminal Investigation Bureau (CIB) and FBI background checks and a DMV background check prior to being considered. A contract operator shall not be considered if there is an accumulation of six or more points against his/her driving record from any state DMV. An accumulation of ten or more points against his/her driving record shall result in termination of contract. A DMV check shall be completed and submitted annually.

3. The contract operator shall complete a first aid and CPR class and shall recertify every two years.

4. The contract operator shall pass a DOT physical examination from a medical examiner prior to providing services.

5. The contract operator shall submit to a pre-employment drug test that meets USDOT standards and random testing thereafter.

6. The contract operator shall receive a minimum of eight hours of training with a WVDE certified bus operator instructor, online training modules, or a combination thereof, including but not limited to: loading and unloading procedures, railroad crossings, student conduct, emergency procedures, and districts policies. A driving exam and state certification are not

required.

7. The contract operator shall have automobile liability coverage in place. The Certificate of Insurance must indicate a minimum of $1,000,000 per occurrence of auto liability. Copies shall be made available to the district's superintendent/designee.

8. The vehicle used to transport students shall have a West Virginia Division of Motor Vehicles (WVDMV) inspection annually, be subject to periodic maintenance with proper documentation of any repairs, and the documentation shall be made available to the district's superintendent/designee upon request.

Section 16: Physical Qualifications for Operators

A. The operator shall have no mental, nervous, organic, or functional disease, or psychiatric disorder, and take no medication likely to interfere with his or her ability to operate the bus safely.

B. The duties to be performed by an operator include but are not limited to the following:

1. walk from the operator's seat to the rear of the bus.

2. open all emergency exits.

3. install tire chains on a bus.

4. raise the hood of a conventional bus and check all fluid levels.

5. remove obstructions from windshield and under wiper blades.

6. adjust all outside mirrors.

7. secure a wheelchair.

Section 17: Physical Examination for Operators and Contract Operators

A. The operator shall pass an annual physical examination from a medical examiner. This examination shall be conducted no earlier than April 1st to receive certification for the following school term.

B. The district's superintendent shall maintain a copy of the physical examination of each operator.

1. A copy of the physical examination for designated Head Start operators is to be maintained by the employing agency.

2. Physical examinations shall be recorded on the USDOT Medical Examination Report Form (for Commercial Driver Medical Certification). It is required that the physical examination be performed by an FMCSA Certified medical examiner because other medical providers may not be sufficiently informed regarding the physical requirements for operators to safely transport students.

3. All operator physical examinations are considered confidential and protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191) and shall be reviewed only by approved districts administrative staff. Designated staff of the certifying agency (WVDE) also may review this information.

C. Has no established medical history or clinical diagnosis of epilepsy or any other conditions which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle, FMCSA 49CFR 391.41(b)(8).

D. A school bus operator who is currently employed by a public school districts or a school bus operator candidate who is otherwise subject to state board rules governing school bus operators and who is diagnosed with diabetes mellitus requiring insulin is not ineligible for employment as a school bus operator because of the diagnosis if the operator is issued a passenger and school bus endorsement for his or her commercial driver's license through the West Virginia Division of Motor Vehicles, subject to the following:

1. A copy of the information required to be submitted to the Division of Motor Vehicles and proof of passenger and school bus endorsement is submitted to his or her employer; and

2. The operator remains in compliance with the stipulations of and grounds for eligibility per Federal Motor Carrier Safety Administration, Division of Motor Vehicles, and state board rules.

E. There is no loss or impairment of any limbs that would prevent the applicant from receiving or renewing a CDL with the appropriate endorsements. A minimum of one hand must be grasping the steering wheel at all times when bus is in motion.

F. Average hearing loss in the better ear of the operator shall not be greater than 40 decibels (dB) at 500 Hz, 1000 Hz, and 2000 Hz with or without hearing aids. The forced whisper test is acceptable as an alternative test. The operator must first perceive a forced whisper voice in the better ear at not less than 5 feet with or without the use of a hearing aid. When needed, an approved hearing aid with back up batteries shall be used by the operator.

G. There is no current clinical diagnosis of:

1. myocardial infarction (heart attack).

2. angina pectoris (chest pain).

3. coronary insufficiency.

4. thrombosis (blood clots).

5. stroke (mini-strokes/TIA, paralysis or weakness).

6. other infectious diseases that would prevent the operator from performing his/her duties as determined by a public health officer.

H. there is no cardiovascular disease of a variety that is accompanied by:

1. syncope (fainting or passing out).

2. dyspnea (difficulty breathing or shortness of breath).

3. collapse (unconsciousness).

4. congestive cardiac failure.

5. any protein, blood, or sugar found in the urinalysis. Such a finding may indicate a need for further testing to rule out underlying medical conditions prior to the final determination that an operator is medically qualified.

I. if any of the above referenced conditions in this section exists, a letter from a cardiologist must be presented to the district's director stating that the operator is medically qualified to operate a bus. When an operator is required to use a pacemaker, his/her return to work shall be approved by two cardiologists not affiliated with each other. Cardiac defibrillators are prohibited.

J. has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a school bus safely.

K. while performing operator duties, the operator shall wear a truss for any small hernia. Large hernias shall be surgically repaired.

L. there is no medical history or clinical diagnosis of the following which interferes with the ability to operate a bus safely:

1. rheumatic disease.

2. arthritic disease.

3. muscular disease.

4. neuromuscular disease.

5. vascular disease.

M. both eyes are functional and the operator:

1. has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses.

2. does not have monocular vision.

3. has a field of vision no less than 70 degrees in the horizontal meridian of each eye.

4. is able to identify the colors red, green, amber, and blue.

5. wears corrective lenses, if necessary, while operating a bus.

N. All operators using continuous positive airway pressure (CPAP) or bilevel positive airway pressure (BiPAP)devices must meet requirements as follows:

1. a diagnosis of Obstructive Sleep Apnea (OSA) prohibits certification unless the following criteria are met:

a. is referred to a clinician with relevant expertise;

b. has adequate PAP established through a titration study.

2. individuals with OSA who have been treated with PAP may be certified if they have been successfully treated for a minimum of one week. Successful PAP treatment is defined as follows:

a. demonstration of good compliance with treatment; and

b. resolution of excessive sleepiness when driving.

3. individuals with OSA who are treated with PAP must demonstrate compliance with treatment by objective documentation.

4. compliance is defined as using PAP for the duration of total sleep time, or as prescribed by the treating provider.

5. optimal treatment efficacy occurs with seven hours or more of use during sleep; however, four hours of documented time on at least five nights per week at pressure per major sleep episode is minimally acceptable.

6. prior to an operator being allowed to resume driving, the clinician must provide a statement that the treatment and the operator meet the above criteria. It is the operator's responsibility to keep a log of his/her compliance and provide documentation to the district's director on a quarterly basis. Public school districts shall maintain all such records.

O. The operator shall have no mental, nervous, organic, or functional disease, or psychiatric disorder, and take no medication likely to interfere with his or her ability to operate the bus safely.

P. All operators and districts employees in safety sensitive positions who possess a CDL shall be subject to pre-employment, random, post-accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per regulations of Omnibus Transportation Employee Testing Act (OTETA).

1. Employers must provide training to all persons who supervise CDL drivers in accordance with FMCSA Section §382.603. The purpose of this training is to enable supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing

described in FMCSA Section §382.307. It must include at least 60 minutes of training on alcohol misuse and 60 minutes on controlled substances use (120 minutes total).

2. For random tests, all operators and safety sensitive employees who possess a CDL, including trainees, shall be included in the USDOT drug testing pool. The pool shall be spread out evenly throughout the year. An employee who has been removed from the USDOT drug testing pool for 30 days or more shall have a pre-employment drug test prior to returning to work. The public school districts shall develop a drug testing policy for non-CDL drivers in safety sensitive positions and those shall be in a different random pool.

3. For post-accident, the test for alcohol shall be administered within two hours of the accident. The post-accident test for controlled substances shall be administered as soon as practical, but no later than 32-hours after the accident. If either test cannot be administered within the required timelines, the employer shall maintain a record that states the reason the test could not be administered. Further information on required timelines may be found in FMCSA Section §382.303. Post-accident drug and alcohol tests shall be required after crashes according to the following chart:

Type of Accident Involved	Citation Issued to the Bus Driver	Test Must Be Performed by Employer	DOT Test Or NON-DOT Test
Human Fatality	Yes	Yes	DOT Test
Human Fatality	No	Yes	DOT Test
Bodily Injury with Immediate Medical Treatment away from the Scene	Yes	Yes	DOT Test
Bodily Injury with Immediate Medical Treatment away from the Scene	No	Yes	NON-DOT Test
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes	DOT Test
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	Yes	NON-DOT Test

Q. The director shall ensure that all operators are registered with the FMCSA Drug and Alcohol Clearinghouse (Clearinghouse). He/she shall also query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to

operate a CMV on public roads, and annually query the Clearinghouse for each operator the district currently employs.

Section 18: Responsibilities of Certified Operators for Renewal of Certification

A. The operator shall notify the district's director and the medical examiner of any medication taken or the use of any controlled and/or over-the-counter substance that may interfere with the safe operation of a bus. A copy of the West Virginia Department of Education, Office of School Operations, Prescription/OTC Medication Restriction Guidelines, that contains examples of drugs that may interfere with the safe operation of a bus, may be obtained from the district's director or the WVDE Office of School Transportation. The operator shall notify the district's director by the next business day of any driving under the influence (DUI)/driving while intoxicated (DWI) charge and any moving vehicle violations received while driving any vehicle.

B. The district's superintendent has the right to require a physical and/or psychological examination from a designated health care provider when he/she has any reasonable questions regarding the ability of an operator or the sufficiency of an annual physical examination.

C. The district's superintendent has the right to require that a physical performance examination be administered when he/she has any reasonable questions regarding the ability of an operator to perform his/her required duties. The physical performance exam may also be required when an operator is returning to work after an accident, injury, or extended illness in which the ability to perform his/her required duties may be in question. A WVDE-certified bus operator examiner or a WVDE inspector may administer the examination. The exam must be administered in the largest type C bus available and will include, but may not be limited to:

1. Emergency Exit Time (from the driver's seat with the seat belt fastened and out rear exit in 20 seconds)

2. Installing a road ready tire chain that is installed correctly, tight, and has no twists in the tire chain. Tire Chain Time (one tire) (10 minutes unassisted)

3. Bus Steps Time (3 trips up & down in 30 seconds)

4. Throttle to Brake Time (10 Throttle to brake cycles in 10 seconds)

5. Brake (Hold brake for 3 seconds, 5 times)

6. Roof Hatch (operator's body must pass through trim ring)

D. If a bus operator presents a districts/agency with a medical release to return to duty, it shall indicate no restrictions or limitations.

E. All operators, including substitutes, shall receive a minimum of 18 hours of professional learning in transportation-related subjects annually, including a minimum of one hour refresher training on special needs transportation, if transporting Pre-k or Head Start students an additional one hour of dealing with young riders, completed between July 1st of the current school term and June 30th of the following school term, with the first twelve (12) hours occurring before January 1st. An

exception to this schedule may be granted by the district's superintendent.

F. All operators shall pass a knowledge exam developed by the WVDE pursuant to W. Va. Code §18A-4-8e and administered by the public school districts or public institution.

1. For substitute operators and for operators with regular employee status but on a probationary contract, the knowledge exam shall be administered annually.

2. For operators with regular employee status and continuing contract status, the knowledge exam shall be administered triennially.

3. For substitute operators who are retired from a public school districts and who at the time of retirement had ten years of experience as a regular full-time operator, the knowledge exam shall be administered triennially.

4. The operator who fails the knowledge exam may retake it.

G. The public school districts currently employing the operator shall annually submit a request for renewal of certification for the following school term to the State Director no earlier than April 1st, showing:

1. passage of the annual physical examination.

2. passage of the knowledge exam, if applicable.

3. completion of 18 hours of transportation-related professional development completed between July 1st to June 30th of the current school year.

4. results of an annual report of the operator's DMV record.

5. current first-aid and CPR certification.

6. current CDL with appropriate endorsements.

H. The term for bus operator certification begins July 1st and expires June 30th of each year. Certification cards for the upcoming term will not be issued prior to June 1st.

I. Any operator whose certification has not been renewed for five consecutive certification terms shall be considered a new applicant and shall complete all certification requirements of a new applicant.

J. Any operator whose certification has not been renewed for two to five years shall have a required eighteen hours of training with a minimum of six hours behind the wheel.

K. Reciprocity of school bus operators:

1. Training credit may be granted to school bus operators that are currently certified and transporting students on a school bus in another state. The districts or employing agency must verify the applicant's school bus driving history and query the FMCSA Clearinghouse

for drug testing history. Requirements are as follows. The applicant shall:

2. Possess a class A or B CDL with passenger (P) and school bus (S) endorsements with no air brake restriction.

3. Receive a minimum of eighteen hours of training with a minimum of six hours behind the wheel and classroom training as specified by the School Bus Operator Training and Certification Manual and provided by a WVDE certified bus operator trainer which shall include but not be limited to student loading and unloading, FMVSS 111 mirror grid training, pre-trip inspections, and training on policy 4336, after which, the transportation director and trainer shall evaluate the applicant to determine if additional training is needed.

   a. have a valid First Aid and CPR card.

   b. pass a USDOT physical exam.

   c. pass the WVDE knowledge exam.

   d. pass a USDOT pre-employment drug screen.

   e. have a CIB/FBI criminal background check approved by the WVDE.

   f. provide a driving history record for the last 5 years, if available, with less than 6 total points (equal to WV's point grading system)

   g. pass a skills and physical performance exam provided by the WVDE or designee.

L. Any operator who has not transported students from home to school or school to home at least five times within the previous certification term shall complete a minimum of three hours behind-the-wheel refresher training with a WVDE-certified trainer prior to the employing public school districts or institution requesting re-certification for any successive school year.

M. The WVDE may periodically conduct a compliance review of bus operator certification files. The review shall include copies of the physical exam, the CDL with proper endorsements, a valid First Aid/CPR card, a valid DMV report, the knowledge exam if applicable, staff development hours, and if applicable, a letter from the prescribing physician should be included if any medications with restrictions are indicated.

Section 19: Reasons for Suspension, Revocation, or Non-renewal of Certification of Operators

A. The State Superintendent may, after ten days' notice and upon proper evidence, suspend, revoke, or refuse to renew the certification, or impose any condition upon the certification of any operator upon just and sufficient cause as set forth below. For purposes of this section, a conviction includes any plea of guilty, conditional pleas, or pleas of no contest, where there is a rational nexus between the conduct set forth below and the performance of the job as an operator.

   1. Failure to meet the physical and mental/emotional requirements set forth in sections 16 and

17, as indicated from the results of any physical or psychological examination.

2. Failure to pass the knowledge exam.

3. Failure to complete the annual minimum 18 hours of transportation-related professional development.

4. Accumulation of ten or more points on DMV driving record following initial certification or conviction of reckless driving, as defined by W. Va. Code §17C-5-3, conviction for leaving the scene of an accident involving physical injury or death, as defined by W. Va. Code §17C-4-1, or conviction for obstructing an officer or fleeing an officer as defined by W. Va. Code §61-5-17.

5. Conviction of a felony.

6. Conviction of and/or DMV suspension or revocation of license on a charge of operating a motor vehicle while under the influence of alcohol, controlled substances, any other drugs or the combination thereof, or by a preponderance of evidence, including but not limited to, positive breath, or blood test, or field sobriety results, of operating a motor vehicle under the influence. The employee shall not be certified to operate a bus for at least two years following the date of the revocation, first conviction, license suspension/revocation or WVDE certification suspension/revocation. At the conclusion of two years, the operator shall be considered a new applicant and complete all requirements of section 15. For a second offense, license suspension/revocation, or WVDE certification suspension/revocation, certification shall be revoked and refused permanently.

7. Failure of any drug or alcohol test administered by the operator's employer or submission of an adulterated specimen. The operator will not be certified to operate a bus for at least two years subsequent to a first positive or adulterated test result and the operator completes a return-to-duty process which includes consultation with a substance abuse professional. For a second positive test result or adulteration, certification shall be revoked and refused permanently.

8. Once the operator is notified, the operator must report to the collection site immediately. Failure of delay in doing so will be considered a refusal which is equivalent to testing positive.

9. Intentional disengagement of bus safety equipment, including bus cameras, without prior authorization of districts directors.

10. Conviction of any charge involving sexual misconduct with a minor or student. The operator may also have certification renewal refused, or certification suspended or revoked when it is shown by a preponderance of evidence that he/she has a consensual sexual or amorous relationship with a current student irrespective of any criminal prosecution.

11. A demonstration by a preponderance of evidence of frequent violations of traffic laws, sound safety practices, regulations, or ordinances while operating a bus, or any single violation while operating a bus that threatened the safety of student passengers, or other users of streets or roadways including but not limited to incomplete pre-trip or post trip inspections and driving

through flooded roadways.

12. Violations of W. Va. Code §17E-1-14a, which make texting while driving a commercial motor vehicle a misdemeanor crime, will be deemed a violation that threatened the safety of student passengers and/or other users of streets or roadways, regardless of whether an operator is prosecuted, if proven by a preponderance of evidence.

13. Violations of W. Va. Code §17C-14-15, which make talking on a cell phone while driving any vehicle a misdemeanor crime, but if performed while operating a bus, will be deemed a violation that threatened the safety of student passengers and/or other users of streets or roadways, regardless of whether an operator is issued a traffic ticket, if proven by a preponderance of evidence. (example: video recording from bus.)

B. The State Superintendent may, after ten days' notice, and upon proper evidence, suspend, revoke, or refuse to renew the certification or impose any condition upon the certification of any operator for intemperance, untruthfulness, cruelty, immorality, or use of fraudulent, unapproved, or insufficient credit to obtain the certificate only if there is a rational nexus between the conduct of the operator and the performance of the job.

C. If an operator's certificate has been issued or renewed 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 WVBE rules.

D. A districts superintendent or other employer of operators licensed by the WVDE who knows of any acts on the part of an operator for which a certificate may be revoked in accordance with W. Va. Code §18A-4-8e or section 24 shall report the same, together with all facts and evidence, to the State Superintendent.

E. At least annually, operators shall be monitored and evaluated for performance by the district's director/supervisor. Evaluations should include verbal discussions with the operator, ride with the operator, review of bus video, or any combination thereof.

F. A bus video may be reviewed at any time by the State Director, WVDE bus inspector, WVDE investigator, WVDE and/or districts attorney, districts director, members of the bus operator review panel and the district's superintendent for reasons including but not limited to: safety violations or misconduct, violation of policies and procedures, operator evaluation, periodic review of student conduct, etc. The bus video may be viewed by the operator with permission or consent of the district's director or designee approved by the district's superintendent.

G. Districts directors/supervisors who perform evaluations shall be trained in proper evaluation procedures.

Section 20: Procedures for Due Process on the Suspension, Revocation, and Recall of Operator's Certification and Establishment of the West Virginia School Bus Operator Review Panel (Review Panel)

A. When the State Superintendent receives information concerning any of the violations set forth in section 19, the certification holder shall be notified of the pending action against him/her and afforded the opportunity for a hearing before the Review Panel in accordance with Policy 1340.

B. The State Superintendent designates the Review Panel to conduct hearings on operator certificate denials, suspensions, revocations, or recalls and to make recommendations for action by the State Superintendent.

1. The Review Panel shall consist of seven members representing the major constituents within the educational and transportation community. Included in the membership shall be three currently employed bus operators, two of whom shall be chosen by the West Virginia School Service Personnel Association (WVSSPA) from its membership and one of whom shall be chosen by the State Superintendent; one district superintendent or principal chosen by the State Superintendent; one district transportation director chosen by the State Superintendent; one employee of the WVDOT's Division of Highways with experience in commercial driver licensing and/or highway safety; and one designee of the State Superintendent.

2. The terms for all members shall be for a period of three years. Members may serve no more than two consecutive three-year terms. Members who have filled an unexpired term of one year or more are eligible for only one additional consecutive three-year term. All terms begin on July 1st and end on June 30th.

i. Initial appointments shall have staggered terms, with two members having an initial term of one year, two members having an initial term of two years, and three members having an initial term of three years.

3. Vacancies shall be filled as quickly as possible by the appropriate appointing authority. Any vacancies remaining unfilled for 90 days shall be filled by the State Superintendent.

Section 21: School Bus Operator Safe Drivers' Programs

A. National Safety Council Safe Driver Awards.

1. Public school districts should continue the support of the Safe Driver Award Programs sponsored by the National Safety Council.

B. Bus Safety Road-eo.

1. The West Virginia Association for Pupil Transportation, with support from the WVDE as needed, annually sponsors a School Bus Safety Road-eo as a means of developing and refining the bus handling skills of operators.

2. To maximize the skill development potential and to recognize those who achieve excellence in bus handling skills.

a. school transportation administrators in each districts provide, as a part of their operator professional development, some type of skill development exercise in bus handling.

b. all operators be given an opportunity to annually participate in a districts and/or regional school bus safety road-eo.

c. all operators who win recognition for their safe driving skills in local competition be provided an opportunity and encouraged to compete in regional and/or state road-eos.

d. district school administrators provide the opportunity and encouragement for district operators who win recognition in the State School Bus Safety Road-eo to compete in the national event.

Section 22: School Bus Operator Inspection of School Bus

A. Operators are required to make the appropriate inspection of the bus and complete specified duties prior to every assigned trip to ensure the safe transport of all passengers. The following is a list of minimum required inspections and duties and shall not be considered all-inclusive.

B. For pre-trip inspections and duties. the operator shall:

1. check tires for proper inflation and condition.

2. check wheels for loose hub bolts, wheel lugs, lube leaks, etc.

3. check steering for proper functioning of all components.

4. check radiator coolant, windshield washer fluid, power steering fluid, oil, and fuel.

5. check alternator, fan, and power steering belts.

6. check lighting system(s), windshield wiper/washer, and horn.

7. check brakes, including warning light and buzzer.

8. check all emergency exits.

9. check first aid kit, fire extinguisher, communication system(s), and emergency traffic warning devices.

10. check back-up alarm.

11. check stop arm and crossing arm.

12. check exhaust for leaks and securement.

13. sweep the floor, clean/sanitize the seats as necessary, and remove all trash from seat frames/rails immediately following each assigned run.

14. clean windshield, windows, mirrors, all light lenses, and identification lettering and wash outside as necessary. All mirrors shall meet FMVSS 111 specifications at all times. A mirror grid shall be supplied at a location(s) accessible to all bus operators to ensure FMVSS 111 specifications are maintained.

15. keep the stepwell and aisle clean and free of debris.

16. remove markings found on walls/ceiling.

17. keep loose objects, tire chains, wheelchair restraints, etc., off the floor in a secure location.

18. keep glove compartment clean and well-organized.

19. ensure that there are no aerosol cans inside the bus. Properly labeled spray bottles are to be stored out of sight.

C. For an inspection during a trip, the operator shall:

1. watch gauges for signs of trouble.

2. use his/her senses (look, listen, smell) to check for problems.

3. stop at least every two hours or 100 miles (whichever comes first) or every 90 minutes at night and check:

a. tires, wheels, rims.

b. brakes.

c. lights.

d. doors.

D. For a post-trip inspection, the operator shall:

1. conduct a walk-through inspection of the bus after each run. The purpose of the walk-through inspection is to check on and under the seats for sleeping or hiding students to identify any items that may have been left aboard the bus and to check for any vandalism. Operators having multiple runs of which there is a delay of 10-30 minutes between each shall, at a minimum, conduct a walk-through inspection and an outside walk-around inspection of the bus. Curricular and extra-curricular trips shall require, at a minimum, an inside and outside inspection for damage or vandalism prior to departure from the site.

2. as required by WVDE Policy 2525, bus operators, when transporting pre-K students, must inspect the bus at all final drop-off points to assure that no children are left on the bus. A log of daily inspections shall be maintained on file with the supervisor.

3. sweep the floor, clean/sanitize the seats as necessary, and remove all trash from seat frames/rails immediately following each assigned run.

4. prepare a written verification of the operator's examination of the interior of the bus for students, loose items, and damage if the vehicle is not equipped with a childminder.

5. check the tires, brakes, lights, and emergency signaling devices.

6. report any problems to the district's director/supervisor or head/chief mechanic.

E. For weekly duties, the operator shall:

1. mop the bus floor. At no time shall a water hose or power washer be used on the interior of the bus.

2. clean interior upholstery with a damp cloth.

3. wash the exterior of the bus.

Section 23: Districts Bus Transportation and Maintenance Systems

A. The district's superintendent shall ultimately determine the structure and staff needed to deliver a quality program. In addition to the pertinent sections of W. Va. Code and the preceding regulations, the WVBE recommends the following.

1. Bus maintenance center equipment should include:

a. hoists, jacks, lifts, and/or service pits to enable repair and servicing in a safe and efficient manner.

b. adequate tools and diagnostic equipment to facilitate preventive maintenance and repairs.

c. adequate space for washing buses, preferably inside.

d. adequate storage for stocking and identifying parts. (An electronic parts inventory system is preferred.)

e. personal protective equipment (PPE).

2. Personnel/Staffing.

a. maintenance center staff may vary with the number of vehicles to be maintained.

b. one mechanic for nine buses.

c. one mechanic and one assistant for a fleet of ten to 18 buses.

d. one additional mechanic and one additional assistant for each additional 16 buses over 18 buses.

3. Whenever an employee is working alone, such as in a confined space or isolated location, the districts shall account for each employee by sight or verbal communication throughout each work shift, at regular intervals, appropriate to the job assignment to ensure the

employee's safety and health, and at the end of the job assignment or at the end of the work shift, whichever occurs first.

B. Training.

1. Maintenance center personnel shall:

a. participate in job-related professional development as approved by the district school service personnel staff development council. A minimum of 18 hours is required annually as required by W. Va. State Code §18a-3-9.

b. participate in specific industry job-related maintenance and repair workshops, state/regional job-related workshops, seminars, and conferences.

2. Those individuals designated as district director/supervisor/coordinator shall be familiar with planning, directing, coordinating and overseeing all functions pertaining to the operation and maintenance of the district's transportation department, including personnel, equipment and facilities. Annual professional development shall include a minimum of six hours of content in safety and transportation.

C. Sale of Surplus Items.

1. Any proceeds received from the sale of surplus buses, obsolete or scrap parts or equipment, warranty claims or insurance claims shall be returned to the district's transportation department for the purchase of new buses.

2. Any school bus sold or transferred to another owner by a public school district of education, agency or individual shall have all flashing warning lights (overhead 8-way warning lights) disconnected and all lettering removed or permanently obscured, except when sold or transferred for the transportation of school children.

Section 24: Inspection and Maintenance of Buses

A. Vehicle Inspection.

1. Pursuant to W. Va. Code §17C-16-2, any member of a department of public safety may stop and inspect a bus at any time.

2. Qualified bus inspectors employed by the WVDE may inspect a bus at any time without prior notice.

3. All buses transporting students to school and/or school-related events shall be inspected by a qualified bus inspector annually during the fiscal year (July 1 - June 30).

a. The State Director shall supervise the scheduling of bus inspections and may require additional and random inspections of buses.

b. The operator may be required to present to the bus inspector a valid commercial driver's license, a first aid certificate, and a WVDE certification card at the time of inspection.

c. All buses used to transport students shall be inspected and display a valid WVDE inspection sticker.

d. Any bus used to transport students which is declared unsafe is to be marked with the appropriate rejection sticker.

4. A bus used to transport students that is involved in an accident which causes damage to any steering component, front axle or frame, or any major structural damage requiring the bus to be towed, must be inspected and approved by a WVDE bus inspector prior to returning to service.

a. Any seat belts (driver's seat belt, seat belts anchoring child restraints, wheelchair restraints, etc.) in use at the time of a moderate to severe accident shall be replaced. Additionally, the Child Safety Restraint System (CSRS,) if in use, shall be replaced following a moderate to severe accident. CSRS do not automatically need to be replaced following a minor accident. A minor accident is one in which all of the following apply:

I. the vehicle was able to be driven away from the crash site.

II. The area of the vehicle nearest the CSRS was not damaged.

III. none of the passengers in the vehicle sustained any injuries in the crash.

IV. if the vehicle had air bags, they were not deployed during the accident.

V. there was no visible damage to the CSRS.

B. Districts Bus Maintenance.

1. The public school districts shall establish a bus maintenance program. At no time shall any other vehicle maintenance take priority over bus maintenance. The maintenance program may be delivered by the public school district or through a private contractor.

2. The maintenance program shall employ mechanics and service employees skilled in school bus maintenance.

3. An accurate inventory of the bus parts shall be maintained and made available at the district's maintenance center.

4. Maintenance records for buses shall be current and made available at the district's maintenance center for review by the WVDE bus inspector upon request.

5. A preventive maintenance inspection shall be performed on all buses (including spares) every 20 operating days and not to exceed a maximum of 40 operating days. A preventive maintenance schedule for each bus shall be posted in the district's maintenance center, made

available to the bus operator, and to the WVDE bus inspector upon request.

6. All district-owned facilities including bus maintenance centers are subject to inspection by the WVDE Office of School Transportation staff as required by W. Va. Code §18-9D-16(c).

Section 25: WVDE Certified School Bus Operator Trainers

A. Driver Trainer Certification.

B. Requirements and minimum qualifications for selecting a state certified Operator trainer.

1. must have a valid minimum class B CDL with passenger (P) and school bus (S) endorsements.

2. hold a state school bus certification card for a minimum of three years.

3. must register with the FMCSA Training Provider Registry.

4. attend, participate and pass the WVDE Train the Trainer Class.

5. possess the desire to instruct both classroom and behind the wheel training as per WVDE School Bus Operator Training and Certification Program Training Manual and the Behind the Wheel Instruction Manual.

C. Driver Trainer Recertification.

1. each school bus operator trainer will be required to recertify every three years. If the bus operator trainer fails to pass any required exam, they will be given the exam at another opportunity. If they fail the second time, they will be required to take the next train the trainer class to become recertified. If a bus operator trainer fails to recertify, they will be required to take the next train the trainer class to become recertified.

2. recertification shall consist of eighteen hours of training over a three-year period. Training can be in person, online training such as the NHTSA School Bus Operator In-Service Curriculum, Q'Straint online wheelchair securement training, AMF Bruns online wheelchair securement training or other pertinent training that deals with school bus transportation with prior approval from the state director or designee.

3. attend in person recertification training provided by the WVDE.

Section 26: Reasons for Suspension, Revocation, or Non-renewal of Operator Trainer Certification

A. This is not an all-inclusive list:

B. Falsifying classroom verification documentation.

C. Falsifying behind the wheel verification documentation.

D. Failure to complete eighteen hours of training over a three-year period.

E. Accumulation of ten or more points on DMV driving record following initial certification or conviction of reckless driving, as defined by W. Va. Code §17C-5-3, conviction for leaving the scene of an accident involving physical injury or death, as defined by W. Va. Code §17C-4-1, or conviction for obstructing an officer or fleeing an officer as defined by W. Va. Code §61-5-17.

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, controlled substances, any other drugs or the combination thereof, or by a preponderance of evidence, including but not limited to, positive breath, or blood test, or field sobriety results, of operating a motor vehicle under the influence. The employee shall not be certified to operate a bus for at least two years following the date of the revocation, first conviction, license suspension/revocation or WVDE certification suspension/revocation. At the conclusion of two years, the operator shall be considered a new applicant and complete all requirements of section 15. For a second offense, license suspension/revocation, or WVDE certification suspension/revocation, certification shall be revoked and refused permanently.

H. Refusal or failure of any drug or alcohol test administered by the operator's employer or submission of an adulterated specimen. The operator will not be certified to operate a bus for at least two years subsequent to a first positive or adulterated test result and the operator completes a return-to-duty process which includes consultation with a substance abuse professional. For a second positive test result or adulteration, certification shall be revoked and refused permanently.

I. Intentional disengagement of bus safety equipment, including bus cameras, without prior authorization of county directors.

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Action

A/S Comment was accepted and supports the proposed policy
A/C Comment was accepted and resulted in changes to the proposed policy
N Comment was not accepted

DATE	COMMENTER	COMMENTS	ACTION	RATIONALE
§126-92-1. General.				
N/A				
§126-92-2. Incorporation by Reference.				
N/A				
§126-92-3. Public School District Requirements.				
N/A				
§126-92-4. Severability.				
N/A				
West Virginia Minimum School Transportation Procedures Manual				
5-15-2025	Julie Koehler LPN Transportation Wheeling WV	Is there anything regarding the loading and unloading on a lift that is in writing that the operator or / LPN/ aide can denying transport of a disabled child when the wheelchair brakes are broke and or don't work properly for safety. There is no documentation I have found . This falls heavy on the operator/ LPN/ Aide as service personnel and is a liability. We are to follow the directions of administration but puts are jobs a risk.	A/C	There were no guidelines for wheelchair safety mentioned in policy. Added to Section 3: D, E, and F.
5-29-2025	Peggy Stone Director of Transportation Lincoln County	Section 1: Bus Passenger Regulations H. This section discusses transportation requirements regarding WV Universal Pre-K and CSRS's. 1-5 should include any time a CSRS is used. Add # 8 "No student shall be carried on of off the bus" as per the National Standards Guidelines.	A/C	States when these requirements apply. Newly added to the National Standard Guidelines in May 2025.
5-29-2025	Peggy Stone Director of Transportation Lincoln County	Section 3: Regulations for Transporting Students with Disabilities Requiring Special Transportation	A/C	A. Newly added to the National Standard Guidelines in May 2025.

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		A. Add "No student shall be carried on or off the bus" as per the National Standards Guidelines. D. Add "the aide shall position him/herself on the bus in a position that best services the needs of the students." F. The word "minimum" needs to be inserted before six hours.		D. Added to G. 3. F. Added to I
5-29-2025	Peggy Stone Director of Transportation Lincoln County	Section 8: General Operating Procedures H. "Stopper" needs to be stopped.	A/C	Correct a spelling error
5-29-2025	Peggy Stone Director of Transportation Lincoln County	Section 15: 13.a. what portion of the exam should be re-administered if they fail a portion of the exam?	A/C	States where the reexam shall start in the event of failure.
5-29-2025	Peggy Stone Director of Transportation Lincoln County	Section 18: C.2. "Installing a road ready tire chain in ten minutes" I am requesting this because anyone can "throw" a chain on the bus, but is it road ready?	A/C	Defines how the tire chain is to be installed.
5-29-2025	Peggy Stone Treasurer WVAPT	Section 19: Reasons for Suspension, Revocation, of Non-renewal of Certification of Operators A. 11. Add "including but not limited to driving through flooded roadways, incomplete pre-trip and post trip inspections"	A/C	By doing these things, it threatens the safety of students and other road users.
5-29-2025	Peggy Stone Treasurer WVAPT	Section 25: WVDE Certified School Bus Operator Trainers C. Driver Trainer Recertification 1. How often will the trainers be required to recertify? What happens if the fail to do so? Or fail to pass any required exams?	A/C	Defines how often a trainer is to recertify, what happens if the fail to pass any required exam, and what happens if the fail to recertify.
5-29-2025	Peggy Stone Treasurer WVAPT	Section 26: Reasons for Suspension, Revocation, of Non-renewal of Operator Training Certification. H. Add the word Refusal of before Failure.	A/C	Includes the refusal to submit to a drug or alcohol test as well as a failure of a drug and alcohol test.
6-5-2025	Peggy Stone Treasurer WVAPT Matheny WV	Section 8: General Operating Procedures C. The operator shall not knowingly operate an unsafe bus and shall perform all inspections and duties set forth in section 33 of this manual and any additional inspections and duties required by the public school districts. (the following needs to be added to this section: "A mechanic shall not knowingly place an unsafe bus in operation for the purpose of transporting students".)	A/C	Adds the responsibility to all people involved in school transportation for allowing an unsafe bus to be used for transporting students.

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6-5-2025	Peggy Stone Treasurer WVAPT Matheny WV	Section 1: Bus Passenger Regulations D. Enrolling or enrolled students, employees, or persons approved previously by a public school district are the only passengers eligible to be transported by the public school district school transportation system. (Should this not be approved by the local school board, the public school district doesn't approve who can ride)	N	The wording of county board was changed to public school district to include charter schools.
6-6-2025	Peggy Stone Treasurer WVAPT Matheny WV	Section 3: Regulations for Transporting Students with Disabilities Requiring Special Transportation (add: AS PER THE IEP) B. Add: "if possible, the transfer should be conducted on Board of Education Property." G. The aides duties should have time limits similar to the bus operator physical performance exam.	A/C A/S	B. adds best practice for transfers G. is addressed in section J.
6-6-2025	Peggy Stone Treasurer WVAPT Matheny WV	Section 10: N. Railroad-highway Crossing Procedures (states to follow code §17C-12-3) This code states "Every bus transporting passengers stop, (do buses stop when empty?) C. Turn of all radios and noisy equipment and silence all passengers, (does this apply to the two-way radio also?)	A/C A/C	Clarification as to when the bus is required to stop. C. Includes two-way radio in what needs to be turned off.
6-7-25	Shonda Smith Tioga Wv	My daughter will be a junior this year and attends NCHS. It's being brought to our attention that Nicholas County will no longer do bus transfers to preferred schools this upcoming year. We live about 25 minutes either way from NCHS && The New School being built in Richwood for the combined complex K-12 thats supposed to be completed and open this upcoming school year. Many students will be bussed the same distance and time from their home to the new school complex or NCHS. I'm speaking of Craigsville, Cottle, and Nettie area Eliminating the bus transfers will affect a lot of families and students as the majority of us parents work in this area and can not get the kids to and from school. It's disheartening to think these kids will have to transfer schools if	N	Comment does not have anything to do with the policy.

		their parents cant get them there without the help of the public school transportation and in my opinion i think our county boe is trying to pass this for their own agenda to bring the enrollment up to the new complex. The kids in Nicholas County have endured enough since the flood in 2016. I'm asking everyone to please reconsider and to continue bussing these kids. Let the students continue to go where they have gone for many years.		
6-10-2025	Peggy Stone Director of Transportation Lincoln County	Section 18: Responsibilities of Certified Operators for Renewal of Certification A. The operator shall notify the district's director and the medical examiner of any medication taken or the use of any controlled and/or over-the-counter substance that may interfere with the safe operation of a bus. A copy of the West Virginia Department of Education, Office of School Operations, Prescription/OTC Medication Restriction Guidelines, that contains examples of drugs that may interfere with the safe operation of a bus, may be obtained from the district's director or the WVDE Office of School Transportation. The operator shall promptly notify the district's director of any driving under the influence (DUI)/driving while intoxicated (DWI) charge and any moving vehicle violations received while driving any vehicle. Should say "Next business day"	A/C	Changes "promptly" to "next business day." This change gives a clear timeline as to when the offence is to be reported to the district's director.