

709 TRANSPORTATION BY SCHOOL VEHICLE

I. PURPOSE

The governing board believes that transportation of students is necessary to provide enhanced learning activities. The transportation of students by CSEC employees must be performed with the highest level of safety.

II. GENERAL STATEMENT OF POLICY

Under Minnesota state law, various regulations are provided and are to be applied regarding the transportation of students. These regulations may include, but are not limited to, required training, background checks, safety equipment, safety procedures, etc.

It will be the responsibility of the CSEC executive director or his/her designee to develop and utilize procedures that will ensure compliance with Minnesota law for designated drivers. These procedures will be updated annually as per changes in the law and district transportation needs.

The Carver-Scott Educational Cooperative does not provide any to-and-from school transportation for students. Such transportation is provided by resident school districts who also provide the required student safety training. Therefore, this policy is restricted to transportation for curricular, extracurricular, and co-curricular purposes by district-owned vehicles (Type III vehicles).]

III. CONDUCT ON SCHOOL VEHICLES AND CONSEQUENCES FOR MISBEHAVIOR

- A. The school district's general student behavior rules are in effect for students on district vehicles.
 - 1. School Van Rules. The district's van safety rules are to be posted on every vehicle. If these rules are broken, the district's discipline procedures are to be followed. It is the school van driver's responsibility to report unacceptable behavior to the program administrator.
 - 2. Rules on the Van.
 - a. Immediately follow the directions of the driver.
 - b. Sit in your seat facing forward.
 - c. Talk quietly and use appropriate language.

- d. Keep all parts of your body inside the van.
 - e. Keep your arms, legs and belongings to yourself.
 - f. No fighting, harassment, intimidation or horseplay.
 - g. Do not throw any object.
 - h. No eating, drinking or use of tobacco or drugs.
 - i. Do not bring any weapons or dangerous objects on the school van.
 - j. Do not damage the vehicle.
3. Consequences.
- a. Consequences for van misconduct will apply to all students. Decisions regarding a student's ability to ride the van in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be in the sole discretion of the district. Parents or guardians will be notified of any suspension of van privileges.
 - 1) Discipline
Violations of the van rules and student conduct violations will be addressed by appropriate administrator. Factors to be considered when assessing any penalty for misconduct will include (1) the severity of the offense; (2) the student's prior record; and (3) for a student with a disability, the students' needs, as articulated in his or her IEP or Section 504 plan.
 - 2) Records
Records of school van misconduct will be forwarded to the appropriate administrator and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a van that causes an immediate and substantial danger to the student or surrounding persons or property will be provided by the district to the Department of Public Safety in accordance with state and federal law.
 - 3) Notice
School van rules and consequences for violations of these rules will be reviewed with students

annually and copies of these rules will be made available to students. School van rules are to be posted on each vehicle.

- 4) Criminal Conduct
In cases involving criminal conduct (for example, assault, weapons, possession or vandalism), the appropriate school district personnel and local law enforcement officials will be informed.

IV. PARENT AND GUARDIAN INVOLVEMENT

- A. Parent and Guardian Notification
The district's van rules will be included with student handbooks. Parents and guardians are asked to review the rules with their children.
- B. Parents/Guardians Responsibilities for Transportation Safety
Parents/Guardians are responsible to:
 1. Become familiar with school district rules, policies, regulations, and the principles of van safety, and thoroughly review them with their children;
 2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
 3. Communicate safety concerns to their school administrators.

V. OPERATING RULES AND PROCEDURES

- A. General Operating Rules
 1. Type III vehicles shall be operated in accordance with state traffic and safety laws.
 2. Only students assigned to the school van by the school district shall be transported. The number of students or other authorized passengers transported in a school vehicle shall not exceed the legal capacity of the vehicle. No person shall be allowed to stand when the van is in motion.
 3. Cell Phone use is prohibited for the driver while operating a Type III vehicle.
- B. Type III Vehicles
 1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's

rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of ten or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.

2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. A Type III vehicle cannot be older than 12 years old unless waived according to state and federal law.
5. The school district name will be clearly marked on the side of the vehicle. The Type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "Type III school bus" must not be outwardly equipped and identified as a Type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on Type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any Type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any Type III vehicle used to transport students must not load or unload so that a pupil has to cross the road, except where not possible or impractical then the driver or assistant must escort a pupil across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any Type III vehicle used to transport students must carry emergency equipment including:
 - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure

indicator is required and must be easily read without removing the extinguisher from its mounted position.

- b. First aid kit and body fluids cleanup kit. A minimum of a ten-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
 - c. A Type III bus must contain at least three red reflector triangle road warning devices. Liquid burning "pot type" flares are not allowed.
 - d. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as Type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of ten or fewer without meeting the requirements for a Type III vehicle. The school district has no system of inspection for private vehicles.
12. All drivers of Type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a Type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a type III vehicle.

C. Type III Vehicle Driven by Employees with a Class D Driver's License

- 1. The holder of a class A, B, C or D driver's license, without a school bus endorsement, may operate a type III vehicle under the following conditions:
 - a. The operator is an employee of the entity that owns, leases, or contracts for the type III vehicle, which may be the school district.
 - b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
 - (1) Safe operation of a type III vehicle;
 - (2) Understanding student behavior, including issues relating to students with disabilities;

- (3) Encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
 - (4) Knowing and understanding relevant laws, rule of the road, and local school bus safety policies;
 - (5) Handling emergency situations;
 - (6) Proper use of seat belts and child safety restraints;
 - (7) Performance of pretrip vehicle inspections; and
 - (8) Safe loading and unloading of students.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minn. Stat. § 122A.18, Subd 8, or Minn. Stat. § 123B.03 for school district employees; Minn. Stat. § 144.057 or Minn. Stat. Ch. 245C for day care employees; or Minn. Stat § 171.321, Subd. 3, for all other persons operating a type A or type III vehicle under this section.
 - d. The operator's driver's license is verified annually by the entity that owns, leases, or contract for the type III bus.
 - e. A person who sustains a conviction, as defined under Minn. Stat. § 609.02. or violation Minn. Stat. § 169A.26 § 169A.27 (driving while impaired offenses), or § 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minn. Stat. §§ 169A.50 to 169A.53 of the implied consent law, or who is convicted of or has his or her driver's license revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for five years from the date of conviction.
 - f. A person who has ever been convicted of a disqualifying offense as defined in Minn. Stat. § 171.3215, Subd. 1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
 - g. A person who sustains a fourth conviction, as defined under Minn. Stat. § 609.02, of a moving offense in violation of Minn. Stat. Ch. 169 within three years will be disqualified from driving any district vehicle.
 - h. Students riding the type III vehicle must have training required under Minn. Stat. § 123B.90, Subd. 2.
 - i. Documentation of meeting the requirements listed in this section must be maintained under a separate file at the business office location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III

vehicle operating under this section is responsible for maintaining these files for inspection.

- j. The type III vehicle must bear a current certificate of inspection issued under Minn. Stat. §169.451.
- k. All type III drivers may be subject to drug and alcohol testing based on evidence of reasonable suspicion.
- l. All type III drivers may be subject to drug and alcohol testing following an accident involving a district vehicle. The school district requests the driver be tested for alcohol and controlled substances if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.

VI. TYPE III DRIVER CERTIFICATION TRAINING

A. Training.

All new type III drivers shall be provided with certification training prior to operating a type III vehicle. Such training shall, at a minimum, include:

- 1. Safe operation of the Type III (van) bus.
- 2. Knowledge and understanding of the safety equipment required for Type III vehicles.
- 3. Understanding student behavior, including issues related to students with disabilities.
- 4. Encouraging orderly conduct of students on the van and handling incidents of misconduct appropriately.
- 5. Knowledge and understanding of relevant laws, rules of the road, and district school van safety policies.
- 6. Handling emergency situations, including accidents.
- 7. Safe loading and unloading of students including students with disabilities.

- B. All operators must participate in the annual driver's certification training. If an operator fails to attend, their type III driving certification will be revoked.

VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES

- A. School van drivers or their supervisors shall call (911) or the local emergency phone number in the event of a serious emergency. Drivers are expected to carry a cell phone each time they transport students.
- B. Emergency Health Information shall be maintained on the van for students requiring special transportation service because of disability. The information shall state:
 - 1. The pupil's name and address;
 - 2. The nature of the pupil's disabilities;
 - 3. Emergency health care information; and
 - 4. The names and telephone numbers of the pupil's physician, parents, guardians, or custodians, and some person other than the pupil's parents or custodians who can be contacted in case of an emergency.

IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the van. Daily pre-trip inspections shall be maintained on file in accordance with the school district's record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.

X. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The executive director and/or his/her designee shall oversee and direct the transportation program.

- a. The type III vehicle must bear a current certificate of inspection issued under Minn. Stat. §169.451.
- b. All type III drivers may be subject to drug and alcohol testing based on evidence of reasonable suspicion.

All type III drivers may be subject to drug and alcohol testing following an accident involving a district vehicle. The school district requests the driver be tested for alcohol and controlled substances if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.

2. Specific Prohibitions for Drivers

- a. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of greater than 0.00.
- b. Alcohol Possession and Use. No driver shall be on duty or operate a district vehicle while possessing alcohol.
- c. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a district vehicle.

3. Post-Accident Testing

(Note: 49 C.F.R. § 382.303 governs post-accident testing of drivers)

- a. As soon as practicable following an accident involving a district vehicle, the school district requests the driver to be tested for alcohol and controlled substances if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than either (8) hours after the accident at the designated clinic or hospital.
- c. Drivers should be tested for controlled substances no later than thirty-two (32) hours after the accident at the designated clinic or hospital.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.

- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to have the test administered within eight (8) hours.
- f. If a post-accident test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to have the test administered and prepare and maintain on file a record stating the reasons the test was not administered.

4. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances on duty or within four (4) hours before coming on duty. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.

- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
- e. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action which may include termination.

5. Driver Rights

- a. All drivers subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver.

6. Refusal to Submit and Attendant Consequences

- a. A driver may refuse to submit to drug and alcohol testing.
- b. Refusal to submit to a required drug or alcohol test subjects the driver to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C 521 § (b). In addition, a refusal to submit to testing establishes a presumption that the driver would test positive if a test were conducted and makes the driver subject to disciplinary action or disqualification under this policy.

7. Disciplinary Action

- a. Any driver who refuses to submit to post-accident or reasonable suspicion testing shall not perform or continue to perform safety-sensitive functions, and also may be subject to disciplinary action, which may include immediate termination.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate termination.

- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

8. Testing Laboratory

The testing laboratory for controlled substance will be MEDTOX Laboratories Inc, 402 West County Rd D., St. Paul MN, telephone #1-888-295-9925, which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

9. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as the phrase is defined in Minn. Stat. Ch. 13. Any information concerning the individual's test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

10. Recordkeeping Requirements and Retention of Records

The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access. These records shall be retained for a period of 5 years.

Legal References:

Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)

Minn. Stat. § 169.01 (subd. 6(5) (Definitions)

Minn. Stat. § 169.454 (Type III Vehicle Standards)

Minn. Stat. § 169.4582 (Reportable Offense on School Buses)

Minn. Stat. § 171.02, Subd. 2a (Licenses; Types, Endorsements, Restrictions)

Minn. Rules Part 7470.1000-7470-1700 (School Bus Inspection)

Cross References:

Policy 4.81 (Drug and Alcohol Testing)

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