



# 100 Training Series

2016 Transportation Summit  
Northglenn Colorado



# 112 Federal Regulations

**CSPTA Transportation Summit**

# Agenda

Housekeeping

Classroom

Phones

Restrooms

Smoking

Breaks

Sign-In

Introductions

# My Background

Bus Driver

Special Education Paraprofessional

Emergency Medical Technician

9 1 1 Dispatcher

Supervisor – rural district     35 buses

Michigan Department of Education Trainer – Beginning, Advanced & Supervisor

Member of Michigan Pupil Transportation Advisory Council (PTAC)

Regional Representative for Michigan Association of Pupil Transportation

Supervisor – urban district     200 + buses

Executive Director – County-wide Regional Transit System – Start-up

Lead Transportation Consultant

Transportation Advisory Council

National Council on School Transportation

Operation Life Saver Board Member – next meeting

Western States Representative NASDPTS – next term

Regional Training – New Supervisor

Training Development/Materials for Drivers, Supervisors

Appeal of Operation Rules



# Federal Regulations

- Department of Transportation (DOT)

(92) "School bus" means every motor vehicle which is owned by or under contract to a public or governmental agency and operated for the transportation of children to or from school or any school-sponsored activities, or which is privately owned and operated for compensation but it does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of children to or from school or any school-sponsored activities.

<https://www.transportation.gov/home>

# Model Traffic Code for Colorado 1901

- 1901. School buses - equipped with supplementary brake retarders.
- (1) (a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this
- section, passengers of any school bus being used on mountainous terrain by any school district of the state
- shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus
- during the period of such use.
- (b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any
- road or street which the department of transportation has designated as being located on mountainous
- terrain.

(2) (a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:

(I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or

(II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.

(b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on or after April 17, 1991. The general assembly also encourages school districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses

(3) For purposes of this section and section 1902:

(a) "Mountainous terrain" means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and side hill excavation are frequently required to obtain acceptable horizontal and vertical alignment. 110

(b) "School bus" means any bus used to transport students to and from school or a school-sponsored activity, whether said activity occurs within or without the territorial limits of any district and whether or not occurring during school hours.

# Model Traffic Code for Colorado 1902

- 1902. School bus drivers - special training required.
- On and after July 1, 1992, the driver of any school bus, as defined in section 1901(3) (b), owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 1901 (3) (a), and driving in adverse weather conditions.

# Model Traffic Code For Colorado 1903 ( Excerpts)

- 1903. School buses - stops - signs - passing.
- (1) (a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren

# Model Traffic Code For Colorado 1903 ( Excerpts)

- (b) (I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.
- (II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.
- (c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights
- shall be actuated only at the time the bus is actually stopped.

# Model Traffic Code For Colorado 1903 ( Excerpts)

- (4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, “highway with separate roadways” means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.
- (5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

# Model Traffic Code For Colorado 1903 ( Excerpts)

- Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

# Federal Regulations

- Commercial Driver's License (CDL)
- <https://www.colorado.gov/pacific/sites/default/files/DR2251.pdf>

# Federal Regulations

- Federal Motor Vehicle Safety Standards (FMVSS)

These Federal safety standards are regulations written in terms of minimum safety performance requirements for motor vehicles or items of motor vehicle equipment. These requirements are specified in such a manner "that the public is protected against unreasonable risk of crashes occurring as a result of the design, construction, or performance of motor vehicles and is also protected against unreasonable risk of death or injury in the event crashes do occur."

<http://www.nhtsa.gov/cars/rules/import/FMVSS/>

# Federal Regulations

- Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) includes transportation within its definition of “related services.” This means that students with Individualized Education Programs (IEPs) have the right to receive special transportation services if it is needed. This 2007 Alliance action sheet addresses questions about transportation such as:

What do parents need to know about transportation as a related service?

Who is eligible for it?

Who decides if a child needs it?

Who pays for the transportation?

<http://idea.ed.gov/>

# Federal Regulations

- No Child Left Behind act (NCLB)
- Every Student Succeeds Act (ESSA)

In December of 2015, President Obama signed into law the reauthorization of the Elementary and Secondary Education Act (ESEA). The title of the reauthorized legislation, which replaces the No Child Left Behind Act, is the Every Student Succeeds Act (ESSA). The passage of ESSA provides a much anticipated opportunity to improve outcomes for all students.

## Guidance from CDE

In order to provide you with the best possible guidance and technical assistance, CDE continues to review the legislation and consult with legal counsel to determine the impact of the law on both State and local programs. Although we have developed a better understanding of the contents of the law, there are still many unanswered questions regarding requirements, implementation, and timelines.

## About ESSA

ESSA Implementation timeline and what we know right now

ESEA programs as authorized under No Child Left Behind (NCLB) will remain in effect for the 2016-2017 school year.

With a few notable exceptions as outlined in the USDE Dear Colleague Letter on January 28, 2016 (PDF) 2016-2017 funding will be allocated under NCLB rules.

The provisions of ESSA take effect for the 2017-2018 school year.

The U.S. Department of Education (USDE) is currently soliciting public comment on the regulatory process. Completed regulations are expected by October of 2016. View updates from USDE.

# Federal Regulations

- McKinney Vento Education of Homeless Children and Youth Assistance Act

<http://www2.ed.gov/programs/homeless/guidance.pdf>

# Federal Regulations

- **Head Start**

There are several key elements of the Head Start transportation requirements that must be adhered to, such as:

Meeting specifications of school buses or Allowable Alternate Vehicles (AAV)

Hiring qualified drivers

Providing a Bus Monitor on buses that transport Head Start children

Providing Safety Education

Establishing Routes

Child Safety Restraint Systems

Coordinating with Community Partners to Collaborate on transportation services

Conducting training for transportation personnel

Offering Pedestrian Safety for parents and children

In addition to the requirements listed above, there are several requirements that must be met when hiring transportation personnel. Qualifications for Bus Drivers include:

CDL (Commercial Drivers License) in states which confer them

Meet state, local, and/or Head Start Program Performance Standards (1304.52(b)) Human Resources requirements

Drug and alcohol testing

Criminal Records Check

Driving background check through the State Department of Motor Vehicles (DMV) or National Driver Register

<https://eclkc.ohs.acf.hhs.gov/hslc/standards/hspps/1310>

# Federal Regulations

- Section 504

In general terms, Section 504 of P.L. 93-112(1), a part of the Rehabilitation Act of 1973, states that all eligible students with disabilities are entitled to a free, appropriate public education. It also requires the facilities, services, and activities provided to the disabled be comparable to those provided to the nondisabled, and that students with disabilities must have an equal opportunity for participation in any nonacademic and extracurricular services and activities provided by a school district. In accordance with Section 504, it is possible for a school district to be required to provide specialized transportation services to a student with disabilities who is not in special education.

# Federal Regulations

- DOT Physicals
- A Department of Transportation (DOT) physical examination must be conducted by a licensed "medical examiner" listed on the Federal Motor Carrier Safety Administration (FMCSA) National Registry. The term includes, but is not limited to, doctors of medicine (MD), doctors of osteopathy (DO), physician assistants (PA), advanced practice nurses (APN), and doctors of chiropractic (DC).
- Follow this link to find a medical examiner who is certified by the FMCSA to perform DOT physical exams: <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/Drivers.seam>
- A DOT physical exam is valid for up to 24 months. The medical examiner may also issue a medical examiner's certificate for less than 24 months when it is desirable to monitor a condition, such as high blood pressure.
- <https://www.fmcsa.dot.gov/faq/Medical-Requirements>

# Exemptions

- Requirements
- The Federal Diabetes and Vision Exemption Programs have specific requirements, as well as requests for hearing and seizure exemptions. These requests may include medical exams, employment history, driving experience and motor vehicle records which must be submitted with the application. The Agency will make a final decision within 180 days of receipt of the complete application.
- Applying for an Exemption
- An individual may apply for an exemption from the diabetes, hearing, seizure and vision standard, section 391.41(b)(3) and 391.41(b)(11), 391.41(b)(8) or 391(b)(10) of the regulation, by utilizing these programs. If you do not currently meet the diabetes, hearing, seizure and/or vision standard and are unable to obtain a medical card, you may be an eligible candidate.
- Please note that all exemption programs are for drivers who intend to operate commercial motor vehicles (CMVs) in **interstate commerce. FMCSA does not have statutory authority to grant waivers/exemptions to drivers from states' intrastate requirements.** Therefore, the FMCSA waivers/exemptions do not permit regulatory relief for drivers who plan to limit their operations to intrastate commerce.

# Federal Regulations

- Drug testing requirements
- Since the early 1990s, the Federal Motor Carrier Safety Administration (FMCSA) and its predecessor agency has defined drug and alcohol testing rules and regulations for employees who drive commercial trucks and buses that require a commercial driver's license (CDL). These regulations identify who is subject to testing, when they are tested and in what situations. The regulations also impose privacy protections and restrictions on employers and service agents against the use and release of sensitive drug and alcohol testing information. The FMCSA controlled substances and alcohol use and testing regulations can be found at 49 CFR Part 382.
- All persons designated to supervise drivers of commercial motor vehicles that require a commercial drivers license can find information and resources here on who is required to take Drug and Alcohol Supervisor Training.
- <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules>

# Federal Regulations

- CDL rules of the road
- <https://www.colorado.gov/pacific/sites/default/files/DR2251.pdf>
- Third Party Testers
- Hours of Service – CDE
- Log books and Pre-Trip documentation - CDE

# Maximum Driving Time for School Transportation Vehicle Operators

- **4204-R-16.00**                    **Maximum Driving Time for School Transportation Vehicle Operators**
- 16.01            The school transportation vehicle operator, including small vehicle operators, shall not drive nor shall the school district or service provider permit or require an operator to drive:
  - 16.01(a) In excess of 10 hours or after being on-duty 14 hours until completing 10 hours off-duty. This would include on-duty time for all employers. Ten hours off-duty may be consecutive or accumulated in two or more periods of off-duty time with one period having a minimum of 6 consecutive hours off-duty.
  - 16.01(b) After being on-duty for more than 70 hours in any seven consecutive days.
- 16.02            The school district or service provider may comply with part 395 of the Federal Motor Carrier Safety Regulations (FMCSR) in place of this section.
- 16.03            Definitions:
  - 16.03(a) Adverse driving conditions - In case of emergency, an operator may complete the trip without being in violation if such trip reasonably could have been completed absent the emergency.
  - 16.03(b) Day - Means any 24-consecutive hour period beginning at the time designated by the school district or service provider.
  - 16.03(c)                    On-duty time - Includes all time worked for any and all employers, including all driving and non-driving duties.
  - 16.03(d) Off-duty time - School transportation vehicle operators may consider waiting time at special events, meal stops and school related events as off-duty if the following criteria are met: (Compensated waiting time does not necessitate on-duty time.)
    - 16.03(d)(1) The operator shall be relieved of all duty and responsibility for the care and custody of the vehicle, its accessories and students, and
    - 16.03(d)(2) The operator shall be at liberty to pursue activities of his/her choice including leaving the premises on which the bus is located.
- 16.04            All school transportation vehicle operators shall document that they are in compliance with this section, hours of service.
  - 16.04(a) An operator's daily log, or equivalent, shall be completed for the trip in the operator's own handwriting, when the trip requires a scheduled or unscheduled overnight stay away from the work reporting location.

# Federal Regulations

- Reporting
  - Harassment
    - The crime of harassment (which can include stalking, hate crimes, and cyberbullying) occurs when one person acts in a way designed to annoy, provoke, threaten, or otherwise cause another person emotional distress. State laws and some federal laws identify multiple ways in which harassment can be committed.
  - Are there federal laws that apply to bullying?
  - At present, no federal law directly addresses bullying. In some cases, bullying overlaps with discriminatory harassment which is covered under federal civil rights laws enforced by the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ). No matter what label is used (e.g., bullying, hazing, teasing), schools are obligated by these laws to address conduct that is:
    - Severe, pervasive or persistent
    - Creates a hostile environment at school. That is, it is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school
    - Based on a student's race, color, national origin, sex, disability, or religion\*
    - Although the US Department of Education, under Title VI of the Civil Rights Act of 1964 does not directly cover religion, often religious based harassment is based on shared ancestry of ethnic characteristics which is covered. The US Department of Justice has jurisdiction over religion under Title IV of the Civil Rights Act of 1964.
  - Abuse / Neglect – Mandatory Reporting as school official

The background of the slide features a stylized sun with a yellow center and a light orange outer ring, positioned behind a grey silhouette of a city skyline. The sun is partially obscured by the text.

# **Thank You**

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