



Memo

To: Transportation Directors, Superintendents, Trainers
From: Susan M. Miller, Supervisor, School Transportation Unit
Date: January 22, 2021
Re: Updating 1 CCR 301-26 Colorado Rules for the Operation, Maintenance, and Inspection of School Transportation Vehicles

The current Colorado Rules for the Operation, Maintenance, and Inspection of School Transportation Vehicles 1 CCR 301-26, became effective on January 1, 2018. Since 2018 new state and federal laws have passed. Therefore, with the new Federal Motor Carrier Safety Administration (FMCSA) Entry Level Driver Training (ELDT) regulations becoming effective on February 7, 2022 it is important for CDE to update our rules to accurately reflect the new regulations to our school districts, charters and service providers that are providing student transportation in our state.

Attached you will find two documents:

- **Summary of the Entry Level Driver Training Program**
- **DRAFT of the proposed changes in 1 CCR 301-26**

The primary additions in the attached DRAFT 1 CCR 301-26 include the FMCSA Drug and Alcohol Clearinghouse regulation and the FMCSA Entry Level Driver Training and Instructor requirements.

Section 6.00 of this DRAFT includes the requirements for ELDT Theory and Behind the Wheel Instructors. **The requirements for instructors in this DRAFT are the same as the federal regulations, however, we did make them specific to the State of Colorado.** Every state has different “Rules of the Road”, and we believe that it is important that trainers in our state have a working knowledge of Colorado transportation laws and regulations.

After discussion with the Transportation Advisory Council, several transportation directors, and trainers throughout the state, in both rural and urban districts, we have also included a new certification process to the proposed rules. So, rather than re-invent a process, we have mirrored portions this certification procedure to the current Annual Inspector Certification Program.

Here are the details/benefits this process would provide;

- required **ONLY** for instructors that plan to teach the ELDT Curricula to operators that are required, by law, to have the ELDT training.
- **NOT** required for non-CDL instructors or for instructors that provide instruction to operators that currently hold a CDL with the required endorsements.
- create a data base to ensure that notifications of new federal and state laws, safety bulletins, and other important information is disseminated in a timely fashion to all ELDT Instructors.
- provide training to all prospective ELDT Instructors to ensure that new instructors -
 - meet the required qualifications.
 - complete the initial required documentation to FMCSA,
 - know how, and when, to submit required data to FMCSA.
 - are informed regarding the required records and the retention schedules for FMCSA.
 - provide free teaching materials and assessment tools needed to conduct the training.

CDE will provide this training free of charge and in multiple locations state-wide to make it easily accessible to all potential ELDT instructors. Per the proposed rule, instructors would be required to attend the certification classes (Theory and/or Behind the Wheel) only once. All re-certification testing is anticipated to be completed online.

Furthermore, it is very important for school districts, charters, and service providers to decide within the next few months if they intend to become a Training Provider and be listed on the FMCSA Training Provider Registry (TPR). We anticipate that the registration for the TPR will begin this spring/summer. Depending on the amount of ELDT operators the Training Provider anticipates training, each entity will need to explore the technical requirements to be connected and submit data to FMCSA. If a large amount of data will be transmitted, FMCSA recommends that TPR's do bulk downloads which require specific IT requirements. Otherwise, manual entry for smaller data transmissions will likely be transmitted via a website.

Please review the DRAFT 1 CCR 301-26 document and submit, in writing via email, your comments regarding the proposed changes no later than **Monday, March 1, 2021.**

If you have any questions regarding the ELDT or TPR, feel free to contact me at Miller_s@cde.state.co.us.

COLORADO RULES FOR THE OPERATION, MAINTENANCE, AND INSPECTION OF SCHOOL TRANSPORTATION VEHICLES

1 CCR 301-26

4204-R-1.00 Statement of Basis and Purpose

- 1.01 Colorado law provides for the State Board of Education to adopt and enforce regulations governing the safe operation of school buses used for the transportation of students pursuant to Sections 22-51-108 and 42-4-1904, C.R.S.
- 1.02 The purpose of these rules is to adopt and enforce regulations governing the reasonable and adequate standards of safety for the operation, maintenance and inspection of school transportation vehicles that promote the welfare of the students and afford reasonable protection to the public. These rules are designed to align with federal standards, reflect current industry practices, and incorporate recommendations from school district, **charter school**, and service provider transportation professionals.
- 1.03 The Commissioner, or designee, may provide an exemption to the Rules for the Operation, Maintenance, and Inspection of School Transportation Vehicles to the extent the Commissioner finds an exemption to be appropriate.
- 1.04 These rules shall become effective **January 1, 2018** for all student transportation.

4204-R-2.00 Applicability of Rules

- 2.01 These rules and regulations apply to the operation, maintenance and inspection of all public school transportation conducted by:
 - 2.01(a) A school district, ~~or~~ **charter school**, **or service provider** for routes (home to school, school to school, and school to home);
 - 2.01(b) A school district, ~~or~~ **charter school**, **or service provider** for activity trips (school related events);
 - 2.01 (c) A company or individual hired by a **school** district or charter school (service provider) for routes (home to school, school to school, and school to home).
- 2.02 These rules are not intended to include:
 - 2.02(a) Private motor vehicles used exclusively to carry members of the owner's household; or
 - 2.02(b) Transportation arrangements not authorized by the **school** district, **charter school**, **or service provider**, including but not limited to sharing of actual gasoline expense or participation in a car pool; or



- 2.02(c) The operations of vehicles in bona fide emergency situations consistent with policies of the local board of education; or
 - 2.02(d) Transportation conducted by a company or individual for activity trips (school related events), including service providers, parent volunteers, and coaches or teachers using a private motor vehicle; or
 - 2.02(e) Route transportation provided by a company or individual as part of their operation as a common carrier, **or transportation network company operating pursuant to Section 40-10.1-602, C.R.S.**, under the jurisdiction of the US Department of Transportation, or Public Utilities Commission, including RTD, **and** taxi cab services, ~~Uber services, and Lyft services.~~
- 2.03 These rules shall not preclude a school district, **charter school**, or service provider from establishing a more rigid standard or policy when deemed necessary by the local board of education or service provider.

4204-R-3.00 Non-Compliance

- 3.01 CDE will perform periodic School Transportation Advisory Reviews (STAR) of school districts, charter schools, and service providers to evaluate and assist with compliance of these rules.
 - 3.01(a) CDE will provide school districts, charter schools, and service providers written notification of the STAR findings.
 - 3.01(b) Upon receipt of the written notification of STAR findings, school districts, charter schools, ~~or~~ **and** service providers shall respond in writing to outline corrective actions if necessary.
- 3.02 CDE shall revoke or suspend the certificate for a school transportation annual inspector, school transportation annual inspector hands-on tester, **school transportation entry level driver instructor**, or inspection site under the following circumstances:
 - 3.02(a) A school transportation annual inspector, school transportation annual inspector hands-on tester, **school transportation entry level driver instructor**, or inspection site does not meet the requirements outlined in these rules.
 - 3.02(b) School transportation annual inspections, **school transportation entry level driver instruction**, or hands-on tests have not been properly conducted.

4204-R-4.00 School District, Charter School, and Service Provider Employment Responsibilities

- 4.01 School districts, charter schools, and service providers shall outline job responsibilities and develop job qualification standards for each school transportation vehicle operator and school transportation paraprofessionals, **annual inspector, school transportation entry level driver**

- instructor**, consistent with federal and state regulations. A copy of these requirements shall be provided to each school transportation vehicle operator, **annual inspector**, **school transportation entry level driver instructor**, and paraprofessional upon employment.
- 4.02 School districts, charter schools, and service providers shall maintain separate files for each school transportation vehicle operator, school transportation paraprofessional, **school transportation entry level driver instructor**, and school transportation annual inspector with written documentation evidencing all listed requirements indicated in Rule 5.00, Rule 6.00, and Rule 7.00 as applicable. Training documentation shall include the trainer name, date of the training, description of the training, duration of each topic covered and the signature of all attendees.
- 4.02(a) If a school transportation vehicle operator, school transportation paraprofessional, or school transportation annual inspector works for more than one school district, charter school, service provider, or operator of an inspection site, each shall maintain a file with documentation in accordance with this rule.
- 4.03 **Pursuant to 49 CFR, Part 382, Subpart G**, school districts, charter schools, and service providers shall ensure all employees required to possess a commercial driver's license (CDL) shall be **enrolled in the Federal Motor Carrier Administration Drug and Alcohol Clearinghouse**, and in a US DOT approved substance abuse testing program.
- 4.04 School districts, charter schools, and service providers shall not permit a school transportation vehicle operator to transport students, while the operator's ability or alertness is so impaired, through fatigue, illness or any other cause, as to make it unsafe for the operator to transport students.
- 4.05 School districts, charter schools, and service providers shall have written emergency procedures and/or contingency plans to be followed in the event of a traffic accident, vehicle breakdown, unexpected school closing, unforeseen route change or relocation of a student stop in an emergency.
- 4.06 School district, charter schools, and service providers shall ensure that documentation outlining transportation related services and requirements, including required use of Child Safety Restraint Systems and medical and behavioral information as it relates to student transportation, is available to applicable school transportation vehicle operators and paraprofessionals prior to providing transportation services.
- 4.07 **Pursuant to 49 CFR, Part 380, Subpart F, 380.601, effective February 7, 2022**, school districts, charter schools, and service providers shall ensure that all entry level school transportation operators required to possess a commercial driver's license (CDL) receive pre-service training in compliance with the FMCSA theory, and behind-the wheel training curricula via an entity listed on the FMCSA training provider registry (TPR) within the State of Colorado.

4204-R-5.00 School Transportation Vehicle Operator Requirements

5.01 School transportation vehicle route operators (transporting students to and from school or from school to school) driving a School Bus with the capacity of 16 or greater passengers (counting the driver) and school transportation vehicle operators, other than route operators, driving vehicles with the capacity of 16 or greater passengers (counting the driver), including a School Bus, Multifunction Bus and Motor Coach Bus, shall meet or exceed the following requirements:

- 5.01(a) The operator shall possess a valid commercial driver's license (CDL) with the proper class and endorsements for size and type of vehicle(s) to be driven and the associated Medical Examination Report required pursuant to the Federal Motor Carrier Safety Regulations, 49 CFR section 391.43 ~~(2015)~~ (update). Only the Federal Motor Carrier Safety Regulations adopted as of ~~October 1, 2015~~ (update) apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.
- 5.01(b) The operator shall be a minimum of 18 years of age.
- 5.01(c) The ~~school~~ district, ~~charter school~~, and ~~or~~ service provider shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.
- 5.01(d) The operator shall be given, and/or have access to, the CDE School Bus/Multifunction Bus/Motor Coach Bus Operator Guide prior to transporting students. **A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.**
- 5.01(e) The operator shall receive a minimum of six hours of in-service training annually which may include required training in 1 CCR 301-26-R-5.00. A portion of this annual in-service requirement may occur during the school year.
- 5.01(f) The operator shall successfully pass a CDE School Bus/Multifunction Bus/Motor Coach Bus Operator written test for the current school year prior to transporting students and annually thereafter.
- 5.01(g) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students and annually thereafter. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. **School districts, charter schools, and service providers** have the option to re-test at their discretion.
- 5.01(h) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, **mountain and adverse weather training pursuant to C.R.S. 42-4-1902**, and ~~in~~ student confidentiality requirements prior to transporting students.



- 5.01(i) The operator shall have written documentation evidencing that they have received first aid training, including cardiopulmonary resuscitation and universal precautions within 90 calendar days after initial employment. If the operator holds a current first aid, cardiopulmonary resuscitation certificate it will meet the requirements of this section. Operators shall receive first aid training, and/or re-certification, every two (2) years thereafter.
- 5.01(j) The operator shall receive training regarding the proper use and maintenance of Child Safety Restraint Systems (CSRS) and proper wheelchair securement, when the operator is engaged in transportation involving these systems, and devices, prior to transporting students.
- 5.01(k) Effective February 7, 2022, entry level commercial operators shall satisfactorily pass the CDE School Transportation Entry Level Driver Training Program, in compliance with the training requirements pursuant to 49 CFR, Part 380, Appendix B, C and D. The entry level commercial operator shall have a training certificate or diploma from the training provider placed in their qualification file.
- 5.02 School transportation vehicle route operators (transporting students to and from school or from school to school) driving vehicles with the capacity of 15 or fewer passengers (counting the driver), including Type A Multifunction Bus and Small Vehicle, shall meet or exceed the following requirements:
- 5.02(a) The operator shall possess a valid driver's license.
- 5.02(b) The operator shall be a minimum of 18 years of age.
- 5.02(c) The operator shall have a current physical examination (not to exceed two years), consistent with the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 391.43 (2015) (update). Only the Federal Motor Carrier Safety Regulations adopted as of October 1, 2015 (update) apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.
- 5.02(d) The school district, charter school, and/or service provider shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.
- 5.02(e) The operator shall be given, and/or have access to, the CDE Type A Multifunction Bus /Small Vehicle Route Driver Guide prior to transporting students. A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.
- 5.02(f) The operator shall receive a minimum of six hours of in-service training annually which may include required training in 1 CCR 301-26-R-5.00. A portion of this annual in-service requirement may occur during the school year.



- 5.02(g) The operator shall successfully pass a CDE Type A Multifunction Bus/Small Vehicle Route Operator written test for the current school year prior to transporting students and annually thereafter.
- 5.02(h) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students, and annually thereafter. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. **School districts, charter schools, and service providers** have the option to re-test at their discretion.
- 5.02(i) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, **mountain and adverse weather training pursuant to C.R.S. 42-4-1902**, and ~~in~~ student confidentiality requirements prior to transporting students.
- 5.02(j) The operator shall have written documentation evidencing that they have received first aid training, including cardiopulmonary resuscitation and universal precautions, within 90 calendar days after initial employment. If the operator holds a current first aid, **and/or a cardiopulmonary resuscitation certificate**, it will meet the requirements of this section. Operators shall receive first aid training and/or re-certification every two (2) years thereafter.
- 5.02(k) The operator shall receive training regarding the proper use and maintenance of Child Safety Restraint Systems (CSRS) and proper wheelchair securement, when the operator is engaged in transportation involving these systems and devices, prior to transporting students.
- 5.03 School transportation vehicle operators, other than route operators, driving vehicles with the capacity of 15 or fewer passengers (counting the driver), including Type A Multifunction Bus and Small Vehicle, shall meet or exceed the following requirements:
- 5.03(a) The operator shall possess a valid driver's license.
- 5.03(b) The operator shall be a minimum of 18 years of age.
- 5.03(c) The **school district, charter school, and ~~or~~ service provider** shall obtain a motor vehicle record of each operator prior to transporting students, and annually thereafter.
- 5.03(d) The operator shall be given, and/or have access to, the CDE Type A Multifunction Bus /Small Vehicle Operator Guide prior to transporting students. **A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.**
- 5.03(e) The operator shall successfully pass a Type A CDE Multifunction Bus/Small Vehicle Operator written test for the current school year prior to transporting students, and annually thereafter.



- 5.03(f) The operator shall annually complete the CDE Multifunction/Small Vehicle Operators Medical Information Form (STU-17). Any yes annotations shall require a doctor's release.
- 5.03(g) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, **mountain and adverse weather training pursuant to C.R.S. 42-4-1902**, and ~~in~~ student confidentiality requirements prior to transporting students.
- 5.03(h) The operator shall be given, and/or have access to, first aid information, including cardiopulmonary resuscitation, and universal precautions.
- 5.03(i) The operator shall successfully pass a driving performance test, including a pre-trip inspection, prior to transporting students. This test shall be conducted in a vehicle which is similar in type and size to the vehicle the applicant is assigned to operate. **School districts, charter schools, and service providers** have the option to re-test in subsequent years at their discretion.
- 5.03(j) Prior to driving a school transportation vehicle pursuant to 1 CCR 301-26-R-**13.11**, operators shall receive training on towing a trailer.
- 5.04 **A** School transportation paraprofessional is a person assigned to assist a school transportation vehicle operator control behavior of students in the bus, and/or ensure the safety of students getting on and off the school transportation vehicle.
- 5.04(a) The school transportation paraprofessional shall receive pre-service training for the type of duties they may be required to perform prior to assisting with transporting students.
- 5.05 School transportation vehicle operators and school transportation paraprofessionals are required to be able to perform all essential functions, including emergency evacuations, when transporting students as determined by the school district, **charter school**, or service provider job qualification standards.
- 5.05(a) The employing school district, **charter school**, or service provider, has the authority to require, at any time, a medical evaluation of a school transportation vehicle operator, or school transportation paraprofessional, for any condition that could impair the employee's ability to operate a vehicle safely, assist student(s) as required by their position, and/or perform other required job duties, and may take appropriate action on the outcome of such evaluation.
- 5.05(b) School transportation vehicle operators, and school transportation paraprofessionals that have medical conditions which result in temporary loss of performance abilities shall provide return to work documentation from their physician, and any other requirements per **school district, charter school, or service provider** policy to the employing school district, charter school, or ~~/service provider~~ prior to returning to their assigned duties.

4204-R-6.00 School Transportation Entry Level Driver Instructor Requirements

- 6.01 A CDE school transportation entry level driver instructor is a person qualified to teach either the theory, and/or behind the wheel curriculum, pursuant to 49 CFR, Part 380, Appendix B, C and D.
- 6.02 Pursuant to 49 CFR, Part 380.605, the CDE school transportation entry level **theory** instructor shall meet, or exceed the following requirements;
- 6.02(a) The CDE school transportation entry level driver theory instructor shall be in possession of a valid Colorado commercial driver's license with the Class B (or higher), School Bus, and Passenger endorsements or;
- 6.02(b) have two years of verifiable experience operating a school transportation vehicle requiring a commercial operator's license with the Class B (or higher), School Bus, and Passenger endorsement in the State of Colorado.
- 6.02(c)(1) Exception: A theory instructor is not required to hold a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in this section.
- 6.03 The CDE school transportation entry level driver theory instructor shall successfully complete the CDE entry level theory instructor program initially, and every three years thereafter pass the CDE School Transportation Entry Level Theory Instructor Recertification Written Test.
- 6.04 Pursuant to 49 CFR, Part 380.605, the CDE school transportation entry level **behind the wheel** instructor shall meet or exceed the following requirements;
- 6.04(a) The CDE school transportation entry level driver behind the wheel instructor shall be in possession of a valid Colorado commercial driver's license with the Class B (or higher), School Bus, and Passenger endorsements or;
- 6.04(b) have two years of verifiable experience operating a school transportation vehicle requiring a commercial operator's license with the Class B (or higher), School Bus, and Passenger endorsement in the State of Colorado.
- 6.04(b)(1) Exception: A behind the wheel instructor who provides training solely on a range which is not a public road is not required to hold a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided, as long as the instructor previously held a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided and complies with the other requirements set forth in this section.
- 6.05 The CDE school transportation entry level driver behind the wheel instructor shall successfully complete the CDE entry level behind the wheel instructor program initially, and every three years thereafter pass the CDE School Transportation Entry Level Behind the Wheel Instructor Recertification Written Test.

- 6.06 If any of the above requirements become invalid, the school transportation entry level driver theory, and/or behind the wheel instructor certificate is invalid until the requirement(s) is made valid.
- 6.07 An entity on the Training Provider Registry shall submit the CDE Entry Level School Transportation Instructor Recertification Form (STU-11), to CDE verifying that all applicable instructor requirements have been satisfied. CDE will then re-issue the applicable Instructor Certificate.
- 6.08 If a school transportation entry level driver theory, and/or behind the wheel instructor, has an expired certificate, the certificate can be recertified as follows:
- 6.08(a) If the certificate has been expired less than six months, then the CDE School Transportation Entry Level Driver Theory, and/or Behind the Wheel Instructor, Recertification Written Test is required.
- 6.08(b) If the certificate has been expired between six and 12 months, then the CDE School Transportation Entry Level Driver Theory, and/or Behind the Wheel Instructor Program Written Test is required.
- 6.08(c) If the certificate has been expired for more than one year, then the theory, and/or behind the wheel instructor, must retake and pass the CDE school transportation entry level driver theory, and/or behind the wheel instructor program.

4204-R-6-7.00 School Transportation Annual Inspector Requirements

- 7.01 A School transportation annual inspector is a person qualified to perform annual inspections on a school transportation vehicle, to confirm the vehicle complies with CDE regulations.
- 7.02 School transportation annual inspectors shall meet, or exceed, the following requirements;
- 7.02(a) The school transportation annual inspector shall be in possession of a valid driver's license, with the proper class and endorsements, for the size and type of vehicle(s) to be inspected.
- 7.02(b) The school transportation annual inspector shall provide to the school district, **charter school**, or service provider, a Brake Inspector Qualification Certificate meeting the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 396.25 (~~2015~~ **update**). Only the Federal Motor Carrier Safety Regulations adopted as of ~~October 1, 2015~~ **update** apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.



- 7.02(c) The school transportation annual inspector shall have at least two years verifiable experience in the maintenance of light, medium or **heavy-duty** vehicles.
- 7.02(d) The school transportation annual inspector shall successfully pass the CDE initial hands-on performance test.
 - 7.02(d)(1) A certified school transportation annual inspector hands-on tester must proctor the hands-on performance test.
- 7.02(e) The school transportation annual inspector shall successfully pass the CDE annual inspector qualification written test initially, and every three years thereafter pass the CDE annual inspector recertification written test.
 - 7.02(e)(1) A representative of the **school** district, **charter school**, or service provider, other than a school transportation annual inspector candidate, shall grade the written test.
- 7.03 A school district, charter school, service provider, or operator of an inspection site, may submit a CDE Application for CDE Annual Inspector Qualification, or Recertification Form (STU-20), to CDE verifying that the above requirements have been satisfied. CDE will **then** issue an Annual Inspector Certificate.
- 7.04 If any of the above requirements become invalid, the annual inspector certificate is invalid until the requirement(s) is made valid.
- 7.05 If a school transportation annual inspector has an expired certificate, the certificate can be recertified as follows:
 - 7.05(a) If the certificate has been expired less than six months, then the CDE Annual Inspector Recertification Written Test is required.
 - 7.05(b) If the certificate has been expired between six and 12 months, then the CDE Annual Inspector Qualification Written Test is required.
 - 7.05(c) If the certificate has been expired for more than one year, then both the CDE Annual Inspector Qualification Written Test, and the CDE hands-on performance test are required.

4204-R-8.00 Annual Inspector Hands-On Tester

- 8.01 A School transportation annual inspector hands-on tester is a person qualified to proctor hands-on tests to annual inspector candidates.
- 8.02 School transportation annual inspector hands-on testers shall meet, or exceed, the following requirements:

- 8.02(a) The school transportation annual inspector hands-on tester shall have maintained a CDE Annual Inspector certificate for a minimum of two years.
- 8.02(b) The school transportation annual inspector hands-on tester shall have satisfactorily completed a ~~four-hour~~ CDE school transportation annual inspector hands-on tester training.
- 8.02 (c) The school transportation annual inspector hands-on testers shall have completed a ~~four-hour~~ brake training in the last three years, or have maintained an ASE School Bus, or Medium/Heavy Duty Truck or Transit Bus, Brake Certification.
- 8.02(d) The school transportation annual inspector hands-on tester candidate shall submit a CDE Application for Certification, or Recertification of CDE Annual Inspector Hands-On Tester Form (STU-30), verifying that the above criteria have been satisfied. CDE will ~~then~~ issue an Annual Inspector Hands-On Tester Certificate.
- 8.02(e) The school transportation annual inspector hands-on tester shall conduct at least two hands-on tests every three years or attend a CDE school transportation annual inspector hands-on recertification training, to recertify as a school transportation annual inspector hands-on tester.
- 8.03 If any of the above requirements become invalid, the hands-on tester certificate is invalid until the requirement(s) is made valid.

4204-R-9.00 Pre-trip/Post-trip Vehicle Inspections

- 9.01 Each school transportation vehicle shall have a daily pre-trip and post-trip inspection, performed, and documented by the school transportation vehicle operator, or a ~~school~~ district, charter school, or service provider authorized transportation employee. A daily pre-trip inspection shall be completed prior to a vehicle being placed in service. A daily post-trip inspection shall be completed at the end of daily operation of each vehicle.
- 9.02 The pre-trip and post-trip inspection requirements for school transportation vehicles, other than small vehicles, shall include at a minimum, all items listed on the CDE School Transportation Vehicle (School Bus/Multifunction Bus/Motor Coach Bus) – Pre-Trip and Post Trip Requirements Form (STU-9).
- 9.03 The pre-trip and post-trip inspection requirements for school transportation small vehicles shall include, at a minimum, all items listed on the CDE School Transportation Vehicle (Small Vehicle) – Pre-Trip and Post Trip Requirements Form (STU-8).
- 9.04 School districts, ~~charter schools~~, and service providers shall have a procedure in place to verify that students are not left on an unattended school transportation vehicle.

4204-R-10.00 Inspection Site Certification

- 10.01 A CDE Inspection Site Certificate is required at each facility/location where annual inspections

for school transportation vehicles are performed.

- 10.02** The inspection site shall meet, or exceed, the following criteria to acquire and maintain an inspection site certificate.
- 10.02(a)** The inspection site shall be large enough to accommodate the vehicle, equipment, and tools necessary to perform the inspection.
 - 10.02(b)** The inspection site shall have a floor surface, or pad, adequate to safely support the maximum weight of the largest vehicle to be inspected.
 - 10.02(c)** The inspection site shall have adequate lighting and ventilation.
 - 10.02(d)** The inspection site or inspector shall, at the time of inspection, have the equipment, and tools necessary to properly complete the annual inspection.
 - 10.02(e)** The inspection site, or inspector, shall have tools designed and calibrated to take accurate readings of appropriate measurements, such as brakes and tires.
- 10.03** The operator of an inspection site shall submit a request for an inspection site certificate, on the CDE Application for Inspecting Site Certification Form (STU-22), that the above criteria have been satisfied.
- 10.04** The operator of an inspection site shall post the CDE Inspection Site Certificate at the inspection site.
- 4204-R-11.00 Annual Inspection**
- 11.01** School districts, charter schools, and service providers shall ensure all school transportation vehicles and trailers, pursuant to 1 CCR 301-26-R-13.11, have a CDE annual inspection conducted by a CDE certified annual inspector.
 - 11.01(a)** Recently purchased school transportation vehicles shall successfully pass a CDE annual inspection prior to transporting students.
 - 11.02** Annual inspection results shall be documented on the CDE Affidavit of Annual Inspection for School Transportation Vehicles Form (STU-25).
 - 11.02(a)** A copy of the current Affidavit is maintained inside the vehicle, and a copy is placed in the vehicle file.
 - 11.03** All annual inspection criteria of school transportation vehicles must meet, or exceed, manufacturer's specifications. The annual inspection shall be documented, and shall include at a minimum, all fields listed on the CDE Annual Inspection and Preventive Maintenance Requirements Form (STU-26).



- 11.04** All annual inspection criteria of trailers must meet, or exceed, manufacturer’s specifications, and shall include at a minimum, all fields listed on the CDE Trailer Annual Inspection and Preventive Maintenance Requirements Form (STU-27).
- 11.05** During the annual inspection, all four wheels shall be pulled for full inspection of the foundation brake system. The three exceptions are;
- 11.05(a)** School transportation vehicles with less than 4,000 miles since the previous annual inspection shall have two wheels (one front and one rear) pulled different than those pulled for the previous inspection.
- 11.05(b)** School transportation vehicles equipped with a retarder meeting the specifications outlined in 1 CCR 301-25-R-33.00, shall have two wheels (one front and one rear) pulled, which are different than those pulled for the previous inspection.
- 11.05(c)** Trailers, pursuant to 1 CCR 301-26-R-13.11, shall have 50 percent of the wheels pulled, different than those pulled for the previous inspection.

4204-R-12.00 Maintenance and Repair

- 12.01** School districts, charter schools, and service providers must ensure all school transportation vehicles are systematically inspected, maintained, and repaired to ensure that school transportation vehicles are in safe and proper operating condition.
- 12.02** School districts, charter schools, and service providers shall have a system to document preventative maintenance, reported defects and repairs made to school transportation vehicles.
- 12.03** School districts, charter schools, and service providers shall maintain separate files for each school transportation vehicle with documentation of all annual inspections, all preventative maintenance, and all reported damage, defects, or deficiencies, and the corresponding repair and maintenance performed.
- 12.04** Any identified damage, defect, or deficiency of a school transportation vehicle must be reported to the school district, charter schools, or service provider which;
- 12.04(a)** Could affect the safety of operation of the school transportation vehicle, or
- 12.04(b)** Could result in a mechanical breakdown of the school transportation vehicle, or
- 12.04(c)** Results in noncompliance with Colorado Minimum Standards Governing School Transportation Vehicles (1 CCR 301-25), and/or manufacturer’s specifications.
- 12.05** Documentation for reported defects must include all ~~of~~ the following;
- 12.05(a)** The name of the school district, charter school, or service provider.
- 12.05(b)** Date and time the report was submitted.

- 12.05(c) All damage, defects, or deficiencies of the school transportation vehicle.
- 12.05(d) The name of the individual who prepared the report.
- 12.06 Following a reported damage, defect or deficiency of a school transportation vehicle, school districts, charter schools, and service providers or a representative agent must repair the reported damage, defects or deficiencies, or document that no repair is necessary, ensuring that the vehicle is in safe and proper operating condition prior to transporting students.
- 12.07 School districts, charter schools, and service providers shall not transport students in a school transportation vehicle which is not in safe and proper operating condition. A school transportation vehicle shall be designated as “out-of-service” by a school district, charter schools, or service provider, a school transportation annual inspector or the CDE School Transportation Unit.
- 12.07(a) Exemption - Any school transportation vehicle discovered to be in an unsafe condition while being operated on the highway, roadway or private road may be continued in operation only to the nearest place where repairs can safely be affected. Such operation shall be conducted only if it is less hazardous to the public than to permit the vehicle to remain on the highway, roadway, or private road.
- 12.08 Following a school transportation vehicle being placed “out-of-service”, a school district, charter school, service provider or a representative agent must make required repairs, ensuring that the vehicle is in safe and proper operating condition prior to transporting students. In the event of being placed “out-of-service” during an annual inspection, the school transportation vehicle must successfully pass a CDE annual inspection prior to transporting students.
- 12.09 The preventative maintenance inspection on air drum brake systems shall include, at a minimum, that the brake rod travel has been measured and documented. The applied pressure method shall be used.
- 12.09(a) The inspection-interval shall not exceed 4,000 miles for buses equipped with a manual slack adjuster air brake system.
- 12.09(b) The inspection-interval shall not exceed 6,000 miles for buses equipped with an automatic slack adjuster air brake system.
- 12.10 The preventive maintenance inspection interval on air disc brake systems shall not exceed 6,000 miles and shall include, at a minimum; inspection and documentation of:
- 12.10(a) ~~Inspect~~ The pad thickness by checking the mechanical wear indicators.
- 12.10(b) ~~Inspect~~ The visible part of the rotors for cracks, excessive wear, damage, etc.
- 12.10(c) ~~Inspect~~ The running clearance. If the caliper has no movement or appears to move greater than the distances indicated by the manufacturer, then a full wheel removal inspection will be necessary.

- 12.11 The preventive maintenance inspection interval for hydraulic brake systems shall not exceed 6,000 miles and shall include, at a minimum, inspection, and documentation of;
- 12.11(a) Proper parking brake operation.
 - 12.11(b) Proper brake fluid level and clarity.
 - 12.11(c) Adequate pedal reserve.
 - 12.11(d) Proper hydraulic/vacuum assist operation.
 - 12.11(e) Visual inspection for brake fluid leakage.
- 12.12 If brake adjustment or repair is needed, the work shall be completed by, or supervised by, a DOT or equivalent, qualified brake inspector, meeting the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 396.25 (2015) (update). Only the Federal Motor Carrier Safety Regulations, adopted as of October 1, 2015 (update), apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.

4204-R-13.00 Operation of a School Transportation Vehicle

- 13.01 A school transportation vehicle shall not be operated in a manner which is unsafe, or likely to cause an accident, or damage of the vehicle.
- 13.02 A school transportation vehicle shall not be placed in motion on a roadway, highway, or private road with the passenger entry door/service door open.
- 13.03 A school transportation vehicle's headlights, or daytime running headlights, shall be activated while the vehicle is in operation.
- 13.04 A school transportation vehicle shall not be fueled while students are on board, except in instances when unloading the students would present a greater hazard or peril to their safety.
- 13.05 Use of tobacco products as defined in Section 18-13-121(5), C.R.S., use or possession of illegal controlled substances, use or possession of alcohol, and use or possession of marijuana, or cannabinoid product, except as otherwise allowed by law, aboard any school transportation vehicle, shall be prohibited at all times.
- 13.06 A school transportation vehicle operator shall not consume food unless the vehicle is stopped at a safe location with the park/emergency brake set.
- 13.07 When a school transportation vehicle is equipped with a roof mounted strobe lamp, the use of the strobe lamp is permitted only when the vehicle presents a hazard to other motorists, such as loading or unloading students in inclement weather, or to enhance visibility of the vehicle when

barriers inhibit such visibility.

- 13.08** A school transportation vehicle operator may use the strobe, in addition to the four-way hazard lamps, to warn other motorists that the vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less.
- 13.09** The school transportation vehicle operator shall use extreme caution when backing. Before backing on a roadway, highway, or private property, the horn or audible warning device shall be sounded, and four-way hazard lamps actuated, or there shall be a person outside the vehicle giving direction.
- 13.09(a)** Backing a school transportation vehicle when students are outside of the vehicle at a student stop is prohibited.
- 13.10** School transportation vehicles including Type A, B, C and D School Bus, Multifunction Bus, and Motor Coach Bus, shall not be operated with a trailer or other vehicle attached while students are being transported.
- 13.11** School transportation small vehicles, with the capacity of 15 or fewer passengers (counting the driver), may tow trailers while students are being transported to the extent that trailering is a necessary component of a **school district, or charter school** sponsored program.

4204-R-14.00 Authorized Passengers

- 14.01** Only **school district, or charter school, or service provider** personnel, students enrolled in a **school district, or charter school, or law enforcement officials, or individuals that have received prior authorization from the school district, charter schools, or service provider** may be passengers on any school transportation vehicle.
- 14.02** The number of passengers transported on any school transportation vehicle shall not exceed the maximum seating capacity of the vehicle. Small vehicle capacity shall not exceed the number of safety belts as designed by the vehicle manufacturer.
- 14.03** Passengers shall not be permitted to stand in any school transportation vehicle while the vehicle is in motion. This does not preclude authorized persons, (such as school transportation paraprofessionals), from completing their duties as required.
- 14.04** School districts, **charter schools**, and service providers shall consider the size of the passengers when determining the number of passengers that can safely occupy a school transportation vehicle seat.

4204-R-15.00 Safety Restraints

- 15.01** A school transportation vehicle operator shall have the safety belt fastened, worn correctly, and properly adjusted, prior to the school transportation vehicle being placed in motion.

- 15.02 All passengers in a school transportation vehicle under 10,000 lbs. GVWR shall have their safety belts fastened, worn correctly, and properly adjusted, prior to the school transportation vehicle being placed in motion.

4204-R-16.00 Transportation of Miscellaneous Items

- 16.01 A school transportation vehicle operator shall make a reasonable, and prudent determination that all carry-on items are properly handled to minimize the danger to all others.
- 16.02 All baggage, articles, equipment, or medical supplies, not held by individual passengers, shall be secured in a manner which assures unrestricted access to all exits by occupants, does not restrict the driver's ability to operate the bus, and protects all occupants against injury resulting from falling, or displacement of any baggage, article, or equipment. Oxygen cylinders secured to a wheelchair shall be ~~considered to be~~ in compliance with this subsection, provided they do not impede access to any exit.
- 16.03 All chemicals and cleaning supplies carried on a school transportation vehicle must meet the following precautions:
- 16.03(a) Container is non-breakable.
 - 16.03(b) Container is labeled with its contents.
 - 16.03(c) Pressurized aerosols are prohibited.
 - 16.03(d) Container is secured in a bracket, or in a closed compartment in the driver's area, or a compartment on the exterior of the bus.
 - 16.03(e) Containers and quantities of products must be no more than 32 ounces in size.
- 16.04 Interior-decorations shall not be located within the driver's area, (which includes the space in front of the front barriers, including the step-well, dash, walls and ceiling, the windshield, the entry door, the driver's side window, and all windows in front of the front barrier), the first two passenger windows on both sides of the vehicle, and all windows on the rear of the vehicle. Other decorations within the passenger compartment shall not;
- 16.04(a) Cover any required lettering.
 - 16.04(b) Impede the aisle or any emergency exit.
 - 16.04(c) Hang from the walls and/or ceiling.

4204-R-17.00 Maximum Driving Time for School Transportation Vehicle Operators

- 17.01 The school transportation vehicle operator, including small vehicle operators, shall not drive nor shall the school district, ~~charter school~~, or service provider permit or require an operator to drive;



- 17.01(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.
- 17.01(b) After being on-duty for more than 70 hours in any seven consecutive days.
- 17.02 In place of section 167.00 of these rules, the school district, **charter school**, or service provider may comply with the Federal Motor Carrier Safety Regulations, 49 CFR section 391.43 ~~(2015)~~. **(update)** Only the Federal Motor Carrier Safety Regulations adopted as of ~~October 1, 2015~~ **(update)** apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.
- 17.03 Definitions:
- 17.03(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.
- 17.03(b) Day - Means any 24-consecutive hour period beginning at the time designated by the school district, **charter school**, or service provider.
- 17.03(c) On-duty time - Includes all time worked for ~~any and~~ all employers, including all driving and non-driving duties.
- 17.03(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.)
- 17.03(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
- 17.03(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.
- 17.04 All school transportation vehicle operators shall document that they are in compliance with this section, hours of service.
- 17.04(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.

4204-R-18.00 Route Planning – Student Loading and Discharge

- 18.01** School transportation small vehicles, Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver) and School Buses (Types A, B, C, and D) may be used to transport students to and from school. Multifunction Buses Type B, C and D and Motor Coach Buses shall not be used to transport students to and from school.
- 18.02** The location of student stops shall consider factors including:
- 18.02(a)** Ages of the students.
 - 18.02(b)** Visibility.
 - 18.02(c)** Lateral clearance.
 - 18.02(d)** Student access.
 - 18.02(e)** Control of other motorists.
 - 18.02(e)(1)** Student stops for Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver), and school transportation small vehicles, should be located off-the roadway whenever possible.
- 18.03** School transportation vehicle operators shall stop at least 10 feet away from students at each designated stop. The school transportation vehicle operator shall apply the parking brake, and shift the vehicle into neutral ,or park, prior to opening the service door of a bus or passenger door(s) of a small vehicle.
- 18.04** The school transportation vehicle operator shall stop as far to the right of the roadway, highway, or private road, as possible before discharging or loading passengers, allowing sufficient area to the right, and front of the vehicle, but close enough to the right to prevent traffic from passing on the right, so students may clear the vehicle safely while in sight of the operator.
- 19.04(a)** Exception: The school transportation vehicle operator may block the lane of traffic when passengers being received or discharged are required to cross the roadway.
- 18.05** Student stops shall not be located on the side of any major thoroughfare whenever access to the destination of the passenger is possible by ~~the use of~~ using a road, or street, which is adjacent to the major thoroughfare.
- 18.06** If students are required to cross a roadway, highway, or private road, on which a student stop is being performed, they are prohibited from crossing a roadway, highway, or private road constructed, or designed, to permit three or more separate lanes of vehicular traffic in either direction, or with a median separating multiple lanes of traffic. This does not include crossing the roadway, highway, or private road, with the assistance of a traffic control signal, or with the assistance of a crossing guard.

- 18.07 Four-way hazard lamps shall be used on private property such as parking lots.
- 18.08 Alternating flashing red warning signal lamps shall not be activated within 200 feet of an intersection, if the intersection is controlled by a traffic control signal.
- 18.09 Routes shall be planned as to:
- 18.09(a) Eliminate, when practical, railroad crossings.
 - 18.09(b) Have stops be a minimum of 200 feet apart since alternating flashing amber warning signal lamps must be activated a minimum of 200 feet in advance of the stop on the roadway on which the bus stop will be performed.
 - 18.09(b)(1) Exception: Student stops located in areas where wildlife may create a high risk of threat to students' safety while they are waiting, and/or walking to a student stop, may designate student stops less than 200 feet apart upon detailed written approval by the school district board of education, or governing body of a charter school, and/or their designee. A copy of the written approval shall be kept in the school transportation office, and route operators shall be given written notice of the exception, and have it indicated on route sheets.
- 18.10 In determining the length of routes, school districts, charter schools, and service providers must make an effort to minimize student ride times while considering student educational needs, ~~and~~ ~~the~~ geographic boundaries, terrain, traffic congestion, and financial resources within the school district. A local board of education, or the governing body of a charter school, may establish a maximum student ride time.
- 18.11 Pursuant to Section 42-4-1903(2), C.R.S., school transportation vehicle operators are not required to actuate the alternating flashing red warning signal lamps on a school bus when the student stop is at a location where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary, and when discharging or loading passengers who require the assistance of a lift device, and no passenger is required to cross the roadway. Further, Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver), and school transportation small vehicles, do not have the functionality to control traffic. In these instances, the school transportation vehicle operator shall stop as far to the right off the roadway as possible to reduce obstruction to traffic, activate the four-way hazard warning lamps a minimum of 200 feet prior to the student stop, continue to display the four-way hazard warning lamps until the process of discharging or loading passengers has been completed, and deactivate the four-way hazard lamps before resuming motion. Students are prohibited from crossing any lanes of traffic to access the student stop or after disembarking.
- 18.12 School transportation vehicle operators shall not relocate a student stop without approval of the school district, charter school, or service provider.



- 18.13** School transportation vehicle operators of School Buses, Multifunction Buses, and Motor Coach Buses, whether transporting students or not, shall apply the following procedures during the process of approaching, stopping, and crossing railroad tracks:
- 18.13(a)** Activate the four-way hazard lamps not less than 200 feet from the railroad crossing to alert other motorists of the pending stop for the crossing.
 - 18.13(b)** Stop the bus within 50 feet but not less than 15 feet from the nearest rail.
 - 18.13(c)** When stopped, the bus should be as far to the right of the roadway as possible and should not form two lanes of traffic, unless the highway is marked for four or more lanes of traffic.
 - 18.13(d)** Use a prearranged signal to alert students to the need for quiet aboard the bus when approaching railroad tracks. Turn off all noise making equipment (fans, heater, radio, etc.).
- 18.14** After quietness aboard the stopped bus has been achieved, bus operators shall open the service door, and operator window. The bus operator shall listen and look in both directions along the track(s) for any approaching train(s), and for signals indicating the approach of a train.
- 18.14(a)** If the tracks are clear, the bus operator shall close the service door and may then proceed in a gear low enough to permit crossing the tracks without having to manually shift gears. The bus operator shall cancel the four-way hazard lamps after the bus has cleared the tracks.
 - 18.14(b)** When two or more tracks are to be crossed, the bus operator shall not stop a second time unless the bus is completely clear of the first crossing, and has at least 15 feet clearance in front, and at least 15 feet clearance to the rear.
 - 18.14(c)** Before crossing the tracks, the bus operator shall verify that there is enough space after the tracks for the bus plus 15 feet if it is necessary to stop after crossing the tracks.
- 18.15** School transportation vehicle operators of School Buses, Multifunction Buses and Motor Coach Buses are not required to stop at crossings only controlled only by a red, amber, green traffic control signal when it is in the green position, or when the crossing is controlled by a police officer, or human flag person, or when the crossing is marked with an official “exempt” sign placed on the railroad crossing light post or cross bucks post.

4204-R-19.00 Emergency Evacuation Drills

- 19.01** Emergency evacuation drills shall be conducted with students by all school transportation vehicle operators, and school transportation paraprofessionals, at least twice during each school year.
- 19.01(a)** One drill shall be conducted in the fall, and the second drill conducted in the spring.



- 19.01(b) Substitute and Multifunction operators of 16 or greater **vehicle** capacity (counting the driver)-~~vehicles~~, shall be trained how to conduct the emergency evacuation drills.
- 19.02 Students on school related events shall receive emergency evacuation instruction prior to departure.
- 19.03 School districts, charter schools, and service providers shall maintain records documenting that the required evacuation drills were conducted, and/or evacuation instruction was given.

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