

**PURPOSE**

The Transylvania County Board of Education (the “Board”) seeks to provide school transportation services consistent with the following goals:

- A. To provide safe school transportation to all eligible students;
- B. To make safety a top priority in maintaining school transportation equipment and vehicles;
- C. To teach students to behave in a safe and orderly manner as school transportation passengers;
- D. To plan for and provide efficient and economical school transportation services;
- E. To provide all students equal access to school transportation services supporting a variety of learning opportunities;
- F. To work effectively with students, parents, guardians, private contractors, and other governmental agencies in providing school transportation services; and,
- G. To provide courteous service and to respond promptly and effectively to requests and concerns expressed by parents, guardians, and students.

**ADMINISTRATION**

The Superintendent shall establish a school transportation services program consistent with Board goals and state and federal laws and regulations. School personnel, volunteers, and private carriers are expected to be familiar with all duties imposed on them by law, local Board policy, and the Superintendent. The Superintendent is authorized to delegate operational duties associated with administration of the school transportation services program to qualified school personnel (a “designee”).

**TRANSPORTATION SAFETY**

Ensuring student safety is the Board's top priority for school transportation services. The Board recognizes that providing safe student transportation requires the cooperation of students, parents, volunteers, school personnel, and other governmental agencies. The Superintendent or designee shall, in conjunction with principals, make reasonable efforts to inform all affected parties of safety issues and to monitor compliance with both legal requirements and the provisions of this policy.

**A. STUDENT BEHAVIOR**

An orderly environment is critical to safe student transportation. All students are expected to comply with local Board policy JFCC, “Student Conduct on School Buses,” the local Code of Student Conduct, and other applicable Board policies as passengers on Board-operated vehicles. The principal shall be responsible for ensuring that student conduct satisfies these requirements. Students shall receive instruction on school bus safety as required by law.

**B. MAINTENANCE**

The Superintendent or designee, in conjunction with bus garage personnel, shall fulfill all duties prescribed by state law and accompanying regulations governing the maintenance, inspection, and repair of school buses and other Board-operated vehicles. The bus garage supervisor shall promptly submit required monthly and annual reports.

**C. UNSAFE CONDITIONS**

All school bus drivers are expected to use good judgment in determining whether or not it is safe to operate a school bus and to permit students to enter or leave the school bus at particular locations. School bus drivers must immediately report to the Superintendent or designee any suspected mechanical defects or other unsafe conditions, including road or traffic conditions, that affect the safety of the bus route or bus stops.

**D. REPORTING ACCIDENTS**

The driver of a school bus or other Board-operated vehicle must immediately report to the Superintendent or designee any accident involving death, injury, or damage to property.

**DRIVER ELIGIBILITY**

The Board recognizes that the employment of safe, conscientious school bus drivers is a critical feature in its efforts to ensure the high quality of school transportation services provided to students. Toward that end, the Board establishes these minimum qualifications to guide the school district's selection and employment of school bus drivers:

- A. Drivers must be at least eighteen years of age;
- B. Drivers must hold a valid, appropriate North Carolina driver's license with "S" and "P" endorsements;
- C. Drivers must have held a valid driver's license for a minimum of two years;
- D. Drivers with two to four years of total driving experience must have accumulated no more than one ticket or at-fault accident during that period;
- E. Drivers with five to nine years of total driving experience must have accumulated no more than two tickets or two at-fault accidents during that period;
- F. Drivers with ten or more years of total driving experience must have accumulated no more than two tickets and one at-fault accident, or two at-fault accidents and one ticket, during that time period;
- G. Drivers must have no DWI, DUI, or reckless driving convictions within the past ten years;
- H. Drivers must have no convictions for passing a school bus in the process of making a passenger stop;
- I. Drivers must have no suspension of driving privileges within the past ten years as the result of a moving violation; and,

- J. Drivers who have held an operator's license in another state within the past five years must provide a driving record from that state.

### **DRIVER SAFETY**

All school bus drivers in Transylvania County Schools are expected to demonstrate the highest standards of safety and care in the operation of all school vehicles.

#### **A. School bus drivers:**

1. Must possess appropriate operator licenses and meet all other eligibility qualifications required by law;
2. Must not operate a school bus on a public street, highway, or public vehicular area while using a mobile device or similar technology while the school bus is in motion, unless such use is for the sole purpose of communicating with school officials or other appropriate agency officials in an emergency situation;
3. Must report to the principal any student misconduct that violates Board policies or the Code of Student Conduct;
4. Must exercise sound judgment in the operation of the buses;
5. Must make reasonable efforts to maintain orderly behavior among students being transported;
6. Must not permit any person to ride the bus who is not assigned to it and has not received the specific permission of the principal or other designated school official;
7. Must promptly report to the principal or other designated school official any mechanical defect or other concern affecting the safe operation of the school bus, activity bus, or other Board-operated vehicle; and,
8. Must follow all NCDOT laws and regulations, and report to the principal or other designated school official by the next business day any moving violation citations received while operating any motor vehicle, whether on or off duty.

#### **B. Other drivers, including volunteer drivers:**

1. Must possess appropriate licenses and meet all other eligibility qualifications required by law;
2. Must follow all NCDOT laws and regulations, and report to the principal or other designated school official by the next business day any moving violation citations received while operating any motor vehicle, whether on or off duty; and,
3. Must carry appropriate insurance if operating a privately-owned vehicle.

The Superintendent or designee shall establish a plan for monitoring, documenting, and ensuring driver safety. The Superintendent or designee shall make available to school bus drivers a copy of this policy and a copy of the school district's driver safety plan.

**USE OF SCHOOL TRANSPORTATION SERVICES**

School transportation services shall be made available in a manner consistent with the Board goals set out forth in this policy. The first priority of the school transportation services program is to provide safe transportation to and from school to all eligible students.

**A. OTHER TRANSPORTATION SERVICES**

Other transportation services may be made available as funding permits and in accordance with legal requirements and Board policy. Toward that end:

1. Yellow school buses may be used for instructional programs directly related to the curriculum when the trip and use of the bus are approved pursuant to local Board policy;
2. Yellow school buses may be used only for purposes prescribed by N. C. Gen. Stat. § 115C-242;
3. Yellow school buses may not be used for athletic activities or extracurricular activities;
4. As local funding permits, white activity buses and other vehicles meeting federal safety standards may be used for travel to athletic activities and travel to other approved school-related activities. White activity buses may be used only for approved school programs. Schools requesting the use of a white activity bus are responsible for securing and paying the salary of the driver;
5. As funding permits, the Board encourages the Superintendent or designee to provide school transportation services that enable students at risk of not meeting promotion standards to take advantage of additional or enhanced opportunities for learning; and,
6. Private conveyances should not be used to transport students.

**B. SPECIAL USE OF SCHOOL BUSES**

The Board may authorize special uses of school buses as provided by N. C. Gen. Stat. § 115C-242 and N. C. Gen. Stat. § 115C-243. The Superintendent shall present to the Board any such requests for special uses and the statutory support permitting authorization for that purpose.

**C. TRANSPORTATION SERVICES FOR EXCEPTIONAL CHILDREN**

A student who is identified as having a disability pursuant to procedures outlined in *North Carolina Policies Governing Services for Children with Disabilities* shall be provided related transportation services as required by state and federal law. The Superintendent or designee shall be invited to attend IEP team meetings in order to provide input and assistance when school transportation is requested or recommended as a related service. When the transportation of an exceptional child cannot be provided

through school transportation services, the Board may, by action of the Superintendent, contract with public or private carriers to provide this related service.

### **BUS ROUTES**

The Superintendent or designee shall develop school bus routes in accordance with state law and associated regulations. A written record of all school bus routes shall be maintained in the Superintendent's office, and all changes to established bus routes shall be filed with the Superintendent within ten (10) calendar days after such change becomes effective.

Students will ordinarily be assigned to a bus that passes within one mile of the student's residence. To the extent practicable and economically feasible, ride time should be fewer than forty-five (45) minutes each way.

#### **A. TRANSPORTATION TO LOCATIONS OTHER THAN HOME**

Upon written request, the Superintendent or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home when the following conditions are met:

1. The student's parent or guardian submits a written, signed request that states the specific location other than home to which the student is to be transported;
2. The request for such transportation does not require a bus to deviate in any significant way from an established route;
3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the one regularly assigned;
4. The student's residence and requested bus stop are within the zone eligible for school transportation service;
5. The request for such transportation does not cause the school system to incur additional cost; and,
6. The proposed bus stop meets safety standards established by law, the Board, and the Superintendent or designee.

Any changes to established bus stops must be authorized by the Superintendent or designee. The parent or guardian, and not the school system, is responsible for the student's safety once the child has disembarked from the bus.

#### **B. BUS ROUTES IN HAZARDOUS WEATHER CONDITIONS**

School buses shall not be allowed to operate if there is a serious threat to the safety of students or drivers. The Superintendent or designee is authorized to develop alternative bus routes that limit school bus travel to safe roads for use when weather conditions are hazardous. To the greatest extent possible, parents shall be notified in advance if an alternative bus route will be used.

When roads deemed unsafe for school bus travel due to hazardous weather conditions are not run in the morning, they will not be run in the afternoon, regardless of road conditions in the afternoon.

If a bus route has been deemed unsafe for school bus travel, then it is reasonable to assume that it is likewise unsafe for other vehicular travel. Parents therefore assume all risks when privately transporting their children to school in hazardous weather conditions. Students shall be considered lawfully absent when they are unable to attend school because hazardous weather conditions prevent school bus service to their locations and other vehicular travel is deemed unsafe.

## **STUDENT ASSIGNMENT TO SCHOOL BUSES**

### **A. ELIGIBILITY FOR TRANSPORTATION SERVICES**

Any student assigned to a school located one-and-one-half miles (1.5 miles) or more from his or her residence is eligible for transportation services to and from school.

Additionally, a student identified as having a disability shall be provided related transportation services consistent with state and federal law and accompanying regulations. The Superintendent or designee shall also consider individual applications for transportation services on a case-by-case basis in each of the following circumstances:

1. When factors are present that may endanger the safety of students walking to school;
2. When a student is medically certified as temporarily incapacitated; or,
3. When the student has voluntarily requested a transfer from his or her regularly assigned school and the requested school is located one-and-one-half miles (1.5 miles) or more from his or her residence.

### **B. APPLICATIONS FOR TRANSPORTATION SERVICES**

The parent or guardian of any child enrolled in Transylvania County Schools may request school transportation services. The request should be made to the principal or designee at the assigned school. The principal or designee shall forward the application to the Superintendent or designee for approval. If the application is denied by the Superintendent or designee, then the parent may request review of the decision by the Board within five (5) school days of the application's denial.

The Board shall direct that the student be provided school transportation services if (1) the Board finds that the student is entitled to be transported to and from school on the school bus designated in the application, or (2) the Board finds that the transportation of the student on the requested bus to and from such school is in the best interest of the student, will not interfere with the proper administration of the school or with the safe and efficient transportation by school bus of other students enrolled in the school, and will not endanger the health or safety of the children enrolled at the school.



**INSURANCE**

The North Carolina Industrial Commission has jurisdiction to hear and determine tort claims against any local board of education which claims arise as a result of any alleged mechanical defects or other defects that may affect the safe operation of a public school bus or school transportation service vehicle resulting from an alleged negligent act of maintenance personnel or as a result of any alleged negligent act or omission of the driver, transportation safety assistant, or monitor of a public school bus or school transportation service vehicle, when:

- A. The driver is an employee of the local Board and is paid or authorized to be paid by the local Board;
- B. The monitor was appointed and acting in accordance with N. C. Gen. Stat. § 115C-245(d);
- C. The transportation safety assistant was employed and acting in accordance with N. C. Gen. Stat. § 115C-245(e); or,
- D. The driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the local Board.

School buses shall not be used for any purpose or under any circumstance not covered by the State Tort Claims Act unless liability insurance has been purchased to cover such purpose or circumstance.

No school bus, activity bus, or other school-owned vehicle will be operated without state or locally purchased insurance to cover bodily injury and property damage. Only activity buses and other vehicles meeting federal safety standards may be used for approved school-related activities. The Superintendent or designee, in conjunction with principals, shall monitor compliance with this policy.

In order to be covered by the State Tort Claims Act, school bus drivers shall be paid at least in part from state funds. If no state funds are used in salary payments to a bus driver, then insurance shall be purchased to cover bodily injury and property damage.

Legal References: 20 U.S.C. 1400 et seq.; 49 U.S.C. 30125, 30165; 16 NCAC 6B.0102, .0103; N. C. Gen. Stat. § 20-7, -137.4, -218; N. C. Gen. Stat. § 66-58(c)(9a) and (9b); N. C. Gen. Stat. § 115C-36, -42, -47, -239-259, 262, -317.1; N. C. Gen. Stat. § 143, art. 31; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988; *Policies Governing Programs and Services for Children with Disabilities*, State Board of Education Policy GCS-D-000; *School Bus Handbook*, North Carolina Department of Transportation, North Carolina Division of Motor Vehicles

Cross References: Policy EEAA, "School Bus Idling;" Policy EEAB-R, "Energy Management "C School Buses;" Policy IICA, "Field Trips and Excursions;" Policy JE, "Student Attendance;" Policy JFCC, "Student Conduct on School Buses"

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