

# Ohio Pupil Transportation

## OPERATION AND SAFETY RULES





## OHIO DEPARTMENT OF EDUCATION OHIO PUPIL TRANSPORTATION OPERATION AND SAFETY RULES

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

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

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

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

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

Effective: 4/25/2019

**3301-83-05 Administration.**

Responsibility for administration of pupil transportation operation and safety rules

(A) The state agencies responsible for pupil transportation may assist in pupil transportation operation and safety by providing:

- (1) Leadership;
- (2) Management;
- (3) Safety programs;
- (4) Training programs.

(B) The state agencies responsible for pupil transportation shall assist in pupil transportation operation and safety by providing:

- (1) Disbursement of state funding;
- (2) Standards for school bus construction;
- (3) Rules for pupil transportation operations;
- (4) Forms and reports.

(C) All school bus owners may designate a transportation director /supervisor to administer the transportation program and be responsible for the management and supervision of:

- (1) Personnel;
- (2) Safety;
- (3) Training;
- (4) Operations;
- (5) Maintenance.

(D) The Ohio department of education shall assist city, exempted, village and local school districts by performing official timings to determine whether pupils attending non-public or community schools are eligible for transportation in accordance with section [3327.01](#) of the Revised Code. In performing the timings, the department shall use the procedures set forth in its "Transportation Services for Chartered Nonpublic and Community School Students Handbook," located on the department's website, including but not limited to:

- (1) Eligibility shall be determined by measuring the most direct route, which may include the interstate, by school bus from the public-school building to which the pupils would be assigned if attending the public school designated by the district of residence to the school bus loading area nearest and opposite the entrance door used by pupils transported at the attending non-public or community school;
- (2) Timings shall be conducted in a school bus, when both schools are in session, during the regular attendance times that the bus would travel to the school, and the bus should arrive at the building entrance or drop off location at the attending school at a reasonable time, based on the attending school's bell schedule; and
- (3) Timings conducted by a department representative are final. A second timing will not be conducted unless it can be demonstrated that the conditions pertaining to the original timing have substantially changed and the department approves it. The department's determination regarding a second timing is final.

Effective: 2/20/2020

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

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

Qualifications shall include:

- (1) A satisfactory driving record as verified through checks made by the employing agency.
- (2) A satisfactory work history as verified through professional references.
- (3) A satisfactory criminal background report in accordance with divisions (J) and (K) of section [3327.10](#) of the Revised Code.
- (4) Post-high school education or work experience in education, business administration, management or transportation as determined by the school bus owner.
- (5) Completion of annual participation in a minimum of four hours of in-service training related to school transportation, in school transportation-related training.
- (6) Completion of the classroom portion of the Ohio preservice driver training program at least once every six years pursuant to paragraph (A)(2) of rule [3301-83-10](#) of the Administrative Code.

Newly assigned administrators shall complete the classroom portion of the Ohio preservice driver training program within one year of their appointment to the position.

#### **(B) The school bus driver**

The school bus driver shall have an understanding of the role of pupil transportation in the educational program and meet all the physical, mental and moral requirements established by federal rule, state laws and this chapter of the Administrative Code.



Qualifications shall include:

- (1) Be at least twenty-one years of age with a minimum of two years driving experience.
- (2) Being physically qualified pursuant to the requirements listed in rule [3301-83-07](#) of the Administrative Code.
- (3) Completion of semi-annual driver record checks through the Ohio department of education for which records shall be maintained by the employer and/or school district for a minimum of six years. School bus drivers with any of the following shall be disqualified from operating a school bus:
  - (a) More than six points during the past two years;
  - (b) A conviction of driving while under the influence of alcohol and/or a controlled substance during the past ten years;
  - (c) Two (or more) serious traffic violations, as defined in division (II) of section [4506.01](#) of the Revised Code, during the past two years; or
  - d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official.
  - (e) Nothing in paragraph (B) of this rule shall limit any district or employer from adopting more stringent qualifications.
- (4) Being licensed as a school bus operator.
- (5) Holding school bus driver certification by a city or exempted village superintendent, a community school superintendent, a county educational service center, county board of developmental disabilities, head start program administrator, non-public administrator, or contractor.
- (6) Completion of pre-service and in-service training as prescribed in rule [3301-83-10](#) of the Administrative Code.
- (7) Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.
- (8) Ability to cope with stressful situations.
- (9) Possessing or upgrading skills through formal and/or in-service training.
- (10) A satisfactory criminal background report in accordance with divisions (J) and (K) of section [3327.10](#) of the Revised Code. A new report shall be required every six years with driver re-certification pursuant to rule [3301-83-10](#) of the Administrative Code. Records shall be maintained by the employer and/or school district for a minimum of six years.
- (11) A negative pre-employment drug test.
- (12) Participation in drug and alcohol testing as mandated by the federal motor carrier safety administration (FMCSA) pursuant to 49 C.F.R. 382. Individuals who refuse to participate in testing are disqualified from operating a school bus.

**(C) Maintenance personnel**

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

Qualifications as determined by the employer shall include:

- (1) Work history;
- (2) Education and professional development;
- (3) Testing;
- (4) On-the-job performance evaluations.
- (5) Individuals who may be required to operate a school bus with pupils on board shall meet all requirements for a school bus driver as listed in paragraph (B) of this rule.

**(D) Bus aides**

Qualifications shall include:

- (1) Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.
- (2) Ability to cope with stressful situations as related to preschool and special needs children.
- (3) Possessing or upgrading skills through formal and/or in-service training related to transportation of preschool and special needs children.
- (4) A satisfactory criminal background report in accordance with divisions (J) and (K) of section [3327.10](#) of the Revised Code. A new report shall be required every six years and the standard for evaluation of this report shall be as provided for in rule [3301-20-01](#) of the Administrative Code. Records shall be maintained by the employer and/or school district for a minimum of six years.

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

Qualifications shall include:

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



(8) Shall be sponsored by a school transportation provider or preservice instructor.

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

Qualifications shall include:

- (1) Be at least twenty-one years of age with a minimum of two years driving experience.
- (2) Shall complete semi-annual driver record checks through the department for which records shall be maintained by the employer and/or school district for a minimum of six years. Drivers with any of the following shall be disqualified from operating a vehicle:
  - (a) More than six points during the past two years;
  - (b) A conviction of driving while under the influence of alcohol and/or a controlled substance during the past ten years;
  - (c) Two (or more) serious traffic violations, as defined in division (II) of section [4506.01](#) of the Revised Code, during the past two years; or
  - (d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official.
  - (e) Nothing in this rule shall limit any district or employer from adopting more stringent qualifications.
- (3) Holding a valid driver's license.
- (4) Proof of financial responsibility or insured by the school transportation provider.
- (5) A satisfactory criminal background report in accordance with divisions (J) and (K) of section [3327.10](#) of the Revised Code. A new report shall be required every six years with driver re-certification pursuant to rule [3301-83-10](#) of the Administrative Code and the standard for evaluation of this report shall be as provided for in rule [3301-83-23](#) of the Administrative Code. Records shall be maintained by the employer and/or school district for a minimum of six years.
- (6) Must be physically qualified as determined by rule [3301-83-07](#) of the Administrative Code, except that paragraph (D)(13) of rule [3301-83-07](#) of the Administrative Code shall not apply to drivers employed by the Ohio school for the deaf and Ohio state school for the blind, who must meet all other requirements outlined in rule [3301-83-07](#) of the Administrative Code and shall only transport students enrolled at the Ohio school for the deaf and Ohio state school for the blind, interpreters, and authorized passengers as provided within rule [3301-83-17](#) of the Administrative Code, after pre-trip procedures are conducted for each trip, including confirming communication capability to ensure the driver has the ability to communicate with passengers. The deaf driver's ability to communicate may be satisfied by transporting groups of students and employees that can communicate using both speech and sign language or a group that includes a sighted individual that can communicate using speech and sign language.
- (7) Shall complete preservice training requirements as follows:
  - (a) Shall complete a four- hour minimum Ohio preservice driver curriculum or other course only as approved in advance by the pupil transportation office of the department.
  - (b) Shall complete a driving performance evaluation and review by a certified on-the-bus-instructor, or by a superintendent's designee.

- (c) Submit evidence of training to the department.
  - (d) Have a certificate of acknowledgement of van driver training as issued by the department.
  - (e) A current school bus driver certificate shall be considered satisfactory in fulfilling these requirements.
- (8) Shall complete a two- hour minimum of annual inservice training as approved by the school district transportation department. Failure to complete the annual inservice training may result in the revocation of an individual's certificate.
- (9) Holding an annual driver certification issued by the owner of the vehicle.

Effective: 3/26/2020

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

(A) A person who meets the physical qualifications set forth in this rule as certified by a proper medical authority may be authorized to operate a school bus, as defined by division (F) of section [4511.01](#) of the Revised Code or a vehicle other than a school bus as defined in paragraph (C) of rule [3301-83-19](#) of the Administrative Code, for the purpose of transporting pupils.

(B) Annually, one or more of the following licensed individuals shall be appointed by all school bus owners to conduct the medical examinations in compliance with this rule:

- (1) A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;
- (2) Physician assistant;
- (3) Certified nurse practitioner;
- (4) Clinical nurse specialist;
- (5) Certified nurse-midwife; or
- (6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49. C.F.R. part 390.

(C) Physical examination time schedule

(1) School bus driver medical examinations shall be scheduled after the first day of May and the completed medical examination shall be valid for the upcoming school year. A completed T-8 form must be on file in accordance with procedures established by the department and must be accomplished before drivers will be qualified to operate a school bus or other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code with passengers on board for the next school year. The medical examination is valid so long as it has been completed by one of the licensed persons identified in paragraph (B) of this rule.

(2) Persons employed as new drivers before January first must meet the physical qualifications as defined in paragraph (E) of this rule prior to operating a school bus or other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code with passengers on board and be re-examined if re-employed as a school bus driver for the next school year.

- (3) Persons employed as new drivers on or after January first must be examined prior to operating a school bus or other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code with passengers on board and the examination will remain valid throughout the following school year. Re-examination will be required if the driver is to be employed as a school bus driver for the second complete school year.
- (D) A person may be certified by the appointed examiner as physically qualified to operate a school bus if the person:
- (1) Has no loss of a foot, a leg, a hand, fingers, or an arm. Upon request to the department , a driver applicant missing a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the person's ability to control and safely operate a school bus and satisfactorily perform other related duties. Individuals who are granted a missing limb waiver shall be re-evaluated prior to applying for renewal of a T-9 certificate;
  - (2) Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation which is likely to interfere with a person's ability to control and safely operate a school bus. Upon request made to the department , a driver applicant missing a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the applicant's ability to control and safely operate a school bus and satisfactorily perform other related duties. Individuals who are granted a missing limb waiver shall be re-evaluated prior to applying for renewal of a T-9 certificate;
  - (3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. Drivers who are insulin dependent shall be failed on this item, and shall be required to obtain a waiver from the department pursuant to paragraph (F) of this rule;
  - (4) Annual urinalysis screening for glucose is required. If glucosuria is detected, a statement regarding the potential condition of diabetes mellitus and any required treatment is to be attached;
  - (5) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure. A person with a history of cardiovascular surgery or abnormality shall be given a more stringent examination (example: stress testing, holter monitoring, angiography or other examinations) to determine whether or not the surgery or abnormality is likely to impair a person's ability to control, inspect, and safely operate a school bus. If it is determined that the surgery or abnormality is not likely to impair the ability, the examining physician will provide certification to that effect with the examination report;
  - (6) Has no history of transient ischemic attack (TIA), carotid insufficiency, cerebral vascular accidents (stroke) or other vascular abnormalities which are unstable or uncontrolled and/or likely to interfere with a person's ability to control and safely operate a school bus;
  - (7) Has no established medical history or clinical diagnosis of respiratory dysfunction likely to interfere with a person's ability to control and safely operate a school bus;
  - (8) Has blood pressure not higher than 160/90 mmHg. If the blood pressure is greater than 160/90 mmHg, a medical certificate must be attached referencing the hypertension. Said medical certificate must establish the nature of the treatment, that the blood pressure is now controlled at or below 160/90 mmHg, with treatment documented, and that the hypertension and treatment are not likely to interfere with a person's ability to control and safely operate a school bus. If initial blood pressure systolic is 161-180 and/or diastolic is 91-104, a non-renewable temporary certificate may be issued for up to ninety days pending control of blood pressure at or below 160/90 mmHg. In all cases where

blood pressure is initially greater than 160/90 mmHg, a six-month follow-up certificate must be furnished by the driver's treating physician stating the blood pressure remains at or below 160/90 mmHg and under good control;

(9) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, or neuromuscular disease which is likely to interfere with a person's ability to control and safely operate a school bus;

(10) Has no established medical history or clinical diagnosis of epilepsy or any other seizure disorder and has no other condition which is likely to cause loss of consciousness or any loss of a person's ability to control and safely operate a school bus;

(11) Has no mental, emotional, nervous, organic, or functional disease or psychiatric disorder which is likely to interfere with a person's ability to control and safely operate a school bus;

(12) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least seventy degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. Persons may use corrective lenses to attain these standards;

(13) Screening audiometer test does not indicate an average hearing loss in the better ear greater than forty decibels at five hundred Hz, one thousand Hz, and two thousand Hz with or without a hearing aid when the audiometric device is calibrated to "American National Standard" (formerly ASA standard) Z 24.5. (Hearing in at least one ear must meet the preceding criteria);

(14) Has no current clinical evidence or clinical record of use of illegal substances and has no current clinical evidence or clinical record of use of legally prescribed medication which is likely to interfere with a person's ability to control and safely operate a school bus;

(15) Has no recent history of alcohol abuse and has no current clinical diagnosis of alcoholism;

(16) Has no neurologic deficit that would impair a person's ability to control and safely operate a school bus;

(17) Does not show clinical evidence of active pulmonary tuberculosis or other communicable diseases; and

(18) Has speech and other communication capabilities to give clear and understandable directions or commands.

#### (E) Administration

(1) School bus drivers who have experienced a prolonged period of absence due to illness or injury or who have a significant change in their state of health may be required by the school bus owner to be re-examined in accordance with this rule.

(2) Currently employed school bus drivers disqualified by the appointed examining physician shall be notified by the school bus owner within fifteen days following receipt of the examination report. Currently employed school bus drivers desiring to appeal a disqualification shall file the appeal in writing within fifteen days with the school bus owner.

(3) Upon receipt of an appeal, the school bus owner shall arrange for a medical re-examination. The re-examination may be conducted by a public health board or private physician. The re-examining physician shall not be the physician administering the original examination.

(4) All re-examinations shall be based on the school bus driver physical qualifications rule and shall be final.

(5) Physical qualification examination reports shall contain a release authorization to be signed by the examinee for purposes of evaluation by constituted authorities.

(6) Costs for examinations required to the extent of compliance with this rule shall be the responsibility of the school bus owner.

(7) Physical examination reports for persons certified by the examining physicians as meeting this rule shall be retained for a period of six years by the school bus owner. The employing school bus owner shall file the appropriate copy of the examination report with the department within thirty days following the examination.

(F) Insulin dependent waivers

The department may grant waivers to insulin using individuals under the following conditions:

(1) The individual has not had a previously issued insulin waiver revoked or lapsed;

(2) The individual completes an insulin dependent waiver packet and submits the packet to the department's pupil transportation office;

(3) The individual has passed all other requirements of the Ohio school transportation vehicle physical;

(4) The individual possesses a currently valid operator's driver license and has had a driving record for a three-year period immediately preceding the date of application that:

(a) Contains no suspensions or revocations of their licenses for the operation of any motor vehicle, including their personal vehicle, except for suspensions or revocations due to nonpayment of fines;

(b) Contains no involvement in a reportable accident in any vehicle with an associated citation for a moving traffic violation; and

(c) Contains no involvement in more than one serious traffic violation in any vehicle as defined in division (II) of section [4506.01](#) of the Revised Code.

(5) Medical requirements for application

(a) The individual has provided a licensed endocrinologist with a complete medical history including, but not limited to, the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, special studies pertaining to the diabetes, all follow-up reports, and reports of any hypoglycemic insulin reactions within the last three years;

(b) The individual has been examined by a licensed endocrinologist and a complete medical evaluation concerning their medical history and current status has been made, including, at a minimum, the following:

- (i) Fasting blood studies (glucose, glycosylated hemoglobin/HB A1c, including lab reference range) and urinalysis performed during the last six months; and
  - (ii) A detailed report of insulin dosages and types, diet utilized for control, and any significant factors such as smoking, alcohol use, and other medications or drugs taken.
- (c) The individual submits a signed statement prepared by the examining endocrinologist whose license status is indicated. The signed statement shall include separate declarations indicating the following medical determinations:
- (i) That the endocrinologist is familiar with the applicant's medical history for the past three years either through actual treatment over that time or through consultation with a physician who has treated the applicant during that time;
  - (ii) That the applicant has been using insulin to control his/her diabetes on the date of the application;
  - (iii) That the applicant does not have severe hypoglycemia or episodes of altered consciousness requiring the assistance of another person to regain control;
  - (iv) The applicant does not have hypoglycemia unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, and light-headedness;
  - (v) That, within the past three years, the applicant has not had a hypoglycemic reaction at any time that resulted in any change in mental status that would have been, in the endocrinologist's opinion, detrimental to safe driving;
  - (vi) That the applicant's diabetic condition will not adversely affect his/her ability to operate a school bus or a school van;
  - (vii) That the applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures that must be followed to monitor and manage his/her diabetes, and what procedures should be followed if complications arise; and
  - (viii) That the applicant has the ability and has demonstrated willingness to properly monitor and manage his/her diabetes.
- (d) The individual submits a separate statement from an examining ophthalmologist that the applicant has been examined and that the applicant does not have unstable proliferative diabetic retinopathy or unstable advancing disease of blood vessels in the retina and has stable visual acuity of at least 20/40 (Snellen) in each eye separately, with or without corrective lenses.
- (6) Requirements of driver to maintain a valid waiver.

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

- (a) Carry, use, and record, in a log, the readings from a portable self-monitoring blood glucose device (SMBG) that is equipped with a computerized memory. Blood glucose monitoring shall be performed one hour prior to and approximately every four hours while on



- duty. Paper tapes generated by SMBG's having a printing capability may be used in lieu of a log prepared by the waived driver. Log records of blood glucose values shall be made available to any authorized enforcement official upon request;
- (b) Carry, upon their person, and use, as necessary, a source of rapidly absorbable glucose;
  - (c) Carry insulin and the equipment/materials necessary for administering the medication;
  - (d) Report, in writing, any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the issuance of such citation. A photostatic copy of the citation issued shall accompany the written report;
  - (e) Report, in writing, the judicial or administrative disposition of any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the notice of disposition;
  - (f) Report, in writing, any involvement in an accident whatsoever, regardless of whether the driver was cited, while operating any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the accident, and include in that report, any state, insurance company, and/or motor carrier accident reports;
  - (g) Report, in writing, any change of residence, address, or telephone number to the department no later than fifteen days after such change;
  - (h) Report, in writing, any change of employer, including name, address, and telephone number, or type of vehicle operated to the department no later than fifteen days after such change;
  - (i) Submit any medical information derived from medical assistance or treatment arising from any accident involvement to the department no later than fifteen days following the accident. A copy of the attending medical specialist and laboratory reports shall also meet the reporting requirement;
  - (j) Submit log records of blood glucose values for a twenty-four hour period immediately prior to any accident involvement to the department no later than fifteen days following the accident;
  - (k) Submit a signed statement from the licensed endocrinologist who conducted the initial medical evaluation to the department no later than fifteen days before each six-month anniversary of the waiver issuance date, that the driver has been examined and that any diabetic condition is currently stable and under control. This semiannual examination shall be conducted within the six-week period immediately preceding each six-month anniversary of the waiver issuance date. Log records of blood glucose values for the preceding three months shall be made available to the examining endocrinologist at the time of the required examination;
  - (l) Waived drivers who use a medical specialist, other than the specialist who conducted the initial medical evaluation, shall be re-examined by an endocrinologist, using the criteria and procedures established for the pre-qualification examination, and submit a signed statement from that licensed endocrinologist;
  - (m) Submit a signed statement from an ophthalmologist to the department no later than fifteen days before each anniversary of the waiver issuance date that the driver has been

examined and does not have unstable proliferative diabetic retinopathy, and that the driver continues to have stable visual acuity of at least 20/40 (Snellen) in each eye, corrected or uncorrected. This annual examination shall be conducted within the six-week period immediately preceding the anniversary of the waiver issuance date.

(7) All documentation described in paragraph (F)(5) of this rule shall be mailed to the department's pupil transportation office, 25 South Front street, Columbus, Ohio 43215-4183. Failure to timely submit reports may be cause for waiver revocation.

(8) Any individual driver operating a school bus or other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code granted a waiver pursuant to this rule shall remain subject to the provisions of section [3327.10](#) of the Revised Code, including the reporting requirements specified in division (D) of section [3327.10](#) of the Revised Code.

(9) Applicants for a waiver from the insulin-using diabetes mellitus qualification requirement shall be required to submit applications on plain paper and include all supporting documents and the information as set forth in paragraph (F)(9) of this rule. Each information item shall contain a complete and appropriate answer, or, if an item is not applicable, marked with "none."

(a) Vital statistics

(i) Name of applicant (first name, middle initial, last name);

(ii) Address (street number and name);

(iii) City, state, and zip code;

(iv) Telephone number (including area code);

(v) Sex (male or female);

(vi) Date of birth (month, day, and year);

(vii) Age;

(viii) State driver's license number and a list of all licenses held during the three-year period immediately preceding the date of application to operate a school transportation vehicle;

(ix) Issuing state;

(x) Driver's license expiration date;

(xi) Driver's license classification; and

(xii) Employer's or prospective employer's name, address, and telephone number.

(b) Experience

(i) Number of years and approximate miles driving school buses;

(ii) Approximate number of years and miles driving a CMV other than a school bus; and

(iii) Number of years driving vehicles other than a CMV or school bus.

(c) Experience factor

(i) Unless the department is satisfied otherwise, a driver must have accumulated at least three years experience operating a CMV on a regular basis and that experience must be recent enough to reflect the driver's capabilities; and

(ii) Additionally, to qualify for a waiver, a driver shall have a clean driving record as described in paragraph (F)(4)(a) of this rule for the three years immediately preceding the date of your application.

(d) Applications shall include supporting documents for the requirements set forth in this rule and any other documents deemed necessary by the department.

(10) A waiver issued by the department is valid for three years from the date of issuance unless the waiver is revoked by the department for cause or based on a change in statute or rule.

(11) A waiver issued by the department may be revoked for failure to comply with any requirement included in this rule.

(12) All medical documentation submitted to the department as required by this rule may be reviewed by a panel of physicians appointed by the department. This panel of physicians shall make a recommendation on whether a waiver should be issued based upon medical documentation.

(13) The department shall have final say on all waiver determinations.

Effective:3/26/2020

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

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

(A) The school bus driver's authority and/or responsibility to maintain control of the pupils.

(B) The pupil's right to "due process" as provided for by the policies and procedures of the educating agency.

(C) Pupil management and safety instruction policies shall include the following:

(1) Pupils shall arrive at the bus stop before the bus is scheduled to arrive.

(2) Pupils must wait in a location clear of traffic and away from the bus stops.

(3) Behavior at the school bus stop must not threaten life, limb or property of any individual.

(4) Pupils must go directly to an available or assigned seat so the bus may safely resume motion.

(5) Pupils must remain seated keeping aisles and exits clear.

(6) Pupils must observe classroom conduct, or the bus conduct established by administrators and transportation personnel, and obey the driver promptly and respectfully.

(7) Pupils must not use profane language.

- (8) Pupils must refrain from eating and drinking on the bus except as required for medical reasons or as permitted by the school district for non-routine trips during which the pupils on the bus shall be supervised by a chaperone(s) as described in rule [3301-83-16](#) of the Administrative Code, a school administrator or school personnel.
- (9) Pupils must not use nicotine products on the bus.
- (10) Pupils must not have alcohol or drugs in their possession on the bus except for prescription medication required for a student.
- (11) Pupils must not throw or pass objects on, from or into the bus.
- (12) Pupils may carry on the bus only objects that can be held in their laps. Any objects that cannot be held must comply with the requirements set forth in paragraph (H) of rule [3301-83-20](#) of the Administrative Code .
- (13) Pupils must leave or board the bus at locations to which they have been assigned unless they have parental and administrative authorization to do otherwise.
- (14) Pupils must not put head or arms out of the bus windows.
- (15) Guidelines will be formulated for the use and storage of equipment and other means of assistance required by preschool and special needs children.
- (16) Drivers and bus aides must have access to appropriate information about the child to the degree that such information might affect safe transportation and medical well-being. This information must be readily accessible in the transportation office. All such information is strictly confidential.

(D) Suspension, expulsion or immediate removal from bus

- (1) The superintendent or superintendent designees, or principals are authorized to suspend or remove pupils from school bus riding privileges in accordance with section [3327.014](#) of the Revised Code.
- (2) Immediate removal of a pupil from transportation is authorized. A pupil immediately removed from transportation must be given notice as soon as practicable of a hearing which must be held within seventy-two hours of the removal. The notice shall also include the reason for removal. Immediate removal is authorized when the pupil's presence poses a danger to persons or property or a threat to the safe operation of the school bus. Length of time removed from ridership shall be in accordance with policies of the school bus owner.
- (3) School bus drivers shall report in writing to the appropriate administrator all rule violations or conduct that justify immediate removal, suspension or expulsion.
- (4) Suspension or immediate removal of preschool and special needs children may require a modification of the above procedures and shall be accomplished in accordance with the law.

Effective: 3/26/2020

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

- (A) All school districts shall implement a program to provide safety instruction to all regularly transported pupils in grades kindergarten through third within two weeks after the commencement of classes each school year pursuant to section [3327.16](#) of the Revised Code and in accordance with the

guidance provided by the Ohio department of education ([www.education.ohio.gov](http://www.education.ohio.gov)). The program shall include but not be limited to:

- (1) Safe walking practices to and from the bus stop.
  - (2) Wearing of light-colored or reflective clothing when going to and from the bus stop in darkness.
  - (3) How and where to wait safely for the bus including how to avoid personal risks involving strangers.
  - (4) What to do if the bus is late or does not arrive.
  - (5) How to enter and leave the bus safely. This instruction shall include the potential hazards regarding the snagging of clothing, backpacks, or other items, as well as items which may be dropped around or under the bus.
  - (6) Safe riding practices (including instruction on rule [3301-83-08](#) of the Administrative Code, pupil transportation management policies).
  - (7) Safely crossing the highway before boarding and after leaving the bus.
  - (8) Respect for the rights and privileges of others.
  - (9) The dangers of trespassing in a railroad right-of-way and other dangerous areas.
- (B) Pupils enrolled in grades four through twelve and regularly transported shall be properly instructed in safety procedures on and around the school bus.
- (C) Passengers participating in nonroutine use of school buses shall receive safety instructions at the beginning of the bus trip. (The return portion of a round trip event is excluded from this requirement.) Instruction shall include identification of safety exits, the requirement to keep aisles clear, the requirement to remain seated while the bus is in motion, and other rules as adopted by local policy.
- (D) The procedure in paragraphs (A), (B), and (C) of this rule may require modification for pre-school and special needs children.

Effective: 4/25/2019

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

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

The Ohio pre-service school bus driver training program, as instituted by the Ohio department of education shall be successfully completed by each beginning driver. Upon completion of the following requirements and meeting all driver qualifications described in rule [3301-83-06](#) of the Administrative Code, a school bus driver training certificate from an Ohio pre-service school bus driver training instructor, which shall expire six years from the date of issuance, shall be issued to the driver.

- (1) To achieve an acceptable level of competence, a minimum of twelve hours of on-the-bus instruction is required and shall be completed prior to a driver being assigned to operate a school bus with pupils on board. This instruction shall consist of:
- (a) Pre-trip inspection, control systems and dashboard instrumentation and mirror adjustment;
  - (b) Identification of acceptable driving techniques;

- (c) Starting the engine;
- (d) Position of hands for steering;
- (e) Shifting the automatic and/or standard transmissions;
- (f) Off road CDL maneuvers;
- (g) Starting into traffic and pulling to the curb;
- (h) Entering and leaving the freeway;
- (i) Stopping for emergencies;
- (j) Speed control;
- (k) Changing lanes;
- (l) Passing;
- (m) Intersections - stop and through;
- (n) Left and right turns;
- (o) Turn-arounds;
- (p) Loading and unloading pupils;
- (q) Railroad crossings;
- (r) Practice driving utilizing a detailed route sheet;
- (s) Emergency evacuation procedures;
- (t) Miscellaneous items to include at least the following:
  - (i) Special driving situations;
  - (ii) Special trips;
  - (iii) Regular trip restrictions;
  - (iv) Environmental compliance issues;
  - (v) Fatigue and wellness;
  - (vi) Handling equipment and cargo;
  - (vii) Hours of service requirements.
- (u) Student management; and
- (v) School bus security.

(2) Fifteen hours minimum of pre-service classroom instruction shall be completed prior to operating a school bus with pupils on board. This instruction shall consist of the following:



- (a) School bus and commercial driver license requirements;
- (b) Public relations;
- (c) Pre-driving instructions;
- (d) Driving the bus;
- (e) Defensive driving;
- (f) Pupil management, including bullying behaviors;
- (g) Safety and emergency procedures;
- (h) Use of first aid and blood borne pathogens equipment;
- (i) Transporting the preschool and special needs children, including a practical overview of the characteristics and needs of those individuals;
- (j) Fuel conservation and air quality and other environmental issues;
- (k) Radio/cellular phone communication;
- (l) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
- (m) School district policies; and
- (n) Drug and alcohol requirements.

(3) The school bus driver will demonstrate familiarity with the topics covered in the pre-service training at the completion of the pre-service training.

(4) Upon meeting all driver qualifications described in rule 3301-83-06 of the Administrative Code, which include an Ohio school bus driver training certificate, and upon obtaining a valid CDL, the driver shall:

- (a) Observe a route with an experienced driver with students onboard; and
- (b) Drive a route with an experienced driver and students onboard.

(5) Each school bus owner shall provide and require additional training for drivers and bus aides who transport pre-school and special needs students. Such training shall be completed prior to operating a bus with pre-school and special needs children on board and shall include:

- (a) Appropriate behavior management, including bullying behaviors;
- (b) Physical handling;
- (c) Effective communication;
- (d) Use and operation of adaptive equipment;
- (e) An understanding of related behaviors and/or the particular disabling conditions; and
- (f) Administer health care according to their qualifications and the needs of the student.

(6) To be considered valid, all portions of the training required by this rule shall be completed and reported to the department within a twelve-month period. Pre-service and re-certification classes are valid for twelve months from the last day class is completed. Once the requirements have been met and the on-the-bus instructor has signed the application for the Ohio pre-service school bus driver training certification, the school bus owner shall sign and file the T-9 form with the, department within thirty days in the method as prescribed by the department.

(7) Supporting documentation of records of completion of the requirements in paragraph (A) of this rule shall be filed with the department in the method prescribed by the department prior to a school bus driver training certificate being issued. Copies of original records shall be maintained by the school bus owner for a minimum of six years.

(8) Upon approval of the department and in the case of unusual circumstances, with the exception of safety and emergency procedures, pupil management and school bus owner policies, the fifteen hours of classroom instruction may be completed within forty-five days of employment. A temporary certificate shall be issued for the operation of a school bus during the training period. A satisfactory state and federal criminal background check must be completed prior to the issuance of the temporary certificate. Temporary certificates shall only be issued to first time drivers seeking certification.

### **(B) Annual in-service training**

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

- (1) School bus and commercial driver license requirements;
- (2) Public and staff relations;
- (3) Equipment and care, including the operation of all adaptive equipment needed to safely transport pre-school and special needs students;
- (4) Driving the bus;
- (5) Defensive driving;
- (6) Highway/railroad grade crossing safety;
- (7) Pupil management, including bullying behaviors;
- (8) Safety and emergency procedures;
- (9) Use of first aid and blood borne pathogens equipment;
- (10) Transporting the preschool and special needs children;
- (11) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
- (12) Signs, signals and pavement markings;
- (13) Fuel conservation;

- (14) Radio/cellular phone communications;
- (15) Detailed route sheets.

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

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

### **(D) School bus mechanic training**

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

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

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

- (1) All school bus owners shall select and have a designated on-the-bus instructor or contract to obtain the services of a certified on-the-bus instructor.
- (2) On-the-bus instructor(s) shall be trained and certified by an Ohio pre-service school bus driver training instructor. On-the-bus instructor(s) shall attend annual in-service trainings as scheduled and provided by the Ohio pre-service school bus driver training instructor.
- (3) An on-the-bus instructor verification shall be indicated in the department's web-based driver's record (SFPS) and shall remain valid unless revoked by the Ohio pre-service school bus driver training instructor.
  - (a) The Ohio pre-service school bus driver training instructor shall revoke the on-the-bus status in the event he/she does not attend the annual required in-service training conducted by the Ohio pre-service school bus driver training instructor or does not receive individual evaluation by the Ohio pre-service school bus driver training instructor;
  - (b) The Ohio pre-service school bus driver training instructor may revoke or suspend the on-the-bus instructor status upon the request of the school bus owner.

(4) When appropriate, the Ohio pre-service school bus driver training instructor or other certified on-the-bus instructor may provide all or part of on-the-bus instruction in lieu of the assigned on-the-bus instructor.

(5) Prior to a school bus driver training certificate being issued, records of time, test scores, names, districts and other required documentation of on-the-bus instruction shall be maintained and filed with the department in the method prescribed by the department. Copies of original records will be maintained by the school bus owner.

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

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

(1) A minimum of nine hours of the Ohio pre-service school bus driver training classroom instruction shall be completed prior to applying for renewal certification. That instruction shall consist of the following:

- (a) Public relations;
- (b) Pupil management, including bullying behavior;
- (c) Pre-trip inspection;
- (d) Driving the bus;
- (e) Defensive driving;
- (f) Fuel conservation;
- (g) Transporting preschool and special needs children;
- (h) Safety and emergency procedures;
- (i) Radio/cellular phone communications; and
- (j) Motor vehicle laws and Ohio pupil transportation operation and safety rules.

(2) The driver will demonstrate their familiarity with the topics covered at the completion of the class.

(3) A driving performance evaluation and review shall be completed prior to applying for certification. The evaluation and review shall consist of the following:

- (a) Identification of acceptable driving techniques, including the following:
  - (i) Position of hands for steering;
  - (ii) Braking;
  - (iii) Following distance;

- (iv) Speed control; and
  - (v) Observing traffic conditions ahead.
- (b) Intersections - stop and through;
  - (c) Left and right turns;
  - (d) Curves;
  - (e) Changing lanes;
  - (f) Passing;
  - (g) Railroad crossings;
  - (h) Loading and unloading pupils;
  - (i) Turn-arounds;
  - (j) Entering and leaving the freeway;
  - (k) Starting into traffic and pulling to the curb;
  - (l) Stopping for emergencies;
  - (m) Pre-trip inspection; and
  - (n) Mirror adjustment.
- (4) The driver shall have four opportunities to successfully demonstrate the driving skills as follows:
- (a) A certified on-the-bus instructor designated by the school district or private operator shall administer the first three opportunities.
  - (b) A fourth opportunity to demonstrate driving skills, if necessary, shall be administered by an Ohio pre-service instructor. The driver must be offered appropriate driving instruction prior to this fourth opportunity.
- (5) The certification requirements for classroom instruction, pursuant to paragraphs (F)(1) and (F)(2) of this rule, may be substituted with successful completion of the Ohio pre-service advanced school bus driver training course within twenty-four months prior to the expiration of the current certificate.
- (6) The certification requirements for driving skills, pursuant to paragraphs (F)(3) and (F)(4) of this rule, may be substituted with participation in a state and/or regional school bus driver safety road-e-o, and achieving a minimum of eighty percent of the possible points, within twenty-four months prior to the expiration of the current certificate.
- (7) All other requirements for school bus drivers as described in paragraph (B) of rule [3301-83-06](#) of the Administrative Code are required to be met prior to application for a renewal certificate.
- (8) Records of completion of the requirements in paragraphs (F)(1) to (F)(7) of this rule shall be maintained and filed with the department in the method prescribed by the department before a

certificate of successful completion is issued. Copies of original records will be maintained by the school bus owner for a minimum of six years.

(9) The certificate of any person who cannot provide proof of having operated a school bus during the previous twenty-four months shall be considered invalid. That person must then successfully satisfy the certification requirements described in paragraphs (A)(1) to (A)(6) or (F)(1) to (F)(7) of this rule, as applicable, prior to resuming transportation of pupils.

**(G)** An Ohio pre-service school bus driver training instructor may suspend or revoke a driver's certification. An owner of a school bus may refer a certified driver to the pre-service school bus driver training instructor for certification review. Drivers who fail the certification process shall have any and all school bus driving certifications revoked by the department.

Effective: 2/20/2020

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

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

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

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

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

##### **(1) Stationary inspection**

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

(i) Raise the hood and visually check the safety latch or hinges, then check oil and water - check belts, hoses and wiring for frayed, cracked and/or deteriorated conditions.

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

(i) Tires: underinflated, flat, evidence of oil on wheels and tires, excessive wear (tread depth) or damaged.

(ii) Wheels: loose or missing nuts, excessive corrosion, cracks or other damage, and sanders if installed, and splash guards.

(iii) Battery compartment (secure and no loose connections).

(iv) Observe the bus for evidence of oil, fuel, or coolant leaks and vandalism.

(v) All school bus windows should be clean.

(vi) All outside mirrors: clean, mounted securely and not cracked or broken.



(vii) Warning systems: headlights (high/low beam), brake lights, backup lights and alarm, clearance and marker lights, all signals and signs, reflectors, turn signals, stop lights and warning flashers clean and working properly.

(viii) Exhaust system: visually check for sagging exhaust pipes, short and leaky tailpipes and defective mufflers.

(ix) Suspension system: visually check for damage.

(x) Visually inspect brake system secure - no damage.

(xi) Visually inspect drive shaft secure - no damage.

(xii) Visually inspect frame of bus - check for cracks.

(xiii) Fuel tank secure - visually inspect for leaks, and fuel cage securement - no damage.

(xiv) Fluid leaks: evidence of puddle(s).

(xv) Exits: check service and emergency doors for ease of operation.

(xvi) Check wheelchair lift operation, (if installed).

(c) Inside safety check:

(i) Check service doorsteps and handrail.

(ii) Check driver's seat and seat belt adjustments.

(iii) With the engine running check or inspect the following instruments and controls:

(a) Warning lights, if installed:

(i) Oil pressure warning light.

(ii) Service brake warning light.

(iii) Alternator warning light.

(iv) Ampmeter and/or voltmeter.

(v) Water temperature gauge or warning light.

(b) Indicator lights.

(i) Amber warning light.

(ii) Red warning light.

(iii) Red over-ride switch.

(iv) Indicator lights.

(v) Head light high beam.

(vi) Panel lights.

- (vii) Left and right turn signal indicators.
- (viii) Hazard indicators.
- (ix) Strobe indicator light.
- (c) Horn.
- (d) Mirrors properly adjusted, sunshade mounted and not broken.
- (e) Wipers and washer fluid.
- (f) Heaters, fans and defrosters (all speeds).
- (g) Dome lights.
- (h) Brake system for leaks
  - (i) Storage tanks - 2 psi, one minute.
  - (ii) Service brake - 3 psi, one minute.
  - (iii) Low air pressure light and buzzer - 60 psi.
  - (iv) Emergency brake - 20-40 psi.
  - (v) Hydraulic - pump three times hold five seconds.
- (i) Air pressure gauge or hydraulic brake warning lights.
- (j) Oil pressure gauge.
- (k) Check passenger seats, frames, emergency exits, windows, and adaptive equipment required for the transportation of preschool and special needs students.
- (l) Check emergency equipment: fusees (if equipped), fuses, first-aid kit, fire extinguisher and emergency reflectors.

## (2) Operation inspection

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

- (a) Parking brake: check by slowly engaging the drive train while the parking brake is on. (In air brake systems, the parking brake will remain applied if there is a partial or complete air pressure loss in the service brakes.)
- (b) Service brakes: test at low speeds and bring the bus to a complete stop. The bus should stop in a straight line without skidding, swerving, or pulling to one side.
- (c) Steering: check for any unusual handling characteristics.
- (d) Transmission operation: an automatic transmission should not slip, and a manual transmission should allow for easy and smooth gear changes throughout the entire shifting range.

(e) Clutch: the clutch should engage easily and smoothly without jerking, slipping excessively or "chattering." A properly adjusted clutch should have some "free play" when the pedal is fully released.

(f) Engine: listen for unusual engine noises.

(g) Suspension: check for any unusual ride or handling characteristics.

(3) Post trip check:

At the conclusion of each route or trip:

(a) The driver shall ensure all passengers have left the bus by visually inspecting each seat position.

(b) The driver shall clean the bus and remove all loose belongings.

Effective: 3/26/2020

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

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

(1) Alternately flashing amber lamps are to be used to warn motorists that the bus is stopping to take on or to discharge passengers.

(2) Alternately flashing red lights and a stop sign are to be used to inform motorists that the bus is stopped on the roadway to take on or discharge passengers.

(3) Before receiving or discharging pupils, the bus shall be driven to the right side of the paved or traveled portion of the roadway and brought to a full stop.

(4) The bus driver shall be the only operator of the service entrance door. The door shall not be opened to load or unload pupils until traffic has cleared the bus or come to a complete stop in all directions.

(5) The bus driver shall not use the service door control to actuate warning lights. The door shall remain in a securely closed position while the bus is in motion.

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

##### **(1) General procedures**

(a) The driver of any school bus, with or without passengers, shall come to a complete stop, set the parking brake, shift to neutral, turn off the warning lamp master switch if necessary, fully open the service door, and look and listen in both directions along the track or tracks for approaching engines, trains, or train cars.

(b) For improved vision and hearing, a window at the drivers left shall be opened and radios and other noisy equipment (e.g. fans) shall be turned off upon approaching the crossing and remain off until the bus has cleared the crossing.

(c) The school bus driver shall shift the bus into gear, look and listen, close the service door, release the parking brake, and drive across the tracks in an appropriate gear without shifting.

(d) After a train has passed the crossing, the bus driver shall not drive the bus onto any tracks until the driver is certain that no train, hidden by the first train, is approaching on an adjacent track.

(e) Crossing when flashing or audible signals malfunction is only permitted when authorized in accordance with section [4511.62](#) of the Revised Code.

(2) Weather conditions - during wet, stormy or foggy weather, before placing part of the bus on the tracks, the driver shall determine that the crossing can be made safely.

(3) Behavior of passengers at railroad crossings - when any school bus is stopped for any railroad track, the driver shall direct all passengers to be silent until the crossing is completed. A signal for silence shall be given by the school bus driver approximately three hundred feet from the crossing.

(4) The school bus driver shall follow procedures described in the Ohio pre-service driver training manual ([www.education.ohio.gov](http://www.education.ohio.gov)).

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

(1) Whenever possible, the bus shall be clearly visible to the other motorists five hundred feet in both directions.

(2) Whenever possible, turn-arounds shall not be scheduled at intersections where the vehicle must cross a lane of traffic to back.

(3) Four-way hazard lights shall be actuated unless prohibited by local ordinance.

(4) The driver shall sound the horn twice before backing or have an audible signal while backing.

(5) The driver shall not back the school bus at pick-up or discharge locations while pupils are outside the vehicle.

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

(1) When it is necessary to load or unload pupils off the school grounds, the bus shall be positioned and parked (with parking brake set) so that pupils do not cross the roadway to get to or from the bus.

(2) Student warning lights shall be deactivated when loading and unloading on school grounds or when loading and unloading from a school bus stopped in a school zone curbside on the roadway adjoining the school grounds.

(3) Parking for loading and unloading on school grounds shall be bumper to bumper or diagonal. Either method used shall exclude any necessity for backing the school bus. The rear and/or side emergency exits shall remain accessible at all times.

(4) Pupils in the loading area shall be properly supervised by the building principal or designee.

(5) Except when loading or unloading pre-school or special needs children, the driver shall remain on the bus while pupils are loading and unloading.

**(E) General operations:**

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

Effective: 5/13/2019

**3301-83-13 School bus routes and stops.****(A) Designation of school bus stops**

It shall be the responsibility of the superintendent or designee to determine the location of all school bus stops which shall be approved annually by the districts' board of education. Authority to designate or relocate subsequent school bus stops may be delegated by the board of education to the superintendent or designee. Bus stops and a time schedule shall be adopted and put in force by the board not earlier than thirty days prior to and not later than ten days after the beginning of the school term.

**(B) School bus stop location**

Policies and procedures shall be developed by administrators and transportation personnel to ensure school bus stop locations are designated in safe locations and shall include the following:

- (1) Pupils in grades kindergarten through eight may be required to walk up to one-half mile to a designated bus stop.
- (2) School bus stop locations shall provide for the maximum safety of pupils giving consideration to distance from residence, traffic volume, physical characteristics, visibility and weather conditions.
- (3) School bus stops shall be established on the residence side of all four-lane highways and on the residence side of other roadways posing potential hazards to students as determined by school bus owners.
- (4) School bus stops shall be located at a distance from the crest of a hill or curve to allow motorists traveling at the posted speed to stop within the sight distance. If the line of sight is less than five hundred feet in either direction, a request shall be submitted to the appropriate

authority to install an approved "school bus stop ahead" sign at least five hundred feet in advance of the school bus stop.

(5) Each pupil shall be assigned and required to use a specific school bus stop except in unusual circumstances as approved by the school bus owner or designee.

(6) Each pupil shall be assigned a designated place of safety on the residence side of the roadway on which the vehicle is scheduled to stop. Driver must account for each pupil at designated place of safety before leaving. Pupils are not to proceed to their residence until the school bus has departed.

(7) The school bus driver shall use the established route and make stops only at points designated by the school vehicle owner or the administrator who is authorized to designate such stops. School districts and community schools offering pupil transportation shall have a documented routing plan in place for all established routes.

(8) The school bus driver shall operate the bus on the time schedule for the established route and shall wait for pupils if ahead of schedule.

### **(C) School bus stop procedures**

All school districts and bus owners shall develop policies and procedures for drivers making school bus stops for purposes of loading or unloading pupils in accordance with section [4511.75](#) of the Revised Code and with procedures described in the Ohio preservice driver training manual . The following shall be included in those policies and procedures:

(1) Student warning lights shall be activated approximately three-hundred feet prior to a stop whenever practical. A strobe light may be used if available and if conditions warrant.

(2) The bus shall be stopped near the right side of the paved or traveled portion of the roadway.

(3) The bus shall be stopped along the drive way entrance or along the curb when picking up or discharging passengers with special needs which require the use of special equipment.

(4) The parking brake shall be set at all stops whenever pupils are loading or unloading.

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

(5) The transmission shall be placed into the neutral gear for both manual and automatic transmissions.

(6) The driver must use an approved hand signal and eye contact with students outside the bus at any stop where students are in the process of loading and unloading .

(D) Each bus shall have a detailed route sheet on board which shall include the following:

(1) Direction to designated stops;

(2) Time schedule;

(3) Designated stop;

(4) Driver-designated place of safety;

(5) Number of riders at each stop location and residence side; and



(6) List identifying road hazards.

(E) If practical, each route shall have a responsible student designated to assist a substitute bus driver with each route.

Effective: 3/26/2020

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

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

(A) Maintenance and repair:

(1) Records to document that reported mechanical deficiencies discovered during inspections were corrected.

(2) A maintenance and repair record for each school transportation vehicle.

(3) Documented proof of pre-trip inspection for each school transportation vehicle must be kept on file for no less than twelve months.

(B) An accounting system for fuel consumption and costs for routine and non-routine use of school buses and annual operating costs by vehicle and by fleet as prescribed by the Ohio department of education form T-2, if applicable.

(C) A pupil accounting system that details assigned:

(1) School bus;

(2) School bus stop;

(3) School of attendance, student name and address, telephone number, date of birth, and grade.

(D) A record of routine and non-routine daily and annual miles driven by vehicle and by fleet.

(E) A reporting of the numbers of regular and substitute school bus drivers, mechanics, supervisors, secretaries, clerks and drivers aides.

(F) Maintain and file a copy of the following documents:

(1) School bus driver training records

(2) Ohio pre-service school bus driver training certificate

(3) Drug and alcohol training certificate

(4) Blood-borne pathogens training certificate

(5) BMV report

(6) Annual inservice training records

(7) Criminal record check

(8) Physical examination report

(9) Local certificate issued pursuant to section [3327.10](#) of the Revised Code.

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

(G) Maintain and file "School Vehicle Accident Report" ([education.ohio.gov](http://education.ohio.gov)): File with the department's office of pupil transportation a report (T10 form) of any school bus or van accident that results in a fatality, an injury or vehicle or property damage in excess of one thousand dollars. Reports shall be submitted within fifteen days of the accident or occurrence.

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

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

(A) Emergency procedure -

Each school bus owner shall adopt a policy for handling emergencies on school buses while pupils are being transported. Such a policy shall include, but not necessarily be limited to, procedures for handling any medical emergencies of pupils while they are being transported. Each school bus owner shall provide training to all school bus drivers transporting pupils to ensure that the drivers understand the policy and their responsibilities. No school bus driver shall transport pupils unless the driver has received such training.

These policies shall include procedures for when and how to notify parents if their students were on a transportation vehicle involved in an accident.

This policy shall be developed in cooperation with all those whose services would be required in the event of emergencies. The transportation director/supervisor, school administrators, teachers, drivers, maintenance and service personnel and students shall be provided instruction in the procedures to be followed in the event of:

(1) Accident procedure -

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

(2) Disability of driver procedure-

The policy shall describe situations in the event of illness, injury, or disability of the vehicle driver.

(3) School vehicle failure procedure -

The policy shall describe procedures for securing the vehicle, disposing of and controlling passengers, notifying school officials, securing alternate equipment, and repairing and recovering the disabled school vehicle.

(4) Inclement weather conditions procedure -

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

(5) Tornado procedure -

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

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

(B) Evacuation procedure -

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

(1) Each of the following emergency procedures shall be conducted at least once annually:

(a) Everyone exits through the front entrance door;

(b) Everyone exits through the rear emergency door; and

(c) Front half exits through the front door and rear half exits through the rear door.

(2) The transportation director/supervisor in cooperation with building principals shall arrange and schedule all drills. The drills shall be supervised by at least one staff person other than the driver assigned to the route.

(3) Drills shall be held on school property when possible and not on the bus route.

(4) The driver shall remain in the bus during evacuation drills. The parking brake must be set, ignition turned off and transmission in gear or park.

(5) Children shall not take lunch boxes, books, etc., when they leave the bus.

(6) Pupils shall assemble at a distance of at least one hundred feet from the bus during an "emergency drill" and remain there until given further directions.

(7) Emergency evacuation drills of preschool and special needs children may require modification of the procedures listed in paragraph (B) of this rule.

Effective: 4/25/2019

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

"Non-routine student transportation" is defined as transportation of passengers for purposes other than regularly scheduled routes to and from school. School buses may be used for non-routine trips only when such trips will not interfere with routine transportation services. Passengers participating in non-routine use of school vehicles shall receive safety instructions at the beginning of the non-routine trip. The return portion of a round trip event is excluded from this requirement. Instruction shall include identification of safety exits, requirement to keep aisles clear, requirement to remain seated while the bus is in motion, and safe riding practices including instruction on rules as adopted by the vehicle owner's policy.

Any use of school buses other than transporting students to or from a school session or a school function may require the school bus owner to obtain approval of the vehicle and operator as a commercial motor carrier pursuant to federal motor carrier safety administration ([fmcsa.dot.gov](http://fmcsa.dot.gov)), Ohio department of transportation rules and regulations, and, in accordance with section [4511.01](#) of the Revised Code and rule [3301-83-19](#) of the Administrative Code.

#### (A) Permits

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

- (1) Date of trip;
- (2) Destination;
- (3) Purpose of trip;
- (4) Name of school district;
- (5) Drivers name;
- (6) Bus registration number or vehicle license number;
- (7) Total miles of trip;
- (8) Designated stops;
- (9) Route map and/or written directions for destination;
- (10) School bus owners, superintendent or designee signature.

#### (B) Chaperones

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

#### (C) Out-of-state trips

The board of education of any school district that owns and operates motor vehicles for transporting pupils may permit such vehicles to be used outside of Ohio for any lawful purpose provided the entire distance traveled outside Ohio on any trip does not exceed one-thousand miles. The calculation of mileage of the trip shall be the distance from point of exit from the state to the point of entry to the state.

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

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

#### (F) Transportation coordination

- (1) Each school bus owner or district may participate in the written county transportation plan that establishes policies regarding the transportation needs of Ohio works first participants seeking or striving to retain employment. A copy of the plan shall be maintained on file.

(2) Based upon the availability of local and/or state resources, school bus owners or districts may enter into contractual agreements with local social service agencies to provide school bus transportation to Ohio works first participants, when there are no other alternative methods of transportation as identified in the county transportation plan.

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

(a) The agency(ies) shall agree to hold harmless the school bus owner or district from all liability arising from such use.

(b) The school bus owner, district and/or agency(ies) must obtain liability in an amount equal to or greater than the maximum tort damage permitted by law.

(c) The proposed use is consistent with owner or district policies regarding the use of school transportation vehicles.

(d) Mileage under such contract/agreement is not reimbursable by the department of education.

(3) School bus owners or districts may enter into agreement with any recognized organization serving the aged to provide for the use of school transportation vehicles under certain conditions:

(a) The organization must pay for the fully allocated costs associated with the use of the transportation vehicles.

(b) The organization must agree to hold harmless the school bus owner or district from all liability arising from such use.

(c) The school bus owner or district and/or organization must obtain liability in an amount equal to or greater than the maximum tort damage permitted by law.

(d) The proposed use is consistent with owner policies regarding the use of school transportation vehicles.

(e) Mileage under such contract/agreement is not reimbursable by the department of education.

(4) The first priority for the use of school transportation vehicles must be for the purposes outlined in Chapter 3301-83 of the Administrative Code.

(5) Transportation coordination shall not be conducted during those times the school transportation vehicle is in regular use and school children, or persons attending programs offered by county board of developmental disabilities, are being transported.

(6) It will be the responsibility of the school bus owner or district to ensure compliance to all laws and regulations applicable to such additional use of the school transportation vehicles.

Effective: 7/22/2019

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

(A) Authorized passengers:

(1) Pupils enrolled in approved programs who are eligible for transportation services authorized or required by state and federal law and school bus owner policy.

(2) Children attending an approved pre-school program authorized and directed by the board of education or county board of developmental disabilities.

(3) Resident pre-school children and parent(s) or guardian who are participating in school-sponsored special programs that require attendance of both. This includes parent and child participating in a graduation, reality, and dual-role skills (GRADS) or similar type program.

(4) School officials may authorize transportation of a school-age visitor to the home of a regular school bus passenger upon proper parental authorization on a space-available basis which does not displace regular riders.

(5) Resident pre-school children and school age pupils may be transported to pre-school programs and school-age child-care programs (for example, latchkey programs). These extra miles are not reimbursable. School age pupils may be counted for reimbursement only once if eligible for routine transportation (see rule [3301-83-01](#) of the Administrative Code).

(6) Resident pre-school special needs children are to be transported to school district pre-school special education programs within the district and outside the district if assigned by the school district of residence. If transportation is necessary for pre-school special needs children to receive a free and appropriate education it must be provided at no cost to the parent or guardian.

(7) School districts may enter into contractual agreements to provide transportation service for latchkey programs under the provisions of sections [3313.207](#), [3313.208](#), and [3313.209](#) of the Revised Code; and to provide transportation service for pre-school and child care providers under provisions of division (C) of section [3313.646](#) of the Revised Code.

(8) Ohio works first participants and the elderly may be transported under the provisions of paragraphs (F)(1) to (F)(5) of rule [3301-83-16](#) of the Administrative Code and according to policy and procedure of the school bus owner.

(9) School bus owners may establish a volunteer bus rider assistance program pursuant to section [3327.16](#) of the Revised Code. Qualified adults, including parents, or responsible older pupils may be authorized.

(B) Unauthorized passengers:

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

(2) School employees, on routine bus routes, unless assigned by proper school officials as part of their duties.

(3) Adults not enrolled in any of the approved programs, unless assigned by proper school officials as bus monitors.

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

(A) Seating shall be provided that will permit each passenger to sit in a position which will provide maximum protection by the barrier and does not exceed the school bus manufacturer's rated capacity if applicable, and shall be adjusted according to each passenger's individual physical size..

(B) No person shall stand while the school bus is in motion, with the exception of bus aides and driver training staff, in the official performance of their duties.

Effective: 4/25/2019



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

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

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

All vehicles designed to carry more than nine passengers, not including the driver, and used to transport pupils to or from school or school-related events shall meet or exceed all applicable federal regulations and the Ohio school bus construction standards. Refer to division (F) of section [4511.01](#) of the Revised Code and rules [4501-5-01](#) to [4501-5-04](#) of the Administrative Code.

#### **(B) Public transit vehicles**

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

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

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

Vehicles originally designed and constructed at the factory for nine or fewer passengers, not including the driver, to be used when school bus transportation cannot be reasonably provided, shall not be routinely used for service to and from regularly scheduled school sessions except for preschool children, special needs children, homeless children, foster children, children inaccessible to school buses, students placed in alternative schools or for work programs. This paragraph does not apply to parental transportation of children as set forth in rule [3301-83-04](#) of the Administrative Code.

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

- (1) The vehicle shall be equipped with safety equipment including a fire extinguisher, first-aid kit, body fluid cleanup kit, fuses, spare fuses, and emergency reflectors.
- (2) The vehicle shall have a rooftop sign marked "School Transportation."
- (3) The name of the school district, or the name of the contractor, if applicable, shall be clearly marked on the side of the vehicle.
- (4) These vehicles shall be inspected by a qualified mechanic not less than two times per year. This inspection shall cover at the minimum all applicable sections of the school bus inspection detailed in paragraph (B) of rule [3301-83-11](#) of the Administrative Code. In addition, periodic maintenance intervals shall be established and implemented. Documentation and proof of these inspections and service procedures, in addition to all other vehicle records required under rule [3301-83-14](#) of the Administrative Code, shall be kept on file with the school district transportation department.
- (5) It is the responsibility of each vehicle driver to complete and document a daily pre-trip inspection before transporting pupils. The vehicle owner may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the vehicle driver. Pre-trip inspection records shall be kept on file for a minimum of twelve months.

(6) Loading of these vehicles shall be performed in compliance with the passenger, weight, and other associated restrictions as identified by the original equipment manufacturer.

(7) Drivers of these vehicles shall meet all qualifications for school transportation drivers as identified in paragraph (F) of rule [3301-83-06](#) of the Administrative Code and section [3327.10](#) of the Revised Code.

#### **(D) Commercial carriers**

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

#### **(E) Taxicabs**

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

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

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

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

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

Effective: 4/25/2019

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

(A) The use of alcohol, nicotine products, and non-prescribed drugs is prohibited on the school bus.

(B) Firearms, ammunition, weapons, explosives or other dangerous materials or objects are prohibited on school buses. Animals are also prohibited, with the exception of those identified as service animals as defined by 28 CFR part 35.104 and CFR part 36.104 (October 11, 2016) .

(C) All buses shall be kept clean on the inside and on the outside. Front and rear windows, lights and mirrors should be clean and all markings clearly visible.

(D) The following equipment may be installed in a school bus: broom, snow brush, ice scraper, and trash container. All equipment must be properly secured.

(E) All buses shall be equipped with emergency assistance cards which list three telephone numbers to call. The cards shall provide space for describing the location of the school bus and the type of emergency.

(F) The school bus driver shall use the seat belt whenever the school bus is in motion.

(G) Identified route hazards shall be documented and provided to school bus drivers whose routes are affected. School bus drivers should report any such regular pedestrian or vehicular concerns as the following:

- (1) Construction sites;
- (2) Areas of poor visibility;
- (3) Restricted sight distances;
- (4) Railroad crossings.
- (5) Other route hazards as noted by the school bus driver.

(H) Equipment such as music instruments, athletic uniforms, etc., which cannot be held by passengers in their seats, shall be stored in the rear of the bus. The placement of such items in the rear of the bus shall not displace students. When it is necessary to transport such equipment concurrently with pupils, space shall be provided to comply with this rule without having standees in the bus. Equipment required in the assistance of preschool and special needs children shall be safely and properly secured. A clear aisle to the exit door must be maintained at all times.

(I) Maximum hours. The school bus driver shall operate the bus for not more than ten hours in any one twenty-four-hour period. Operation means on-road driving. Layover time does not count as operating time.

(J) Fueling

- (1) Buses shall not be fueled while the engine is running.
- (2) Smoking shall not be permitted while fueling.
- (3) Buses shall not be fueled with pupils on board.

(K) Except in cases of extreme-emergency, cellular telephones, including hands-free and wireless devices, or other portable communication devices shall not be used by the driver while the school bus is in motion or while the driver is supervising the loading or unloading of students.

(L) Medically necessary oxygen for students may be transported provided it is properly secured. The oxygen must be housed in portable units less than fifteen pounds total weight each. Guidelines for transporting oxygen will be developed and administered by the department.

(M) Districts shall adopt engine idling time policies that minimize the amount of time diesel engines shall be left idling. Diesel engine idling in excess of five minutes in school loading zones shall not be permitted unless the operation of a wheelchair lift is required.

Effective: 3/26/2020

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

(A) As used in this rule, the following definitions apply:

- (1) " Behavioral support plan" means a written statement for a special needs child that is developed and implemented in accordance with paragraph (E) of rule [3301-51-02](#) of the Administrative Code.

(2) "Individualized habilitation plan" means a written plan of intervention and action that is developed on the basis of a comprehensive evaluation.

(3) "County board" means a county board of developmental disabilities.

(4) "Department" means Ohio department of education.

(B) The county board shall provide transportation services for children ages three to twenty-one eligible for transportation and enrolled in department-funded programs. The nature and extent of transportation services to be provided to each individual served shall be determined through the individualized education program or behavioral support plan process. The determination shall be reviewed annually.

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

(2) Reimbursement of transportation costs paid to a parent or guardian may be approved as part of the transportation operating subsidy from the department with prior written agreement between the county board and the parent or guardian.

(C) The county board shall meet or exceed the insurance requirement for transportation vehicles and pupils as identified in Chapter 3327. of the Revised Code.

(D) A school bus driver shall have a current and valid "American Red Cross" first-aid certificate or equivalent first aid training.

(E) All new bus drivers, assistants, and substitutes shall attend, prior to their assignment to a bus with passengers on board, an orientation which includes a review of the vehicle operator's manual and a practical overview of the characteristics and needs of individuals to be transported.

(F) The county board shall adopt a policy and procedures that ensure assistance is provided to individuals while being transported on county board vehicles when the individualized education program or behavioral support plan indicates a need for such assistance.

(G) Individuals shall be picked up and returned to their residences unless other arrangements have been agreed upon by the county board program and the responsible parent or guardian.

(H) All pupil transportation provided for children ages three through twenty-one must comply with all pupil transportation rules as identified in Chapter 3301-83 of the Administrative Code and rule [3301-51-10](#) of the Administrative Code.

Five Year Review (FYR) Dates: 2/6/2019 and 02/06/2024

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

School buses and other vehicles used to transport school children shall be maintained in safe operating condition through a systematic preventative maintenance program.

All school buses being used for pupil transportation must be presented to the Ohio department of public safety for inspection and shall not be operated with students on board without a current inspection sticker signifying that they have passed such inspection.

The Ohio state highway patrol shall be notified within forty-eight hours of any school buses involved in motor vehicle accidents.

Effective: 10/31/2019

### **3301-83-23 Employment of school bus and van drivers with certain criminal convictions.**

#### (A) Definitions

- (1) "Applicant" means one who is under final consideration for appointment or employment as a pupil transportation driver.
- (2) "Criminal records check" has the same meaning as in section [109.572](#) of the Revised Code. For the purposes of this rule, "date of criminal records check" shall mean the date of receipt of the results of a background check requested by a district or employer, which shall be time-stamped by the district on the date of receipt by the district.
- (3) "School" means a school district as described in section [3311.01](#) of the Revised Code, a municipal school district as described in section [3311.71](#) of the Revised Code, an educational service center, a community school, a county department of developmental disabilities, a chartered non-public school, or a preschool program.
- (4) "Employee" means a current employee of a school district or employer as a school transportation driver who is subject to the requirements of a background check pursuant to section [3327.10](#) of the Revised Code.
- (5) "Offense" for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, another state, or the United States that is substantially equivalent to one of the offenses referred to in this rule.
- (6) "Non-rehabilitative offense" means a criminal offense that would prohibit an employer from hiring or continuing employment of such an individual, and are the following:
  - (a) Sexually-oriented offenses: section 2907.02(rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (sexual imposition), [2907.07\(importuning\)](#), [2907.21](#) (compelling prostitution), [2907.22](#) (promoting prostitution), [2907.23\(procuring\)](#), [2907.25](#) (prostitution; after positive HIV test), [2907.31](#) (disseminating matter harmful to juveniles), [2907.32](#) (pandering obscenity), [2907.321](#) (pandering obscenity involving a minor), [2907.322](#) (pandering sexually oriented matter involving a minor), or [2907.323](#) (illegal use of a minor in nudity-oriented material or performance) of the Revised Code or a violation of former section [2907.12](#) (felonious sexual penetration) of the Revised Code.
  - (b) Child-related violent offenses: section [2905.01\(kidnapping\)](#), [2905.02\(abduction\)](#), [2905.05](#) (criminal child enticement), or [2919.23](#) (interference of custody) of the Revised Code that would have been a violation of section [2905.04](#) (child stealing) of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, division (B)(1), (B)(2), (B)(3), or (B)(4) of section [2919.22](#) (endangering children) of the Revised Code.
  - (c) Violent offenses: section [2903.01](#) (aggravated murder), [2903.02\(murder\)](#), [2903.03](#) (voluntary manslaughter), [2903.04](#) (involuntary manslaughter), [2903.06](#) (vehicular manslaughter and assault), [2903.08](#) (vehicular manslaughter and assault), [2903.09](#) (vehicular manslaughter and assault), or [2909.24\(terrorism\)](#) of the Revised Code.

(d) "Other violence-related offenses," which mean a violation of the following sections that occurred either within twenty years prior to the date of the current application for a position as a school transportation driver or, for a current employee, within twenty years prior to the date of the current criminal records check: [2903.11](#) (felonious assault), [2903.12](#) (aggravated assault), [2911.01](#) (aggravated robbery), [2911.02\(robbery\)](#), [2911.11](#) (aggravated burglary), or [2923.161](#) (improper discharge firearm at or into habitation; school-related offenses) of the Revised Code; [3716.11](#) (placing harmful objects in food/confection), [2919.12](#) (unlawful abortion) of the Revised Code.

(e) "Drug offenses," which mean a violation of the following sections that occurred either within ten years prior to the date of the current application for a position as a school transportation driver or, for a current employee, within ten years prior to the date of the current criminal records check: section [2925.02](#) (corrupting another with drugs), [2925.03](#) (trafficking in drugs), [2925.04](#) (illegal manufacture of drugs or cultivation of marijuana), [2925.05](#) (funding of drug or marijuana trafficking), or [2925.06](#) (illegal administration or distribution of anabolic steroids) of the Revised Code.

(f) "Non-violent theft offense," which means a violation of section 2911.12 (burglary) of the Revised Code that occurred either within ten years prior to the date of the current application for a position as school transportation driver with the district or, for a current employee, within ten years prior to the date of the current criminal records check.

(g) "Major motor vehicle offenses," which means a violation of section [4511.19](#) (operating a motor vehicle under the influence) of the Revised Code, that occurred within ten years prior to the date of the current application for a position as a student transportation driver or within ten years prior to current records check for a current employee; and [4511.20](#) (reckless operation), [4510.11](#) (driving under suspension), [4510.14](#) (driving under OVI suspension), or [4511.194](#) (physical control while under the influence) of the Revised Code, that occurred either within six years prior to the date of the current application for a position as student transportation driver, or for a current employee, within six years prior to the date of the current records check.

(h) "Other offenses," which mean a violation of the following sections that occurred either within five years prior to the date of the current application for a position as school transportation driver, or for a current employee, within five years prior to the date of the current criminal records check: [2903.13\(assault\)](#), [2903.16](#) (failing to provide for a functionally impaired person), [2903.21](#) (aggravated menacing), [2903.34](#) (patient use or neglect), [2907.08\(voyeurism\)](#), [2907.09](#) (public indecency), division (A) of section [2919.22](#) (endangering children), [2919.24](#) (contributing to unruliness or delinquency of a child), [2919.25](#) (domestic violence), [2923.12](#) (carrying concealed weapons), [2923.13](#) (having weapons while under disability), or [2925.11](#) (possession of a controlled substance that is not a minor drug possession offense) of the Revised Code.

(i) "Other motor vehicle offenses," which means a violation of section [4511.75](#) (violation of school bus warning lights), [4511.21](#) (school zone speed limit) while operating a school vehicle, or [4511.62](#) (railroad crossing violation) of the Revised Code; that occurred either within one year prior to the date of the current application for a position as student transportation driver, or for a current employee, within one year prior to the date of the current records check.

- (B) No provider of school transportation services shall employ an applicant upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. In addition, the district shall



release an employee from employment upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. Likewise, a district shall release from employment an individual if the results of a criminal records check indicate that, pursuant to this rule, the applicant does not qualify for employment.

- (C) A provider of school transportation services maintains the discretion whether to employ or retain in employment an individual who has been deemed rehabilitated pursuant to this rule. A provider of school transportation services may employ an applicant or continue to employ an individual that has previously pled guilty to, been found guilty by a jury or court of, or convicted of an offense listed in division (B)(1) of section [3319.39](#) of the Revised Code, if all of the following conditions for rehabilitation are met:
- (1) The offense is not a non-rehabilitative offense as listed in paragraph (A)(6) of this rule;
  - (2) At the time of the offense, the victim of the offense was not a person under eighteen years of age or enrolled as a student in a school.
  - (3) The applicant or employee provides written confirmation of his/her efforts at rehabilitation and the results of those efforts. Written confirmation may include a statement by a court, parole officer, probation officer and/or counselor, or another source as approved by the employer that the applicant or employee has been rehabilitated.
  - (4) A reasonable person would conclude that the applicant's hiring or the retention of the employee would not jeopardize the health, safety, or welfare of the persons served by the employer, based upon information pertinent to the following factors:
    - (a) The nature and seriousness of the crime;
    - (b) The extent of the applicant or employee's past criminal activity;
    - (c) The age of the applicant or employee when the crime was committed;
    - (d) The amount of time elapsed since the applicant or employee's last criminal activity;
    - (e) The conduct and work activity of the applicant or employee before and after the criminal activity;
    - (f) Whether the applicant or employee has completed the terms of his probation or deferred adjudication;
    - (g) Evidence of rehabilitation;
    - (h) Whether the applicant fully disclosed the crime to the district and/or employer;
    - (i) Whether employment could have a negative impact on the local education community;
    - (j) Whether employment could have a negative impact on the state-wide education community;
    - (k) If the employer is a private employer, information regarding the individual's criminal background check and any subsequent actions by the contractor must be disclosed to any entity contracting for school transportation services;

- (l) Any entity contracting for transportation services is not bound by the determination of a private employer to re-employ an individual in accordance with this section; and
- (m) Any other factor the employer considers relevant.
- (D) It is the applicant or employee's duty to provide written evidence that the conditions specified in paragraph (C) of this rule are met. If the applicant or employee fails to provide such evidence or if the employer determines that the proof offered by the applicant or employee is inconclusive or does not establish proof of rehabilitation, the applicant shall not be hired or the employee shall be released from employment. Any doubt shall be resolved in favor of protecting the persons served by the school transportation provider.
- (E) Except as otherwise specified in this rule, the provisions of this rule are also applicable to records of convictions that have been sealed pursuant to section [2953.32](#) of the Revised Code or any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to section [2953.32](#) of the Revised Code.
- (F) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of an offense listed in division (B)(1) of section [3319.39](#) of the Revised Code shall not prevent an applicant's hiring or the retention of an employee if the applicant or employee has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.
- (G) As a condition of initial or continued employment pursuant to the requirements of this rule, the district may request the applicant or employee to be evaluated by a licensed provider (e.g. physician, psychologist, psychiatrist, independent social worker, professional counselor, chemical dependency counselor, etc.) and/or successfully complete a recognized and/or certified treatment program relevant to the nature of the conviction. (Unless otherwise specified in an employee contract, labor agreement, or other similar agreement, the employee or applicant shall bear all direct and associated costs of the evaluation and treatment program.) Failure on the part of an applicant or employee to comply with the district's request pursuant to this paragraph may be considered by the district as a factor against initial or continued employment.
- (H) Prior to rendering a decision on employment, the employer shall provide an opportunity for a meeting to an employee, if requested by the individual, so that he/she may provide evidence of rehabilitation pursuant to the requirements of this rule.
- (I) The decision of the employer on whether to employ or continue to employ an individual pursuant to the requirements of this rule cannot be appealed to the Ohio department of education or state board of education.
- (J) If a person who is employed by a school or school transportation provider is arrested, summoned, or indicted for an alleged violation of a listed offense, the superintendent of the school or chief executive officer of the transportation provider shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person.
- (K) This rule is promulgated under the state board and the department's rule-making authority under division (E) of section [3319.39](#) of the Revised Code.

**3301-83-24 School transportation fees****(A) Fees for routine school transportation:**

(1) No school vehicle owner shall charge for transporting pupils to and from regular day classes when that transportation is provided in accordance with section [3327.01](#), [3326.20](#), and [3314.091](#) of the Revised Code. This applies equally to buses owned by school boards, non-public schools, community schools, STEM schools, and the county boards of developmental disabilities as well as buses operated under contract for one of these agencies.

This rule does not apply to private transportation arranged for or by parents or other groups not related to the educating school board, non-public school, community school, STEM school, or county board of developmental disabilities.

(2) The governing authority of a chartered nonpublic school may charge for transportation of pupils in a manner consistent with section [3327.07](#) of the Revised Code. Vehicles used by the governing authority of the chartered nonpublic school or its contractor shall comply with rule [3301-83-19](#) of the Administrative Code. Drivers employed or contracted by the governing authority of the chartered nonpublic school or its contractor shall comply with all requirements for school bus drivers in Chapter 3327. of the Revised Code and Chapter 3301-83 of the Administrative Code.

- (B) Fees for non-routine school transportation during the school day:** No school vehicle owner shall charge for transporting pupils to and from educational field-trips during school days. This applies equally to buses owned by school boards, non-public schools, community schools, STEM schools, and county boards of developmental disabilities as well as buses operated under contract for an agency described in paragraph (A) of this rule.
- (C) Fees for non-routine school transportation outside of the school day:** No school vehicle owner shall charge a fee that exceeds the actual costs assessed for transportation to and from educational field trips on non-school days.
- (D) Requirement to recover cost:** The board of education or county board of developmental disabilities shall recover an amount not to exceed the actual operational costs associated with non-routine use of school buses when that transportation is provided for agencies other than those directly related to the bus owner.
- (E) Identification of costs when recovery is required:** Districts may charge both an hourly rate and mileage fee when costs are to be recovered.

The following costs, as reported on the district or community school that provides transportation T-2 reports, shall be used in determination of fees to be charged when a recovery cost is required:

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

Effective: 4/25/2019

**3301-51-10 Transportation of children with disabilities.****(A) Definitions.**

(1) The term disabilities includes the following: autism, deaf-blindness, deafness, hearing impairment, cognitive disability, multiple disabilities, orthopedic impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment including blindness, and any other conditions as identified in division (A) of section [3323.01](#) of the Revised Code.

(2) Special transportation means vehicle transportation service required by the individualized education program or any applicable state or federal law.

(3) Transportation means travel to and from school, between schools, and in and around school buildings, and may include the following:

(a) Travel to and from school, between schools, and in and around school buildings during normal school hours and outside of normal school hours if included on the individual education program.

(b) Specialized equipment, such as special or adapted vehicles, lifts, and ramps, if required to provide special transportation for a child with disabilities.

(c) Fitting and/or retrofitting vehicles with specialized equipment, such as car seats, securement systems, and harnesses.

(d) Employment of aides for particular special education vehicles if deemed necessary by the school district.

(e) Alternative pick-up and drop-off locations, such as the curb, driveway, or front door of the child's home, if determined to be appropriate based upon the individual needs of the child.

(f) Other travel that may be arranged by the school district with no reimbursement from the state.

(4) School district means city, local, exempted village, educational service center, community school, STEM school, boarding school, or county board of developmental disabilities, for purposes of this rule.

(5) Children with disabilities in this rule refers to those aged three through twenty-one.

(6) Weekend travel on Saturday or Sunday for residential schools is permitted.

(7) Department means the Ohio department of education.

**(B) State residential schools.**

(1) This paragraph refers to the Ohio state school for the blind and the Ohio state school for the deaf.

(2) Reimbursement for transportation to and from the school district of residence shall be approved by the department for eligible children with disabilities placed in the Ohio state school for the blind and the Ohio state school for the deaf.

(3) Reimbursement claims for weekend travel and/or daily travel shall be approved by the department for eligible children with disabilities placed in the Ohio state school for the blind and the Ohio state school for the deaf.

(C) Eligibility.

(1) Reimbursement for special education transportation may be approved by the department's office of pupil transportation for children with disabilities attending a special education program approved by the department's office for exceptional children, and/or attending a regular class in a public school.

(2) School district transportation personnel shall be consulted in the preparation of the individualized education program when transportation is required as a related service and when the child's needs are such that information to ensure the safe transportation and well-being of the child is necessary to provide such transportation.

(3) When required by the individualized education program, transportation will be provided based upon the unique needs of an individual child.

(4) A community school governing board shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program specifies transportation.

(5) For transportation purposes, a child with disabilities attending a nonpublic school, placed by parent, guardian, or others, shall be entitled to transportation the same as any child without disabilities attending a nonpublic school in accordance with section [3327.01](#) of the Revised Code.

(D) General requirements.

(1) Each school district shall establish its own reasonable travel time. Travel time is defined as beginning at the initial pickup of the child and ending with the final arrival at the school destination.

The school district shall develop its travel time standard, approved by the individual board of education, and shall consider the following factors: age of child, condition of disability, geographic size of school district, location of special education class, traffic patterns, and roadway conditions.

(2) Those who transport eligible children with disabilities must comply with the appropriate provisions of the rules [3301-83-03](#) to 3301-83-24 of the Administrative Code.

(3) Drivers and transportation aides must have access to appropriate information about the child to the degree that such information might affect safe transportation and medical wellbeing while being transported. This information must be accessible in the school transportation office and is confidential.

(4) Emergency evacuation and other pertinent safety precautions must be considered by school districts deciding upon the appropriate transportation services for children with disabilities.

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

Effective: 07/25/2013

**4501-5-03 School buses used to transport pupils with special needs**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (S) of rule [4501-5-01](#) of the Administrative Code.]

(A) General requirements.

(1) All school buses equipped with wheelchair lifts shall comply with rules [4501-5-01](#) to 4501-5-3 of the Administrative Code, when applicable.

(2) School buses used for the transportation of pupils with special needs that require the use of a wheelchair and/or other mobile seating devices which prohibit use of the regular service entrance shall be equipped with a power lift.

(3) The lift shall be located on the right side of the body, in no way attached to the exterior sides of the bus. When not extended, the lift shall be confined within the perimeter of the school bus body. Buses equipped with a lift shall not have passenger seats installed directly across the aisle way from the lift unless they are seats that have been designed to be removed for the purposes of alternative passenger securement.

(4) All school buses equipped with wheelchair lifts shall be equipped with an electronic communication system. The electronic communication system shall be capable of constant contact with the school or dispatch point. This equipment may be excluded from the bus manufacturer's bid and purchased separately.

(B) Aisle width.

All school buses equipped with a power lift shall provide a minimum thirty inch pathway leading from any wheelchair position to an emergency door that is at least thirty inches wide.

(C) All school buses equipped with attachment points, securement devices and/or wheelchair securement systems shall also be equipped with a durable webbing cutter having a full width hand-grip and protected blade. The cutter must be appropriately stored in the driver's compartment to the left of the driver. This equipment may be excluded from the bus manufacturer's bid and purchased separately.

(D) Wheelchair securement.

School buses designed for the transportation of pupils using wheelchairs or special mobility devices shall have wheelchair securement and occupant restraint systems that comply with SAE standard J2249 installed as specified in FMVSS 571.222, sections 5.4.1 to 5.4.4 at each wheelchair location.

(E) Wheelchair tie down systems.

Securement system for mobile seating device and occupant.

(1) The designated area for the wheelchair/mobile seating devices shall be a minimum of fifty inches longitudinally by thirty inches laterally. The designated area shall be free of all obstructions pursuant to FMVSS 571.222.

(2) All securement system attachments or coupling hardware not permanently attached shall be designed to prohibit accidental disconnecting.



(3) All attachment or coupling systems designed to be connected or disconnected frequently shall be accessible and operable without the use of tools or other mechanical assistance.

(4) No mobile seating device securement system hardware shall be placed so that a mobile seating device can be placed blocking access to lift door or emergency door(s) with the exception of track hardware.

(5) Detailed instructions, including a parts list, regarding installation and use of the system shall be provided with each vehicle equipped with an occupant securement system.

(6) Detailed instruction, including a diagram regarding the proper placement and position of the system including correct belt angles, shall be provided with each vehicle equipped with an occupant securement system.

(F) Seat spacing.

Flexibility in seat spacing and floor plan layout to accommodate special devices shall be permitted.

(G) Special service entrance.

(1) The special service entrance door(s) shall be at any convenient point on the right curb side of the bus. When the special service entrance is located forward of the rear wheels, the special service entrance door(s), in the open position, shall not obstruct the regular service entrance.

(2) The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor and give the same strength as other floor openings.

(3) The opening, with doors open, shall be of sufficient width and depth to allow the passage of wheelchairs/mobile seating devices and mobility aids. The minimum clear opening shall be fifty-six inches in height

(4) A drip molding shall be installed above the opening to effectively divert water from the opening. Door posts and headers for the special service entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for service doors. A head bumper pad shall be installed above the special service entrance and/or on the lift frame.

(H) Special service entrance doors.

(1) A single door or double door may be used.

(2) All doors shall open outwardly. The special service entrance doors shall have a positive fastening device/s to hold doors in the open position and door bumpers to prevent door-to-body contact.

(3) All doors shall be weather-sealed. Buses with double doors shall be so constructed that a flange on the forward door overlaps the edge of the rear door when closed.

(4) When manually operated dual doors are provided, the rear door shall have at least a one-point fastening device to the header. The forward mounted door shall have at least

three-point fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. These locking devices shall afford maximum safety when the doors are in the closed position.

(5) The door and hinge mechanism shall be of a strength that is greater than, or equivalent to, the emergency door exit. Door materials, panels and structural strength shall be equivalent to the conventional service and emergency doors. Color, lettering and other exterior features shall match adjacent sections of the body.

(6) Each door shall have a window compatible within one inch of the lower line of adjacent sash. The window shall be installed to provide a dustproof/watertight fit.

(7) The special service entrance shall be equipped with a device that will actuate a visible signal located in the driver's compartment when the door or doors are not securely closed and the ignition is in on position.

(I) Lift area lighting.

Adequate lighting of the lift area (both inside and outside) shall be provided. The light(s) used to illuminate the interior and exterior of the lift area shall be activated when the lift door is open.

(J) Weight distribution.

On buses equipped with a power lift, the battery box and fuel tank may be located by the manufacturer to provide equal weight distribution to compensate for the weight of the power lift mechanism.

(K) Alternator and power supply.

A circuit breaker shall be installed between the power source and the lift motor. It shall be located as close to the power source as possible but not within the passenger/ driver compartment.

(L) Alternator shall have a minimum power output of two-hundred forty amps. "Type A" buses must be the largest alternator output available from the original equipment manufacturer.

(M) Power lift.

The lift and installation shall comply with the requirements set forth in FVMSS 571.403 (platform lift systems for motor vehicles) and FMVSS 571.404 (platform lift installations in motor vehicles).

(1) Design

(a) The lifting mechanism and platform shall be able to lift a minimum payload of eight hundred pounds.

(b) Lifts installed in all school buses shall be fully automatic, including folding and unfolding of the platform.

(2) Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside of the bus.

(3) School buses delivered to Ohio owners after the effective date of this rule shall have the lift installed by the body manufacturer or authorized agent. The installation shall be certified and the documentation shall be provided by the installer. It shall be the responsibility of the installer

to ensure the levelness of the vehicle after installation. The location of the lift shall not adversely affect the legal axle loading, the maneuverability, structural, or the safe operation of the vehicle in which it is installed.

(4) When the special service entrance is installed adjacent to the stepwell or has a seat or wheelchair position directly in front of or behind the special service entrance, a barrier panel shall be installed. The barrier panel shall prevent the possibility of a body limb from becoming entangled in the lift mechanism. The barrier panel may be flush to the outside wall of the bus or at a dimension that will prohibit a passenger from coming in contact with the lift mechanism. The panel may be constructed of aluminum or polycarbonate. The end of the barrier panel exposed to the passenger compartment shall be secured to a padded stanchion extending from the floor to the ceiling. The stanchion shall be attached to the roof bow or a reinforced panel in the ceiling. If the barrier panel is used in conjunction with a padded stanchion and modesty panel, it shall extend approximately six inches above the lift platform and extend beyond the stationary frame or the most inner part of the lift exposed to the passenger compartment. If the barrier panel is a separate installation, it shall be constructed of the same materials and extend from the floor to approximately six inches above the lift platform and extend beyond the stationary frame or the most inner part of the lift exposed to the passenger compartment. The barrier panel shall be in compliance with FMVSS 571.302 and FMVSS 571.222.

Effective: 1/1/2019

## Laws

### **3314.091 Transportation of native students provided by community school - agreement.**

- (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met all of the following requirements:
- (1) It is submitted to the department of education by a deadline which shall be established by the department.
  - (2) In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.
  - (3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.
  - (4) The sponsor of the community school also has signed the agreement.
- (B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of

education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the thirty-first day of January of the previous school year, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B)(1) or (2) of this section, and has since relinquished that responsibility under division (B)(3) of this section, the governing authority shall not accept that responsibility again unless the district board consents to the governing authority's acceptance of that responsibility.

(3) A governing authority's acceptance of responsibility under division (B)(1) or (2) of this section shall cover an entire school year, and shall remain in effect for subsequent school years unless the governing authority submits written notification to the district board that the governing authority is relinquishing the responsibility. However, a governing authority shall not relinquish responsibility for transportation before the end of a school year, and shall submit the notice relinquishing responsibility by the thirty-first day of January, in order to allow the school district reasonable time to prepare transportation for its native students enrolled in the school.

(4)(a) For any school year that begins on or after July 1, 2014, a school district is not required to provide transportation for any native student enrolled in a community school scheduled to open for operation in the current school year, if the governing authority of the community school, by the fifteenth day of April of the previous school year, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(b) The governing authority of a community school that accepts responsibility for transporting its students under division (B)(4)(a) of this section shall comply with divisions (B)(2) and (3) of this section to renew or relinquish that authority for subsequent school years.

(C) (1) A community school governing authority that enters into an agreement under division (A) of this section, or that accepts responsibility under division (B) of this section, shall provide or arrange transportation free of any charge for each of its enrolled students who is required to be transported under section [3327.01](#) of the Revised Code . The governing authority shall report to the department of education the number of students transported or for whom transportation is arranged under this section in accordance with rules adopted by the state board of education.

(2) The governing authority may provide or arrange transportation for any other enrolled student who is not eligible for transportation in accordance with division (C)(1) of this section and may charge a fee for such service up to the actual cost of the service.

(3) Notwithstanding anything to the contrary in division (C)(1) or (2) of this section, a community school governing authority shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program developed under Chapter 3323. of the Revised Code specifies transportation.

- (D) (1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of this section.

If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section [3317.03](#) of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section [3317.0212](#) of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section [3306.12](#) of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.

As used in this division "entitled to attend school" means entitled to attend school under section [3313.64](#) or [3313.65](#) of the Revised Code.

(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section [3314.08](#) of the Revised Code, and, if necessary, the payment under sections [321.14](#) and [323.156](#) of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the

district's transportation payment under section [3317.0212](#) of the Revised Code and the operating appropriations act.

(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section [3327.01](#) of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

(4) A community school shall use payments received under this section solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section [3327.01](#) of the Revised Code and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

- (E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections [3313.201](#), [3327.09](#), and [3327.10](#) of the Revised Code, division (B) of section [3327.16](#) of the Revised Code and, subject to division (C)(1) of this section, sections [3327.01](#) and [3327.02](#) of the Revised Code, as if it were a school district.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015

### **3314.092 Consultation with board regarding changes in schedule.**

The governing authority or operator of a community school established under this chapter shall consult with each school district board of education that transports students to the community school under sections 3314.09 and 3327.01 of the Revised Code prior to making any change in the hours or days in which the community school is open for instruction.

Added by 130th General Assembly File No. 25, HB 59, §101.01, eff. 7/1/2014.



### 3327.01 Transportation of pupils.

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

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

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

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

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

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

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education



classes for mentally disabled children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term. The operator of every school bus or motor van owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state shall deliver students enrolled in preschool through twelfth grades to their respective public and nonpublic schools not sooner than thirty minutes prior to the beginning of school and to be available to pick them up not later than thirty minutes after the close of their respective schools each day.

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

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

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

- (A) After considering each of the following factors, the board of education of a city, exempted village, or local school district, or a community school governing authority providing transportation pursuant to section [3314.091](#) of the Revised Code, may determine that it is impractical to transport a pupil who is eligible for transportation to and from a school under section [3327.01](#) of the Revised Code:
- (1) The time and distance required to provide the transportation;
  - (2) The number of pupils to be transported;
  - (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
  - (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
  - (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
  - (6) Whether other reimbursable types of transportation are available.
- (B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality. Such determination shall be made not later than thirty calendar days prior to the district's or school's first day of instruction, or in the case of a student who enrolls within thirty calendar days prior to the first day of instruction or on or after the first day of instruction, not later than fourteen calendar days

after the student's enrollment. The determination may be made by the superintendent and formalized at the next following meeting of the board or governing authority.

The board or governing authority shall report its determination to the state board of education in a manner determined by the state board.

In addition, the board or governing authority shall issue a letter to the pupil's parent, guardian, or other person in charge of the pupil, the nonpublic or community school in which the pupil is enrolled, and to the state board with a detailed description of the reasons for which such determination was made.

- (C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:
- (1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:
    - (a) The resolution;
    - (b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.
  - (2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.
- (D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than fifty per cent, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.
- (E) (1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. A parent, guardian, or other person in charge of the pupil may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf during the mediation proceedings.
- (b) If the mediation does not resolve the dispute, the state board shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

- (2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.
- (F) (1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to fifty per cent of the cost of providing transportation as determined by the board or governing authority under division (A)(3) of this section, and not more than two thousand five hundred dollars. The school district board or governing authority shall make payments on a schedule ordered by the department.
- (2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section [3317.0212](#) of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation.
- (G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following:
- (1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;
- (2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.
- (H) At any time after a parent, guardian, or other person in charge of a pupil requests transportation for a pupil, that parent, guardian, or other person may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardians, or other person's behalf for purposes of this section.

**3327.10 Qualifications of drivers.**

- (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section [3313.843](#) or [3313.845](#) of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:
- (1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;
  - (2) A physician assistant;
  - (3) A certified nurse practitioner;
  - (4) A clinical nurse specialist;
  - (5) A certified nurse-midwife;
  - (6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section [3319.081](#), or section [124.34](#) of the Revised Code.

- (B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:
- (1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;
  - (2) A physician assistant;
  - (3) A certified nurse practitioner;
  - (4) A clinical nurse specialist;
  - (5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

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

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

- (C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.
- (D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:
- (1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.
  - (2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.
- (E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.
- (F) (1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record.
- (2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section [4511.19](#) of the Revised Code or a substantially equivalent municipal ordinance.
- (3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the state board of education prescribing qualifications of drivers of school buses and other student transportation.
- (G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

- (H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.
- (I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section [4511.19](#) of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.
- (J) (1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code to operate a vehicle used for pupil transportation.

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

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

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

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section [3319.39](#) of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section [109.57](#) of the Revised Code, on the person in conjunction with a criminal records check requested under section [3319.39](#) of the Revised Code or under division (J) of this section.



(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

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

(K) (1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section [3319.39](#) of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section [3319.39](#) of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

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

Amended by 133rd General Assembly File No. TBD, HB 166, §101.01, eff. 10/17/2019

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

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

**4511.75 Stopping for stopped school bus.**

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

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

- (B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section [4511.771](#) of the Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.
- (C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle, streetcar, or trackless trolley overtaking the school bus shall comply with division (A) of this section.
- (D) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.
- (E) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.
- (F) (1) Whoever violates division (A) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (A) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
- (2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of

section [4510.02](#) of the Revised Code. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action.

(G) As used in this section:

(1) "Head start agency" has the same meaning as in section [3301.32](#) of the Revised Code.

(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section [4511.77](#) of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section [4511.771](#) of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

Amended by 128th General Assembly.9, SB 79, §1, eff. 10/6/2009.

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

- (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section [4511.771](#) of the Revised Code, of all school buses both publicly and privately owned and operated in this state.
- (B) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.
- (C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.
- (D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section [4511.763](#) of the Revised Code. The rules may relate to the moral character of the applicant; the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.
- (E) A chartered nonpublic school may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions when one of the following applies:
- (1) A student's school district of residence has declared the transportation of the student impractical pursuant to section [3327.02](#) of the Revised Code; or
  - (2) A student does not live within thirty minutes of the chartered nonpublic school and the student's school district is not required to transport the student under section [3327.01](#) of the Revised Code.

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

Amended by 133rd General Assembly File No. TBD, HB 62, §101.01, eff. 7/3/2019

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

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

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

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

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section [4511.63](#), [4511.76](#), [4511.762](#), [4511.764](#), [4511.77](#), or [4511.79](#) of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(C) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under section [4511.763](#) of the Revised Code.

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

- (A) (1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:
- (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.
  - (b) A crossing gate is lowered.
  - (c) A flagperson gives or continues to give a signal of the approach or passage of a train.
  - (d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing

the passage of other vehicles, trackless trolleys, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

(e) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(f) There is insufficient undercarriage clearance to safely negotiate the crossing.

(2) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (f) of this section exist at the crossing.

- (B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.
- (C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

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

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

- (B) This section does not apply at grade crossings when the public utilities commission has authorized and approved an exempt crossing as provided in this division.

(1) Any local authority may file an application with the commission requesting the approval of an exempt crossing. Upon receipt of such a request, the commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the commission shall notify each railroad operating over the crossing of the comment period.

(2) After considering any comments or other information received, the commission may approve or reject the application. By order, the commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the commission and any other conditions ordered by the commission are satisfied.

(3) By order, the commission may rescind any exempt crossing designation made under this section if the commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

- (C) As used in this section:
- (1) "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
  - (2) "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
  - (3) "Exempt crossing" means a highway rail grade crossing authorized and approved by the public utilities commission under division (B) of this section at which vehicles may cross without making the stop otherwise required by this section.
- (D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section [4511.76](#), [4511.761](#), [4511.762](#), [4511.764](#), [4511.77](#), or [4511.79](#) of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

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



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

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

### Standards used for different roles in pupil transportation

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

### Criminal background checks for bus and van drivers. (ref. ORC 3327.10, 3319.39 (B)(1), 3319.40)

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

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

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

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

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

Ohio Revised Code Section 3319.40 and requires that school districts suspend employees who have been arrested, summoned, or indicted for an alleged violation of an offense listed in 3319.39 (B)(1) (for non-licensed employees).

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

### Requirements for when to complete the background checks

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

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

## List of disqualifying offenses

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

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

ORC Section	Notes	Offense	Eligible for Rehabilitation
<b>Sexually oriented offenses</b>			
2907.02		Rape	Non-rehabilitative
2907.03		Sexual Battery	Non-rehabilitative
2907.04		Unlawful Sexual Conduct with a Minor	Non-rehabilitative
2907.05		Gross Sexual Imposition	Non-rehabilitative
2907.06		Sexual Imposition	Non-rehabilitative
2907.07		Importuning	Non-rehabilitative
2907.12		Felonious Sexual Penetration (former section)	Non-rehabilitative
2907.21		Compelling Prostitution	Non-rehabilitative
2907.22		Promoting Prostitution	Non-rehabilitative
2907.23		Procuring	Non-rehabilitative
2907.25		Prostitution; after positive HIV test	Non-rehabilitative
2907.31		Disseminating Matter Harmful to Juveniles	Non-rehabilitative
2907.32		Pandering Obscenity	Non-rehabilitative
2907.321		Pandering Obscenity Involving a Minor	Non-rehabilitative
2907.322		Pandering Sexually Oriented Matter Involving a Minor	Non-rehabilitative
2907.323		Illegal Use of Minor In Nudity Oriented Material or Performance	Non-rehabilitative
<b>Child-related violent offenses</b>			
2905.01		Kidnapping	Non-rehabilitative
2905.02		Abduction	Non-rehabilitative
2905.04		Child Stealing (as it existed prior to July 1, 1996)	Non-rehabilitative
2905.05		Criminal Child Enticement	Non-rehabilitative
2919.22 B		Endangering Children (if division (B)(1), (2), (3) or (4) is violated)	Non-rehabilitative
2919.23		Interference of Custody - if a violation of this statute (R.C.)§2919.23) would have been a violation of R.C. §2905.04 (child stealing) before 7/1/96	Non-rehabilitative
<b>Violent offenses</b>			
2903.01		Aggravated Murder	Non-rehabilitative
2903.02		Murder	Non-rehabilitative
2903.03		Voluntary Manslaughter	Non-rehabilitative
2903.04		Involuntary Manslaughter	Non-rehabilitative
2903.06		Vehicular Manslaughter	Non-rehabilitative
2903.08		Vehicular Manslaughter	Non-rehabilitative
2903.09		Vehicular Manslaughter	Non-rehabilitative
2909.24		Terrorism	Non-rehabilitative

<b>Other violence-related offenses</b>			
2903.11		Felonious Assault	AFTER 20 YEARS
2903.12		Aggravated Assault	AFTER 20 YEARS
2911.01		Aggravated Robbery	AFTER 20 YEARS
2911.02		Robbery	AFTER 20 YEARS
2911.11		Aggravated Burglary	AFTER 20 YEARS
2923.161		Improper Discharge Firearm at or into Habitation; School- related Offenses	AFTER 20 YEARS
2919.12		Unlawful Abortion	AFTER 20 YEARS
3716.11		Placing Harmful Objects in Food/Confection	AFTER 20 YEARS
<b>Drug offenses</b>			
2925.02		Corrupting Another with Drugs	AFTER 10 YEARS
2925.03		Trafficking in Drugs	AFTER 10 YEARS
2925.04		Illegal Manufacturing of Drugs or Cultivation of Marihuana	AFTER 10 YEARS
2925.05		Funding, aggravated funding of drug or marihuana trafficking	AFTER 10 YEARS
2925.06		Illegal Administration or Distribution of Anabolic Steroids	AFTER 10 YEARS
<b>Non-violent theft offense</b>			
2911.12		Burglary	AFTER 10 YEARS
<b>Major motor vehicle offenses</b>			
4511.19		Operating under the influence	AFTER 10 YEARS
4511.20		Reckless Operation	AFTER 6 YEARS
4510.11		Driving under suspension	AFTER 6 YEARS
4510.14		Driving under OVI suspension	AFTER 6 YEARS
4511.194		Physical control under influence	AFTER 6 YEARS
<b>Other offenses</b>			
2903.13		Assault	AFTER 5 YEARS
2903.16		Failing to provide for a functionally impaired person	AFTER 5 YEARS
2903.21		Aggravated Menacing	AFTER 5 YEARS
2903.34		Patient abuse or neglect	AFTER 5 YEARS
2907.08		Voyeurism	AFTER 5 YEARS
2907.09		Public Indecency	AFTER 5 YEARS
2919.22 A		Endangering Children Section A	AFTER 5 YEARS
2919.24		Contributing to unruliness or delinquency of a child	AFTER 5 YEARS
2919.25		Domestic Violence	AFTER 5 YEARS
2923.12		Carrying concealed weapons	AFTER 5 YEARS
2923.13		Having weapons while under disability	AFTER 20 YEARS
2925.11		Possession of controlled substance	AFTER 5 YEARS
<b>Other motor vehicle offenses</b>			
4511.75		Violation of school bus lights	AFTER ONE YEAR
4511.21		School zone speed limit	AFTER ONE YEAR
4511.62		Railroad crossing violation	AFTER ONE YEAR
<b>A conviction of or guilty plea to a violation of any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to any of the offenses listed above.</b>			

## Eligibility for re-employment

As stipulated in sections 3319.39 and 3319.391 of the Revised Code, the department of education has adopted a rule that sets rehabilitation standards for those individuals with certain criminal convictions. A specific rule for bus and van drivers (3301-83-23) is in existence and most recently April 25, 2019.

Refer to section (C) of the rule for the standards that must be met.

### 3319.39 Criminal records check

- (A) (1) Except as provided in division (F)(2)(b) of section [109.57](#) of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant:
- (a) The applicant is applying to be an instructor of adult education.
  - (b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.
  - (c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check.
- (2) A person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section [109.572](#) of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section [109.572](#) of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.
- (3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section [109.572](#) of the Revised

Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the board of education of a school district, governing board of an educational service center, or governing authority of a chartered nonpublic school shall not employ that applicant for any position.

(4) Notwithstanding any provision of this section to the contrary, an applicant who meets the conditions prescribed in divisions (A)(1)(a) and (b) of this section and who, within the two-year period prior to the date of application, was the subject of a criminal records check under this section prior to being hired for short-term employment with the school district, educational service center, or chartered nonpublic school to which application is being made shall not be required to undergo a criminal records check prior to the applicant's rehiring by that district, service center, or school.

- (B) (1) Except as provided in rules adopted by the department of education in accordance with division (E) of this section and as provided in division (B)(3) of this section, no board of education of a school district, no governing board of an educational service center, and no governing authority of a chartered nonpublic school shall employ a person if the person previously has been convicted of or pleaded guilty to any of the following:
- (a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2913.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06 or 3716.11 of the Revised Code, a violation of section [2905.04](#) of the Revised Code as it existed prior to July 1, 1996, a violation of section [2919.23](#) of the Revised Code that would have been a violation of section [2905.04](#) of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section [2925.11](#) of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section [2907.12](#) of the Revised Code;
- (b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.
- (2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.



(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section [3319.31](#) of the Revised Code.

- (C) (1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section [109.572](#) of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the appointing or hiring officer of the board or governing authority.
- (2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C)(1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment.
- (D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section [109.572](#) of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section [149.43](#) of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.
- (E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B)(1) or (3) of this section but who meets standards in regard to rehabilitation set by the department.
- The department shall amend rule 3301-83-23 of the Ohio Administrative Code that took effect August 27, 2009, and that specifies the offenses that disqualify a person for employment as a school bus or school van driver and establishes rehabilitation standards for school bus and school van drivers.
- (F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section [109.572](#) of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for the school district, educational service center, or school for that position.
- (G) As used in this section:
- (1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a board of education, governing board of an



educational service center, or a chartered nonpublic school, except that "applicant" does not include a person already employed by a board or chartered nonpublic school who is under consideration for a different position with such board or school.

(2) "Teacher" means a person holding an educator license or permit issued under section [3319.22](#) or [3319.301](#) of the Revised Code and teachers in a chartered nonpublic school.

(3) "Criminal records check" has the same meaning as in section [109.572](#) of the Revised Code.

(4) "Minor drug possession offense" has the same meaning as in section [2925.01](#) of the Revised Code.

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

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 6/30/2011

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

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

division (C) of section [3319.31](#) or division (B)(1) of section [3319.39](#) of the Revised Code is the chief administrative officer of the chartered nonpublic school, the governing authority of the chartered nonpublic school shall suspend the chief administrative officer from all duties that require the care, custody, or control of a child.

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

Effective Date: 2008 HB428 09-12-2008.

## Other Related Rules

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

(A) Formula for calculation of regular education payment amounts.

(1) Type I (board-owned and operated school buses):

(a) Funding shall be computed and distributed as specified in section [3317.0212](#) of the Revised Code.

(b) Qualifying ridership shall be defined as the average daily number of qualifying riders who are provided school bus service pursuant to division (A) of section [3317.0212](#) of the Revised Code.

(2) Type II (contractor-owned and operated school buses):

(a) Funding shall be computed and distributed as specified in section [3317.0212](#) of the Revised Code.

(b) Qualifying ridership shall be defined as the average daily number of qualifying riders who are provided school bus service pursuant to division (A) of section [3317.0212](#) of the Revised Code.

(3) Other types of transportation service: In accordance with division (F) of section [3317.0212](#) of the Revised Code, payment shall be made to each district for transportation service provided for students on other than board-owned or contractor-operated buses. This payment shall apply only to eligible students that use transportation services, as reported on the T-1 and T-2 reports submitted to the Ohio department of education.

(a) Type III (public utility) - An amount per pupil equal to thirty-five per cent of the state average cost as calculated in division (C) of section [3317.0212](#) of the Revised Code.

(b) Type V (board-owned vehicles other than school buses) - An amount per pupil equal to fifty per cent of the state average cost as calculated in division (C) of section [3317.0212](#) of the Revised Code.

(c) Type VI (privately-owned vehicles other than school buses) - An amount per pupil equal to fifty per cent of the state average cost as calculated in division (C) of section [3317.0212](#) of the Revised Code.

(B) Reimbursement for special education transportation.

(1) Reimbursement for special transportation may be approved by the department for children with disabilities attending a special education program approved by the department's office for exceptional children and/or attending a regular class in a public school, and who have transportation appropriately identified as a related service on their individual education plans.

(2) For eligible children with disabilities, the department shall calculate reimbursement as follows:

(a) Base amount equals the actual cost of special transportation up to six dollars per instructional day per child and one-half the actual cost in excess of six dollars per day.

(b) Base shall be adjusted according to the school district's state share index, or the minimum state share index established in section [3317.0212](#) of the Revised Code, whichever is larger based upon current language in the respective biennium budget that addresses such percentages .

(c) Formula amount for each district shall be limited by the actual reported cost of special education transportation and shall also be limited to no more than two-hundred per cent of the statewide average cost of transportation per child.

(d) Final amount as determined in paragraph (B) (2)(c) of this rule shall be prorated as necessary to remain within the budgeted allocation for special education transportation.

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

(4) Eligible children with disabilities who ride on regular school buses on regular routes are not eligible for special education transportation reimbursement. They are to be counted and reported on the department's T-1 and T-2 forms as regular education riders; except that if fifty per cent or more of the passengers on a route are children with disabilities, the cost can be prorated and reported to the department for reimbursement.

(5) Reimbursement claims for transportation of children with disabilities shall be reported on the appropriate form as required by the department.

#### (C) Reporting and annual adjustments

(1) Each school district shall file annual reports of all pupils transported, miles traveled, actual costs, and other necessary information for the purposes of calculation and adjustments in amount due. Pupils transported and miles traveled shall be reported by vehicle as the average daily number of eligible pupils actually transported and miles traveled during the first full week of October that school is in session. Actual cost shall be reported by vehicle on or before the last day of August following the close of the fiscal year.

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

#### (D) Vehicles approved for use and operational payment

(1) Board-owned and operated school buses - A vehicle operated by a qualified driver meeting the definition of a school bus successfully passing the annual state highway patrol safety inspection assigned a school bus identification number and painted national school bus chrome with proper black lettering. Vehicle met or exceeded Ohio school bus minimum standards at the time of construction.

(2) Contractor-owned school buses - A vehicle meeting all the requirements of a board-owned school bus and requirement of licensing by the Ohio department of highway safety and bonding as required by law.

(3) Public transit vehicles - Vehicles owned and operated by regional transit authorities, community transit authorities, or privately owned, or taxis, under contract with a board of education and operated on routes designed for the purpose of transporting fare-paying passengers and eligible students simultaneously.

(4) Board-owned vehicles other than school buses - A vehicle, nine-passenger or less, not including driver, with no school bus identification other than school district name.

(5) Privately owned vehicles other than school buses used in compliance with rule [3301-83-19](#) of the Administrative Code.

(6) Privately owned vehicles may include ambulances and/or taxicabs for the purpose of transporting eligible children with disabilities.

(E) Operational regulations

(1) To receive funding for a pupil being transported, the pupil must meet the following criteria:

(a) Is one whose place of residence is one mile or more from the school of assignment for public school pupils and school of attendance in case of nonpublic and community school pupils when measured in the following manner: "Measurement of distance originates at a point on the traveled portion of the roadway nearest the primary entrance to the place of residence and then along the most direct route traversable excluding interstate routes by motor vehicle to the school bus loading area nearest and opposite the entrance door used by pupils transported"; and

(b) Is transported from an approved pick-up point near the residence, to a school of assignment in the case of public school pupils, and to the school of attendance in the case of nonpublic school pupils and who is returned from the school of assignment or attendance to the designated pick-up point; and

(c) Is enrolled in grades kindergarten through twelve and regularly transported to and from a public school; or

(d) Is enrolled in grades kindergarten through twelve and regularly transported to and from a nonpublic school chartered by the state board of education and eligible for transportation service; or

(e) Is enrolled in grades kindergarten through twelve and regularly transported to and from a community school that assumed responsibility for arranging or providing pupil transportation in accordance with section [3314.091](#) of the Revised Code.

(2) Miles traveled to transport eligible pupils participating in an open enrollment program may be reported for payment purposes by the resident district from home to the designated border pick-up point and by the educating school district from the border pick-up point to the building of attendance in the educating district. If the educating district or the resident district provides all the open enrollment transportation for a student, the miles may be reported by the district providing the service.

(3) Miles traveled from bus storage location or school building to first student pick-up, all route miles, and return to storage both a.m. and p.m., including kindergarten miles, are approved for payment purposes.

(4) Miles traveled to and from storage locations outside the county or counties of the school district location are not approved miles for payment purposes. Miles traveled from county line to first pick-up and return to county line are approved miles.

(5) Total annual miles for payment purposes shall be calculated by multiplying total daily miles by one hundred eighty days.

(6) Recalculation of pupil transportation operation payment amount due may be approved when:

(a) Local board policy or routing is revised to provide transportation service for additional pupils or increased miles on or before the first of February, and providing such change in policy is to continue in effect for the remainder of the school year; or

(b) A nonpublic school is chartered for operation subsequent to the initial reporting period; or

(c) School district erroneously reports or the department errs in actual calculation of amount due.

(7) School districts contracting with transit authorities for the purpose of transporting eligible pupils to and from school shall require the transit authority director to file with the board of education actual operational costs in excess of, or less than, reimbursement as provided for by paragraph (A) (3) of this rule. Such report shall be filed with the board of education at the close of each fiscal year. Each board of education shall file with the department all transit authority and local board costs on or before the twentieth day of July of each year.

Effective: 5/13/2019



## Position Papers

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

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

- A. Oxygen shall be transported on school buses only when it is medically necessary. The Individualized Education Program (IEP) for a child with a disability must document the oxygen use requirement.
  1. Prior to initial transportation, school administration and transportation personnel should be informed as to the type and size of the oxygen tank to be transported.
  2. Regarding a student using oxygen only on an “as needed” basis, the decision as to what is necessary is the responsibility of trained medical personnel only. This decision is not the responsibility of the bus operator or aide.
    - a. A determination must be made as to who will load and unload the medical support equipment. Appropriate training must be provided for these procedures.
  3. The development of an emergency plan is strongly recommended in the event of a medical emergency or equipment failure.
  4. It is recommended that only one medical support device per student be transported.
  5. The transportation department should not assume responsibility for storing any medical equipment.
  6. Changes in medical equipment or transportation must be so noted on the IEP.
  7. A contingency procedure should be developed to avoid oxygen being transported without proper securement in the event the regular bus breaks down.
- B. Oxygen must be transported in a secure container maintained in accordance with the manufacturer’s instructions. The oxygen must be housed in a portable unit and should be less than 15 pounds total weight.
  1. Gas oxygen tanks shall have a maximum capacity of twenty-two (22) cubic feet (Medical E). Medical E tanks are usually no larger than 4 ½ inches in diameter and 31 inches in length.
  2. Liquid oxygen units shall have a maximum capacity of thirty-eight (38) cubic feet and be no larger than 5 inches in diameter and 13 inches in length. For transportation purposes, these units must not be larger than 38 cubic feet.
  3. All oxygen shall have valves and regulators that are protected against breakage. Manufacturer’s precautions are usually printed on a label attached to the cylinder and should be followed whenever possible.
- C. All oxygen tanks shall be securely attached to prevent movement and leakage. This securement should be located on the sidewall of the school bus in the upright position at a rib or body support in a rack or mounting bracket capable of sustaining five (5) times the weight of the tank and contents.
  1. Since they are under pressure and could accelerate a fire, all oxygen tanks (gas or liquid)

must be secured away from intense heat or friction.

2. In cases where the oxygen is attached to a wheelchair or other support equipment, the tank shall be removed and secured prior to transport.
3. Oxygen tanks or other medical support equipment shall never be stored or secured in the head impact zone.

D. While it is not mandatory to place any placards or labels on the bus, a decal indicating medical support equipment is in use may be helpful to emergency personnel in the event of an accident.

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

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

### School Bus Driver Recertification

A review of Driver Recertification Procedures  
*Issued by the Office of Pupil Transportation*

1. All drivers must recertify on a six-year cycle. This six-year cycle begins on the date of issue of their most recent preservice certificate.
2. Drivers need to complete the requirements for recertification during their 6th year of driving after their most recent preservice certificate.
  - a. Example: A driver is trained and receives a preservice certificate in February 2020. The first 12-month period is considered year 1 (ending Feb 2020 for this driver) . . . the 6th 12-month period is considered year 6, in this case ending Feb 2026. The driver must initiate and complete recertification during year six. Without a new certificate, he/she may not drive in March of 2026.
3. Undated and Ohio basic certificates are no longer valid.
4. A driver may recertify earlier than their 6-year cycle.
  - a. Admission to a recertification class may be limited to space available, with priority given to drivers who must recertify in the year the class is being taken.
  - b. We do not recommend that districts send all their drivers through recertification at the same time.
5. The certificate of any driver who has not driven for two or more years is considered invalid. That driver must complete either a new certification program or complete recertification prior to resuming transportation of pupils.
6. There are three separate parts to recertification. All must be completed and documented on a T-9 form available from the regional preservice instructor.
  - A) BCI Criminal background check, including BOTH state and federal information, must be completed no more than 12 months prior to the application for recertification (OAC 3301-83-06(B)(10)).
    - a. A current list of disqualifying convictions is contained in ORC 3327.10, and by reference RC 3313.31(C) and 3313.39 (B)(1). A document that provides guidance on evaluating criminal background checks is available on the Pupil Transportation site of the Ohio Department of Education website.
    - b. This check must be completed and written evidence on file with the driver's employer. The evidence of the check is not to be submitted with the application.
  - B) Attend an Ohio Pre-Service School Bus Driver Training recertification class (3301-83-10(F)(1)). This class shall be valid for 12 months for application for a certificate. Class schedules can be obtained by contacting the area preservice instructor.
    - a. As an alternative to class, drivers may substitute attendance at a recertification class by completing an Ohio Pre-Service Advanced School Bus Driver Training Course no more than 24 months prior to the application for recertification (3301-83-10(F)(5)).
  - C) Complete a driving performance evaluation with a certified On-Bus Instructor (OBI) (3301-83-0(F)(3)). OBIs are selected by their districts and trained and certified by Ohio Preservice Instructors.

- a. The driving evaluation also includes a pretrip inspection. A prescribed pretrip inspection procedure and form will be demonstrated to the applicant, who will in turn be asked to demonstrate the pretrip inspection when they are comfortable with it. The driver applicant will be allowed to carry the written form with them as they complete the inspection. The forms used are in the Ohio preservice manual.
  - b. A driver will have up to three opportunities to successfully demonstrate the driving skills with an OBI designated by the school bus owner.
  - c. A driver may request a fourth opportunity if necessary, to be administered by an Ohio Preservice Instructor. The driver must be offered appropriate driving instruction prior to this fourth opportunity.
  - d. As an alternative to the driving performance evaluation a driver may participate in a state and/or regional school bus driver safety ROAD-E-O, and must achieve a minimum of eighty percent of the possible points. The date of the ROAD-E-O can be no more than 24 months prior to the application for recertification (3301-83-10(F)(6)).
7. After all the steps above have been completed the recertification application (T9) must be completed, documenting the above steps and the candidate's successful completion. This form must be electronically submitted to ODE NO LATER than 30 days prior to the expiration of the driver's current certificate.
  8. If the application is submitted late, a certificate may still be issued, but no guarantee will be made that it will be issued prior to the expiration date of the old certificate.
  9. No driver may operate a school bus with pupils on board without a current preservice certificate. A copy of the current certificate must be on file with the school bus drivers employer and must be available for inspection when requested by the Ohio Department of Education or its assignee.
  10. Temporary preservice certificates are not valid for use with drivers who need to recertify. These certificates may only be used for new drivers who are completing all required steps for new school bus drivers.

## Use of Preservice Temporary Certificates

Position Paper Published by Ohio Department of Education Pupil Transportation Office

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

Under unusual circumstances, a temporary preservice certificate may be issued one time by the employing superintendent that is valid for not more than 45 days. The conditions for use of these temporary certificates are as follows:

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

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

**District administrators may obtain temporary certificates from their regional preservice instructors upon proof that the driver candidate has completed all the required steps and has been entered into the Ohio Department of Education driver reporting system.**

All temporary cards shall be signed and dated by the appropriate administrator to be considered valid. For questions regarding the administration of this program, please contact the Pupil Transportation Office at the Department of Education.

## Guidelines for Determining Driver-Designated Place of Safety

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

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

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

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

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

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



**Clarification on School Transportation Driver Physicals Blood Pressure Requirements**  
**Pupil Transportation Office**  
**Ohio Department of Education**

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

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

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

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

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

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

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

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

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

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

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

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

- 3) Child safety restraints are mandated in Ohio Revised Code 4511.81 for school vehicles that are required to have safety belts. Following is a summary of the regulations (the full text of the law and code follow this paper):
  - A) If a child is less than 4 years of age or weighs less than 40 pounds, you must have the child properly secured in an approved child restraint system that meets FMVSS.
  - B) If a child is less than 8 years of age and less than four feet nine inches in height, you must have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets FMVSS.
  - C) If a child is at least 8 years of age but not older than 15 years of age, you must have the child properly secured either in a child restraint system that meets FMVSS or in an occupant restraining device (seat belt).

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

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

- (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section [4511.01](#) of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:
- (1) A child who is less than four years of age;
  - (2) A child who weighs less than forty pounds.
- (B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:
- (1) A child who is less than four years of age;
  - (2) A child who weighs less than forty pounds.
- (C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section [4511.01](#) of the Revised Code or a vehicle that is regulated under section [5104.015](#) of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.
- (D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section [4511.01](#) of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section [4513.263](#) of the Revised Code.
- (E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.
- (F) The director of public safety shall adopt such rules as are necessary to carry out this section.

- (G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.
- (H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.
- (I) There is hereby created in the state treasury the child highway safety fund, consisting of fines imposed pursuant to division (K)(1) of this section for violations of divisions (A), (B), (C), and (D) of this section. The money in the fund shall be used by the department of health only to defray the cost of designating hospitals as pediatric trauma centers under section [3727.081](#) of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems and booster seats and the importance of their proper use. The program also shall include a process for providing child restraint systems and booster seats to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and booster seats, and their proper use.
- (J) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system or booster seat under the department's child highway safety program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.
- (K) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.
- (L) (1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:
- (a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), (C), or (D) of this section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

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

Amended by 129th General Assembly File No.128, SB 316, §120.01, eff. 1/1/2014

## Nonroutine Bus Trip Instructions for Passengers

Revised September 2020

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

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

### **Aisles and exits:**

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

### **Emergency equipment:**

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

### **General rules:**

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

### **Chaperones:**

The bus driver is ultimately responsible for the vehicle and passengers, but the chaperone plays an important role in avoiding unnecessary distractions and safety violations. Chaperones should space themselves throughout the bus to effectively monitor student behavior. Chaperones must always make it a priority to remind students to

- (a) remain properly seated
- (b) keep noise to a minimum
- (c) maintain complete silence at railroad crossing
- (d) keep aisle and exits clear at all times
- (e) keep the bus clean

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



**BUS DRIVER'S SAMPLE SCRIPT:****Aisles and exits:**

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

No equipment may be stored in the aisle of a school bus. Equipment may not block emergency exits or the service door. If applicable: *This bus is equipped with an air/electric door. The emergency switch is located [here] and allows the door to be opened manually by moving the switch in this manner [demonstrate switch].*

**Emergency equipment:**

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

**General rules:**

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

**Chaperones:**

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

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

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

