

**West Virginia  
Department of Education**

**Manual of Operation and Procedures  
for Training of  
School Bus Operators,  
Trainers and Examiners**

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## Statement of Purpose

West Virginia Motor Vehicle Code, §17C-14-12 (a), School Bus Regulations, provides that, The West Virginia Board of Education by and with the advice of the motor vehicle commissioner shall adopt and enforce rules.....to govern the design and operation of all school buses....” The Executive Director of the Office of School Transportation (hereinafter, “State Director”), West Virginia Department of Education (hereinafter, “State Department”) serves as the liaison with county school systems in the implementation of this policy.

All school bus operator candidates shall be initially certified by the State Superintendent of Schools at the request of the county or the public institution seeking to regularly employ them. All school bus operators’ certification shall be renewed on an annual basis at the request of their current or intended employer for the upcoming school year.

The object of this manual is to provide operations and procedures to RESAs to insure safe, high quality bus operators for the students transported to the public schools in West Virginia. Included in the manual is the criteria for the application, training and certification of the trainees.

The West Virginia Department of Education retains the right to oversight of the program and at any time may request a review of any and all training and testing procedures.

Manual Committee  
June, 2013

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## **Application Process**

**Note: From this point forward applicant's name ON ALL FORMS must match (IE: No surnames)**

(The WVDE Application for School Bus Operator Certification / Form 126CSR99 can be found on page 269 in this manual.)

- Application must be completed in entirety.
- If applicant answers "yes" to questions #5 or #6, the required documentation must accompany application.
- Application shall be submitted with Form 7 (page 8-9 in this manual) to the WVDE in order to obtain the FBI/WVSP results.

## **Workforce WV Application Process**

To apply for a bus operator position through Workforce WV, use the following Web link:

<http://www.wvcommerce.org/business/workforcewv/>

## **Interview/Evaluation (to be conducted by county)**

- The county should perform the interview prior to any consideration for employment.
- The county should prepare interview questions pertinent to the role of the school bus operator, including but not limited to: current employment status, hours of availability (if employed), meeting of DOT hours of service requirement and physical limitations that may need to be addressed.
- Prior to completion of the interview process, the physical performance pre-exam shall be administered to determine if the applicant is eligible for training.

# PHYSICAL PERFORMANCE PRE-EXAM INSTRUCTIONS

## **Standard #1 – Exiting through emergency door.**

You will begin this test in the driver's seat, with your seat belt fastened. You must exit your seat, move down the aisle, and go out the rearmost floor-level emergency exit. There are 20 seconds provided to pass this standard – move at a reasonable speed, don't run and injure yourself. When you exit the bus, don't jump to the ground from a standing position – you could be injured. Instead, "sit and slide": first sit down in the exit door, put your hands on the door sill next to your hips, and carefully push yourself out of the bus to the ground.

## **Standard #2 – Climb and descend bus steps.**

To meet this standard you must walk up and down the bus steps three times in 30 seconds. You must use the handrail and turn around at the top of the stairs and come down facing forwards each time. Move at a reasonable speed and don't slip.

## **Standard #3 – Manually operate entrance door. (if the door is automatic the applicant is now standing on the ground and can perform this procedure now)**

You will be asked to manually open and close the entrance door three times in a row. If it is not a manually operated door, you must stand and open and close the door using the handle on the door

## **Standard #4 – Move quickly from throttle to Brake.**

You will be asked to move your foot from the throttle to the brake and back to the throttle ten times in ten seconds. This is the one standard that you really have to hurry to complete in the allotted time.

## **Standard #5 – Repeatedly hold clutch and/or brake pedals.**

This test requires you to depress the brake pedal fully (all the way to the floor) and hold it for three seconds. This must be done five times in a row. If you will ever need to drive a clutch-equipped vehicle you must take this portion of the test in such a vehicle and hold the clutch to the floor for the duration of the brake test. (If clutch is not present place left foot flat on floor).

## **Standard #6- Roof Hatch.**

To meet this standard you the applicant must take a roof hatch frame place it over your head and drop it over your shoulders down to your feet and step out of it

**Revised 04/08/13**

# Physical Performance Pre-Exam

WVDE 4/8/13

APPLICANT PHYSICAL PERFORMANCE PRE-EXAM			
LAST NAME	FIRST NAME	M.I.	APPLICANT SIGNATURE
STREET ADDRESS		CITY	
STATE	COUNTY	ZIP	
Enter time for timed standards. If a timed test is not completed enter "DNC" (Did Not Complete.)			
STANDARD #1	Emergency Exit	Time _____ (Driver seat and out exit in 20 seconds)	PASS FAIL
STANDARD #2	Bus Steps	Time _____ ( 3 trips up & down in 30 seconds)	PASS FAIL
STANDARD #3	Door	(Manually open and close entrance door 3 times)	PASS FAIL
STANDARD #4	Throttle to Brake	Time _____ (10 Throttle to brake cycles in 10 seconds)	PASS FAIL
STANDARD #5	Brake/Clutch	(Hold brake 3 seconds 5 times/Hold clutch throughout)	PASS FAIL
STANDARD #6	Roof Hatch		PASS FAIL
I certify that the above named applicant (check one):			
<input type="checkbox"/> has passed all 6 standards and <b>IS QUALIFIED</b> to proceed with training.			
<input type="checkbox"/> <b>IS NOT QUALIFIED</b> to proceed with training.			
EXAMINER'S NAME	SIGNATURE	DATE	

Revised April 8, 2013

## Fingerprinting (FBI / WV State Police)

15.2.5 All candidates for initial school bus operator certification shall be fingerprinted by the West Virginia State Police or its designee. The fingerprints shall be analyzed by the state police for a state criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation for a national criminal history record check.

- RESA or County designee (only) shall be responsible for registering applicant for fingerprinting through MorphoTrust USA (formerly L-1 Identity Solutions).  
<https://wv.l1enrollment.com/OpenNetworkPortal/spring/customer?execution=e1s1>

## Form 7 (Release of Information Form)

Form 7 (attached next) shall be submitted **with the application** to the WVDE in order to obtain the FBI/WVSP results.





Office of Professional Preparation  
 Building 6, Room 252  
 1900 Kanawha Boulevard East  
 Charleston, WV 25305  
 Phone: 304-558-7010  
 Fax: 304-558-7843

## Form 7—Release of Information

Social Security Number: \_\_\_\_\_

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

### Consent Agreement

For Purposes of Certification: I hereby request a record check be made to find any police record on the herein named individual and by submitting this request, I understand that the submitted information will be retained by the West Virginia State Police in the Automated Fingerprint Identification System. I certify that this is for official business and I am authorizing the WVDE to obtain any record found. I hereby authorize any representative of the WVDE bearing this release to obtain information from your files or other sources pertaining to my personal background including, but not limited to, academic, athletic, achievement, attendance, personal history, disciplinary action, medical, credit or any other records you may have regarding me. I hereby direct you to release such information upon the request of the bearer. This release is executed with the full knowledge and understanding that the information is for the official use of the WVDE. Consent is granted for the WVDE to furnish such information as is described above, to third parties in the course of the WVDE fulfilling its official responsibilities with regard to my application for certification. I hereby release you, the institution or establishment which you represent including its officers, employees, and related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family, or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any questions as to the validity of this release, you may contact me as indicated below.

Printed Full Legal Name \_\_\_\_\_

Current Address \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

### Verification of Notary Public

State \_\_\_\_\_

County \_\_\_\_\_

Taken, Subscribed and Sworn Before Me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires \_\_\_\_\_.

Signature of Notary Public \_\_\_\_\_

### Release of Information to County Board of Education

Check this box to release the results of the WV State Police criminal history background check to a county board of education for purposes of employment.

I understand according to W. Va. Code §18A-3-10, upon my written consent to the WVDE and **within ninety (90) days** of the State Police fingerprint analysis that the results of said analysis may be provided to a county board of education with which I am applying for employment without further cost to me. I understand that if I do not consent, I will have to undergo an additional state check for employment as per W. Va. Code §18-5-15c and I may be responsible for the cost of the background check.

**APPLICANT INITIAL HERE:** \_\_\_\_\_

### County Request for Criminal Identification Bureau Results

I verify that the individual identified below will be hired or has been hired by the

\_\_\_\_\_ County Board of Education. I am requesting that the results from the CIB be forwarded to this office if the applicant has undergone a background check for initial licensure within the last ninety days and has consented to their release.

Name of Individual \_\_\_\_\_

Social Security Number \_\_\_\_\_

Signature of Superintendent \_\_\_\_\_

Date \_\_\_\_\_

### Requirement

According to W. Va. Code §18-A-3-10, any applicant for an initial license issued by the West Virginia Department of Education (WVDE) shall be fingerprinted by the West Virginia State Police in accordance with West Virginia Board of Education Policy 5202 in order to determine the applicant's suitability for licensure. The fingerprints shall be analyzed by the State Police for a state criminal history record check through the central abuse registry and then forwarded to the Federal Bureau of Investigation (FBI) for a national criminal history record check. Information contained in either the central abuse registry record or the FBI record may form the basis for the denial of a certificate for just cause. The applicant for initial certification pays for the cost of obtaining the central abuse registry record and the FBI record. Upon written consent to the WVDE by the applicant and within ninety days of the state fingerprint analysis, the results of a state analysis may be provided to a county board with which the applicant is applying for employment without further cost to the applicant. Information maintained by the WVDE or a county board of education which was obtained for the purpose of the criminal history check is exempt from the disclosure provisions of chapter twenty-nine-B of West Virginia Code. Nothing in this section prohibits disclosure or publication or information in a statistical or other form which does not identify the individuals involved or provide personal information.

## Diploma/GED

15.2.2 The candidate shall have a high school diploma or a General Equivalent Diploma (hereinafter, "GED").

- Applicant shall provide a legitimate High School Diploma (or transcript) or GED.

## Medical Examiner's Report

(Medical Examiner's Report can be found as Appendix G of Policy 4336)

- Must be completed by medical examiner in entirety.

## DOT Drug / Alcohol Test

15.2.11. The candidate shall be subject to pre-employment drug testing for the use of certain controlled substances and alcohol as per all regulations of the U. S. Department of Transportation, the Omnibus Transportation Employment Testing Act (hereinafter, "OTETA").

- Pre-employment drug / alcohol testing for all prospective school bus operators is a requirement.

## DMV Driving Records Check

(The "request for driving records" form can be found as Appendix E of Policy 4336)

- Applicant must be 21 years of age with a minimum of three (3) years of driving experience.
- Applicant can have no more than 5 points on their DMV driving record.
- Report must reflect last five (5) years of driving record with the exception of an applicant that has less than five (5) years of driving experience.
- If applicant has resided in multiple states in the last 5 years, county will have to obtain DMV driving records from each state.

## CDL Verification

- Minimum Class B license with a "P" and "S" endorsements with no air brake restriction (**cannot be a CDL Instruction Permit for testing purposes**).
- Out of state applicants: physical address must correspond with address on current driver's license
- Link for CDL Manual online  
[http://www.transportation.wv.gov/dmv/Manuals/Documents/Manuals/WW\\_AAMVA.CDL%20Manual.9146-7-11.pdf](http://www.transportation.wv.gov/dmv/Manuals/Documents/Manuals/WW_AAMVA.CDL%20Manual.9146-7-11.pdf)

## Bus Operator Training Process

(The “WEST VIRGINIA SCHOOL BUS OPERATOR INSTRUCTIONAL PROGRAM MANUAL” is attached next)

- A minimum of 40 hours classroom instruction is required. This can be achieved through a combination of online and classroom training, including the WV School Bus Operator Instructional Program, School Training Solutions online program (25 hours available) (see Policy 4336, Sections 15 & 18 for other references to the online training instruction), first aid, CPR, (See Policy 4336, Sections 2.5.1, 5.5.2, and 15.2.9 for references to first aid/CPR) and State Board Policies.
- A minimum of 12 hours “behind the wheel” training with a certified trainer. Additional training may be needed.

## Review of Documentation

- All application process documentation(as available) shall be reviewed to ensure compliance with all State/Federal guidelines prior to beginning the training process. Special attention shall be given to expiration dates of FBI/WV State Police Background Check, Medical Examiners Report, Pre-employment Drug and Alcohol Testing, DMV Records Check ( 6 months expiration).
- **All documentation must be originals.**

# **WEST VIRGINIA SCHOOL BUS OPERATOR INSTRUCTIONAL PROGRAM**

**“WE DRIVE FOR EXCELLENCE”**

Classroom Edition  
Revised 2008

WEST VIRGINIA DEPARTMENT OF EDUCATION

Office of School Transportation  
Division of Student Support Services

# WEST VIRGINIA SCHOOL BUS OPERATOR INSTRUCTIONAL PROGRAM

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2008

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## FOREWORD

The transportation of students to and from school is a critical element of the educational process in West Virginia. More than eighty-five percent of West Virginia's students ride a school bus each school day.

Being the person having the direct responsibility for transporting students requires excellent driving skills, good health and physical condition, an understanding of child psychology and a dedication to the task that is, at times, above and beyond what is asked of the average school employee.

The primary objective of any school transportation system is to transport all students to and from school safely and efficiently. To achieve this goal, school bus operator trainees must be thoroughly instructed in the fundamentals and techniques of operating school buses, and the requirements of various school laws, state and county rules, policies and regulations.

At the completion of this training program, each school bus operator must exhibit a thorough knowledge of the content of this training program by successfully demonstrating proficiency both by the passage of a written examination and a driving skills examination. These elements, combined with a physical examination, drug and alcohol screening, criminal records screening, driving record screening and proper licensure, all combine to create a person who is properly equipped to be a school bus operator.

This latest revision of the training manual will enable West Virginia's school bus operators to move into the twenty-first century as among the best trained and qualified school bus operators in the nation. This enables our school transportation system to remain the safest form of transportation available to anyone, anywhere.

State Superintendent of Schools

## **SECTION A**

### **INTRODUCTION TO SCHOOL BUS OPERATOR ROLE AND RESPONSIBILITY**

OBJECTIVES

OVERVIEW YOUR RESPONSIBILITY

YOUR VEHICLE

STATE/COUNTY STANDARDS FOR OPERATOR SELECTION

REPORT FORMS



## **OBJECTIVES**

By the end of this unit, the students should be able to:

1. Describe the responsibilities of members of the pupil transportation system.
2. Be familiar with WV Code of Conduct - Policy 5902
3. Describe the requirements for selection of school bus operators.
4. Identify how emotional and physical characteristics affect the operator's tasks.
5. Identify proper reporting and recording procedures.

## **OVERVIEW:**

Before you get behind the wheel of a school bus, there is a great deal you need to know about yourself, your responsibilities and those with whom you work.

The transportation of passengers to and from school is a necessary part of an educational program. Competent school bus operators and standard operation of buses must be realized if a safe, efficient, and economical transportation program is to be realized.

Learning to drive a vehicle the size of a school bus is a difficult task, involving knowledge of related information, visual skills, judgments, decisions and accurate responses. The way in which you learn to perform this sort of task will have a marked effect on your on-the-job performance. You must learn to recognize hazards, understand defenses, and take prompt evasive action.

### **1. YOU ARE IMPORTANT**

It is evident that YOU, the school bus operator, are a very important person with a responsible part to play in our educational system. Your basic function is to provide transportation for passengers to and from school and as needed to complement the instructional program. It is important that this be done safely and efficiently. School bus safety involves much more than merely running a shuttle service. Efficient bus operation prevents accidents. If passenger transportation is to be efficient, it must be safe.

In most instances, you will be the first representative of the school system to meet the children in the morning and the last to see them at night. While the children are on the bus, their safety is in your hands. Passengers you transport will be as safe as you intend them to be. You can successfully accomplish this assignment and be respected and appreciated as a person who is performing a difficult and necessary service. You are in a position to have a large influence on a child's attitude toward school.

### **2. YOU ARE A MEMBER OF THE "SAFETY TEAM."**

Perhaps in no other area of education does a local board of education or school administrative staff, accept more responsibility for student life and welfare than during the mass movement of children in school transportation vehicles on the public highways, streets and roads of our state. It is absolutely essential that you provide adequate equipment and constantly strive to improve operational safety and efficiency. Most accidents result from errors in sight judgment and action on the part of the vehicle operator. You, as a member of the "safety team", are responsible to make every trip a safe trip.

## **YOUR RESPONSIBILITY:**

A professional school bus operator must accept responsibility. When you drive a bus load of children to school every day in all kinds of hazardous highway and weather conditions, you are charged with a grave responsibility. Just like a ship's captain or an airline pilot, precious human lives depend upon your experience, skill, judgment and attitude.

The vital link to safety, proper driver attitude, knowledge and skill is not just acquired, but must be developed through your interest in safe driving. Not only with intensive pre-employment training, but with continuing education activities, do you upgrade your ability to cope with the constantly changing driving environment. You must be constantly re-evaluating your driving technique.

Developing and maintaining safe driving habits requires consistent practice and periodic refresher courses. No one knows "the real you" as well as you do. Therefore, it is important that you honestly evaluate yourself to be sure that you are physically and mentally prepared for driving your bus.

1. You must be sufficiently rested to be free from fatigue.
2. You must be free from adverse effects of drugs, medication or alcohol.
3. Your personal appearance, grooming and language must be acceptable within your community.
4. You must exhibit the mature mental adjustment and emotional stability needed to cope with the unexpected, as well as, unusual situations.
5. You must have an interest in the welfare and needs of others.
6. You must be willing to display patience and understanding.

#### **YOUR EMPLOYER:**

Your employer provides your salary, benefits, a safe working environment (equipment) and establishes qualifications, policies, procedures and regulations for you to follow. The employer also provides supervision necessary to help you provide efficient transportation service within the scope of the established policies and procedures. You are depended upon for safe, efficient and economic operation of your vehicle and for an attitude and conduct that will enhance school, community and public relations.

#### **YOUR SUPERVISOR:**

Someone in your school system is assigned the responsibility of monitoring your performance as an employee. Your supervisor is another member of the "safety team" and is vitally interested in the safety of your riders as well as efficiency and economy of operation, and needs your cooperation. You must be prepared to:

1. Accept responsibility.
2. Accept authority.
3. Exhibit interest in employment continuously.
4. Carry out assignments completely and cheerfully.
5. Gain a working knowledge of written school policy.
6. Communicate with your supervisor.
7. Communicate and discuss problems of discipline, condition of bus, condition of highway, changing conditions of various stops for pick up and discharge of passengers, with your supervisor. The objective of routing buses is more than merely getting pupils to and from school. Of major importance is minimal risk to the pupils and efficient use of buses. Be alert for and discuss with your supervisor:
  - a. Unnecessary interference with traffic patterns and flow.
  - b. Possible pick up and discharge of pupils on home side of street.
  - c. Safest procedures when pupils must cross street, to or from bus.
  - d. Hazardous locations such as dangerous intersections, hills, curves.
  - e. Possible avoidance of railroad grade crossings.

#### **YOUR PASSENGERS:**

You should establish a positive relationship with your passengers. Your passengers conduct will depend a great deal on what you say or do.

1. You should greet passengers in a friendly manner.
2. You should use established discipline procedures.
3. You should realize that the average student wants to be treated fairly, equally and as an adult.
4. Most of your students desire recognition of their good traits and behavior.
5. You must maintain an authoritative, yet friendly relationship with all students.
6. You must use positive reinforcement of good conduct.

## **PARENTS:**

Parents are vitally concerned with the safety of their children and will be a positive force in assisting you with problems on the bus. Occasionally through lack of information or misunderstanding, some parents may react negatively. Learn how to properly inform and work with parents. Parents should realize that passengers are expected to sit and be reasonably quiet without causing a disturbance throughout the bus ride.

1. Your discussion concerning a school official or school policy with distraught parents should be done without malice.
2. You should not repeat rumors or idle gossip, but rather communicate facts to proper authorities.
3. You have a responsibility to parents to be on time, be courteous and be cooperative.
4. You shall exercise maximum safety by practicing and displaying good and proper driving skills at all times.
5. You should recognize when you need assistance from school officials in solving parent, passenger or driver conflicts.

## **YOUR FELLOW EMPLOYEES:**

The people with whom you work, usually desire the same courtesy and friendliness that you do. You can help to make their job, as well as yours, a rewarding experience.

1. Be courteous at all times.
2. Be helpful to other school employees.
3. Aid other drivers in checking out lights and use proper driving practices in the area of other buses.
4. Cooperate to promote a congenial working environment by refraining from personal attacks, but rather compliment good work and deeds.

## **YOUR VEHICLE:**

Your school bus is a special vehicle. It is an expensive and well designed machine with many special safety features to protect the children you transport. It is your responsibility to maintain your bus in a safe condition -- ready to do the job.

"School Bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

## **WARNING SIGNAL SYSTEM:**

8-light System: 17C-12-8(b), Code of West Virginia (b) "It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped or is slowing down to stop on any street or highway for the purpose of permitting school children to board or alight from said school bus."

- The 8-light system automatically takes care of activating the "red" flashing lights.
- The "amber" flashing lights must be properly activated at approximately 200 feet or 5 to 10 seconds prior to making the stop.
- The "stop arm" and "crossing control arm" should automatically activate with the "red" flashing lights, when using the 8-light system.

- It is the transportation system's responsibility to avoid unnecessary obstruction of traffic, by establishing loading zones off the main traveled portion of the highway whenever possible (with the approval of administration). In such cases the flashing warning lights are not to be used.
- When it is necessary for passengers to cross the roadway, while the bus is in the loading or unloading area, the bus shall stop in the proper traffic lane and activate the flashing warning lights.

### **USE OF HEADLIGHTS:**

WV Code 17C-15-2 - School buses are required to display headlights any time they are in operation on any road or highway.

### **YOUR PUBLIC**

Public relations is developing a positive opinion people have of us individually and as a part of our school system.

#### **1. COURTESY**

By the way you do your daily job, you each contribute favorably or unfavorably to public relations. The careful, courteous bus operator makes good impressions.

The careless, thoughtless operator leaves harmful impressions and creates traffic hazards. For example, if you weave in and out of traffic, you attract more unfavorable attention and more comment than the operator who observes proper lane usage and conforms to speed limits. One discourteous, irresponsible act reflects an unfavorable image on other members of the pupil transportation team.

You are important in the public relations picture. Give thought for a few moments to these facts:

- a. You represent your school system before the public.
- b. Your example is reflected in public opinion on school matters.
- c. While completing your daily route, you have more contact with the public than any other school group since:
  1. large numbers of student riders are involved.
  2. other highway users view the school buses.
- d. Observers expect proficient driving skills and take good performance for granted, and are usually quick to complain of poor driving.

#### **2. COMMUNICATION**

You should talk to the individual riders, explain requirements to them and secure their cooperation as a follow-up to group instructions. This type of communication between driver and passenger should be a constant activity. Help passengers to understand and voluntarily follow what is generally considered to be normal and proper behavior on the school bus.

Building desirable public relations is a continuous process. It depends much on the attitude each one brings to their work each day. The driver who is proud of his/her part will not intentionally hurt their system's reputation: he/she will add to it.

This sustains public relations -- the good opinion of the public and of fellow workers. The term "public relations" is misleading because it suggests good relations with only the public. But good relations within one's organization are essential, too.

Public relations begin with fellow drivers, teachers, principals, supervisors, the superintendent and board of education members. An organization whose members have mutual friendliness, interest and respect has met a major requirement of good public relations.

The public expects you to observe every law and safety practice in the operation of a school bus. Extending courtesies to other users of the streets and highways is a positive indicator of your dedication to the responsibilities of school bus operation and will be a tremendous influence for acceptance of the total school program by the public you serve.

### **ENFORCEMENT OFFICERS:**

You should consider enforcement officers part of the "safety team." Their job, as well as yours, is to assure safety on the highways. Their authority and experience may be invaluable to you. State Police and/or qualified State School Bus Inspectors may inspect your bus to assure that it is equipped and maintained for safe operation. This is an advantage and protection for you, as well as your passengers. Your full cooperation is required.

They will also assist you in enforcing the safety law requiring motorists to stop when the red flashing warning lights are in operation on your bus. Areas or locations where frequent hazardous operation of other motor vehicles endanger your passengers, will usually be promptly checked by enforcement officers when requested through your supervisor.

### **STANDARDS FOR SELECTION OF SCHOOL BUS OPERATORS:**

Federal standards for school bus operator selection are stated in general terms and serve as guidelines for state and local use.

West Virginia standards are stated in more detail. They are also more restrictive. Care has been exercised to avoid discrimination against any person or persons. The purpose of the added restrictions is to provide competent bus operators that are well qualified to offer safe and efficient transportation to our passengers.

You will be provided a copy of Policy 4336, West Virginia School Bus Transportation Policy and Procedures Manual. Your instructor will discuss the details of school bus operator qualifications as listed therein.

Many persons are selected as new school bus operators each year. School systems have the responsibility of hiring drivers based on their local recruitment and selection policies.

The goal in bus operator selection should be to provide the highest possible quality of transportation service. Each new school bus operator should be selected with the idea of improving the transportation system.

Few occupations involve a more urgent need for proper safety attitude than of driving a school bus. In addition to the responsibilities of professional driving, school bus operators must account for the well-being of the passengers daily entrusted to their care. School bus operators actually "hold the lives of the pupils in their hands." The many decisions that must be made each mile actually determine whether or not the pupils will arrive at their destination safely. Selection, training and motivation of bus operators must be designed to prevent accidents. Selection is the key to safety. With the right selection, training and motivation will be much more effective.

### **STATE SELECTION REQUIREMENTS:**

1. Must have had at least three year's driving experience as a licensed operator.
2. Must be free from communicable disease and meet all the established physical requirements.
3. Must meet certification training and testing and requirements.
4. Must submit a fingerprint for a pre-employment criminal records check.
5. Must pass a pre-employment alcohol and drug screen as required by the Omnibus Transportation Act of 1992.

## **REPORT FORMS:**

### **1. MONTHLY SCHOOL BUS SAFETY INSPECTION AND MAINTENANCE REPORT**

The items in this report appear to be self-explanatory and all items should be approved before the bus is operated. File this report each month with the county school transportation director. (This is a maintenance report and does not replace the daily pre-trip inspection.)

### **2. SCHOOL BUS ACCIDENT REPORT**

An accident is defined as: "If your bus bumps, touches or scrapes another vehicle or object so as to leave a mark on either the bus or the other object." A verbal report shall be made immediately, and a written report shall be made within 24 hours to the county transportation director of any accidents in which the bus or passengers have been involved. Give this report to your county transportation director in duplicate. The form should be helpful in determining safety standards in school bus operation in the future, in addition to showing that you have carried out your responsibility by making an official report of exactly what happened in so far as you are able to determine. In case of an accident involving serious injury to persons or property, solicit aid of the state police and county transportation director in preparing a detailed report. This report must bear the signature of the school bus operator and county transportation director.

### **3. SCHOOL BUS SUPPLY RECORD**

List amounts of supplies and dates they were used on your bus.

### **4. DAILY OPERATING SCHEDULE**

This form, for both morning and afternoon schedules should be completed as early as possible. All items should be filled in for every line used. If stops do not have names, you may assign names for the purpose of identification. Sufficient space should be provided for you to add stops if they become necessary. If, after the schedule is complete, a stop is added between stop 7 and 8, for example, the stop should be number 7a. Every stop should be listed. A copy of this Daily Operating Schedule should be posted in your bus for reference after this official schedule is approved by your county board of education or their authorized school official.

### **5. SCHOOL BUS SCHEDULE AND ENROLLMENT**

Bus Number: List the number that identifies your bus.

Operator: Give the full name of the operator regardless of the ownership of the bus.

Schools Served: List each school served and the number of trips to each school, beginning with the first school served and then continuing with the other schools in the order in which the schools are served in the morning.

Stop Number: List the bus stops in the order in which the bus stops to load passengers in the morning, beginning with Stop No. 1. Opposite the bus stop number you are to list the name of the stop. List all of the pupils below the bus stop name who board the bus at that stop. This procedure should be followed with each subsequent bus stop. It is suggested that you leave blank lines between bus stops to take care of late enrollments and transfers.

Passengers and stop names according to bus stops. List the passengers by bus stops in the morning schedule, leaving sufficient space to provide for all passengers on the bus route. Be sure to list the school as a bus stop, even though the school may be the end of the morning route. List each school at which the bus stops, giving the name of the school, the time of the bus stop, and the stop number.

Minutes on the Bus: Give the minutes each passenger is on the bus from the time they board the bus until they are unloaded at school. This time may be found by subtracting the time the

passenger gets on the bus, as shown by the time of the bus stop, from the time the passenger reaches the school they attend as shown by the bus stop at that particular school.

## **6. MISCELLANEOUS COUNTY REPORTS**

Local county reports may include, but are not limited to, reports and/or forms such as follows:

1. Pre-trip Inspection
2. Preventative Maintenance
3. Time Sheet
4. Extra Duty Assignments
5. Bus Shelter Reports
6. Emergency Evacuation Drill
7. Emergency Information Sheet
8. Discipline Report
9. Personal Data Sheet
10. Abbreviated Run Report
11. Fuel Data Sheet
12. Personal/Sick Leave Form



## **SECTION B**

### INTRODUCTION OF SCHOOL BUS OPERATION

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SHIFTING GEARS AND ACCELERATING

SECURING THE BUS

SCHOOL BUS INSPECTIONS

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## **OBJECTIVES**

By the end of this unit, the students should have:

1. Knowledge of Starting the Engine
2. Knowledge of the Clutch and Transmission
3. Knowledge of Securing the School Bus
4. Knowledge of Pre-Trip Inspection

## **OVERVIEW:**

This unit is to teach you the basic skills necessary to operate school buses safely and efficiently in transporting this most valuable cargo. To accomplish this, well-trained and safety oriented drivers are required.

An established comprehensive training program will teach you the procedures for basic driving skills and techniques, maneuvers, detecting hazards, potential hazards, appropriate driving techniques, positioning of the school bus and emergency conditions.

School bus operators hold the greatest responsibility of any other driver today. In past years, accidents involving school buses were caused by the school bus operators in approximately half of all accident cases. Those school bus operators did not follow procedures of driving fundamentals. Through practice, correct basic procedures will become a habit and will improve your performance as a school bus operator.

To be a good bus operator, you must position yourself in control; you must be able to reach and operate the controls in comfort and be able to see the areas all around the bus as part of the pre-trip inspection.

1. Adjust the seat so that all controls can be operated properly and are unobstructed.
2. Adjust (or check) all mirrors for optimum rear vision of traffic behind the bus, and for proper vision to both sides and across the front of the bus.
3. Fasten and adjust driver safety restraint (dsr), which is to be worn when bus is in use.
4. Go through shift pattern with clutch depressed, if bus make is unfamiliar.

Locate and check operation of all switches and controls:

1. windshield washer/wiper
2. master switch for flashing warning lights
3. heater and defroster fans
4. headlights and dimmer switch
5. marker lights
6. interior lights
7. other

Locate each instrument and dial on the dash panel and determine its function:

1. vacuum
2. air
3. amp
4. oil gauge
5. temperature gauge
6. fuel gauge
7. other

## **STARTING THE ENGINE:**

The procedure used in starting a bus engine must become a matter of routine. It must incorporate principals of safety and be performed in keeping with good engine preventative maintenance practices.

1. Set parking brake to keep bus from moving.
2. Depress clutch pedal to disengage engine, if transmission is manual.
3. Shift gear lever into neutral position.
4. Turn on ignition key to complete electric circuits.
5. Engage starter switch with clutch depressed and gear shift in neutral.
  - a. Use foot accelerator sparingly. Pumping will cause carburetor flooding.
  - b. Bus engines will vary widely in gasoline and diesel sensitivity; therefore, do not hesitate to ask the supervisor or bus mechanic for special techniques in starting a particular bus.
6. Warm up engine at fast idle; do not race the engine.
7. Check instruments to see that all are registering properly:
  - a. Ammeter registering in plus direction.
  - b. Oil gauge at middle of instrument.
  - c. Temperature gauge.
  - d. Fuel gauge registering full (or enough to complete run).
  - e. Vacuum gauge light is not on (for hydraulic brakes).
  - f. Air pressure gauge light and/or buzzer are not on (for air brakes).
  - g. Air pressure gauge(s) registering properly

#### **SHIFTING GEARS AND ACCELERATING:**

Gear shifting is a phase of bus driving which requires skill and practice. You must learn the best range of speed in changing gears upward and downward. You must shift the gears without losing your view of the road. Synchro-mesh transmissions have alleviated most of the gear clashing. Generally, buses are equipped with a four, five or six speed transmission.

1. Know the gear positions.
  - a. Check chart on lever knob or on dash.
  - b. Ask instructor, supervisor or mechanic.
2. Depress clutch pedal  
NOTE: Load and/or terrain shall dictate the appropriate gear necessary for take off.
3. Depress foot brake.
4. Release parking brake.
5. Release clutch gradually to friction point and hold. Release foot brake.
6. Depress accelerator. Hold point of clutch friction and slightly depress accelerator to increase the power to prevent stalling.
7. Release clutch.
  - a. Slowly and gradually release the clutch to the remainder of pedal travel and at the same time slowly and gradually increase the acceleration.
  - b. Remove foot from clutch pedal completely.
  - c. Pick up engine speed before shifting to higher gear.
8. Shift to next higher gear.
  - a. Depress clutch pedal and release accelerator.
  - b. Shift to next higher gear.
  - c. Release clutch smoothly but more quickly.
    1. To prevent loss of vehicle speed.
    2. Do not race the engine and slip the clutch.
  - d. Remove foot from clutch pedal.

- e. Proceed in this gear until proper vehicle speed is reached for shifting to next gear.
9. Repeat Step 8 procedures until the bus is in cruising gear.
- 10 Don't skip a gear in up-shifting or down-shifting as this causes undue engine and clutch wear.
- 11 Shift up or down as may be necessary to prevent engine lugging or excessive engine revolutions per minute (RPM).
12. In going down a hill, shift into the gear that would be used in going up the hill or one gear lower, before starting down grade with the same load.

### **SECURING THE BUS:**

You must be able to secure the bus so that it will remain stationary and well protected from unauthorized use. Follow these steps:

1. Set the parking brake.
2. Shift to low gear.
3. Check instrument for normal readings.
4. Turn off ignition and remove key.
5. Upon leaving bus, secure door.
6. Take safety equipment (fire extinguisher, etc.) to storage, if required.

### **SCHOOL BUS INSPECTIONS:**

You must inspect your bus. Safety is the most important and obvious reason. Inspecting your bus helps you to know your vehicle is safe. Such inspections will help insure the safety of the motoring public, you and your passengers. Federal and State laws, WV Department of Education and county rules and regulations require inspection by the driver. Federal, State and county inspectors also inspect your bus. This practice will also decrease the maintenance costs of transportation program. The few minutes you invest may pay rich dividends in the savings of lives and property, and could be a factor in your defense if a component or system malfunctions while the bus is in service.

There are three types of inspections you must perform:

1. Pre-Trip Inspection
2. During a Trip Inspection
3. Post-Trip Inspection

The most extensive of the three types of inspections you will engage in is the pre-trip inspection. During this inspection you should play like a detective, digging into every nook and cranny, investigating for evidence that your vehicle is either ready or not ready to transport passengers safely.

### **VEHICLE INSPECTION RESPONSIBILITIES:**

1. Follow a regular routine.
2. Inspect inside and outside.
3. Listen for telltale noises.
4. Test vehicle components.
5. Make adjustments.
6. Report defects.
7. Record the inspection.

### **THE MAJOR COMPONENTS INCLUDE:**

1. Under hood checks.
2. Outside walk around.
3. Drivers compartment.
4. Passenger compartment.
5. Outside checks.
6. Reporting and recording procedure.

**PRE-TRIP INSPECTION PROCEDURE:**

You do a pre-trip inspection before each trip to find problems that could cause an accident or breakdown. You should do a pre-trip inspection the same way each time so you will learn all the steps and be less likely to forget something. The following procedure should be a useful guide.

**SCHOOL BUS PRE-TRIP INSPECTION GUIDE**  
**WEST VIRGINIA DEPARTMENT OF EDUCATION**

**1. VEHICLE OVERVIEW:**

- a. Approach the bus and check general condition.
- b. Look for damage and vandalism.
- c. Looking for vehicle leaning to one side.
- d. Look under the engine and transmission for evidence of fresh oil, coolant, grease, or fuel leaks.
- e. Check for pipes, wires, hoses, etc. hanging under the vehicle.
- f. Check windshield for damage and appropriate stickers
- g. As you walk down the left side of the bus check the battery door for proper operation, check battery box for vandalism.
- h. Check the batteries for frayed wires and corrosion. Make sure the batteries and tray are secure.
- i. As you continue down the left side of the bus on to the rear of the bus check the area around the vehicle for hazards to vehicle movement (people, other vehicles, objects, low hanging wires, limbs, etc.)
- j. Check the rear door for vandalism and if it is not locked open the door and check inside the bus at the rear and under the seats for vandalism.
- k. Continue to the right side of the bus. Stop at the storage box and check the safety equipment for vandalism.
- l. At this time install your wheel chocks.
- m. Check for leaks & vandalism to the fuel tank. (Check fuel cap)

**2. ENGINE COMPARTMENT:**

- a. Check that the parking brake is on and the wheels are chocked. The bus keys in your possession.
- b. Open the hood and make sure that the safety latch, rod or cable are in the hold position.

**3. CHECK THE FOLLOWING:**

- a) Excessive oiliness or greasiness, missing or loose parts and frayed wires.
- b) Engine Oil Level:
  - 1) Check oil level making sure it is above the "ADD OIL" line.
  - 2) Be certain that the oil level is not overly full.
- c) Coolant Level:
  - 1) Look at the sight glass in the reservoir, or remove the radiator cap and check the fluid level. **NOTE: IF THE ENGINE IS AT OR NEAR OPERATING TEMPERATURE, DO NOT REMOVE THE RADIATOR CAP.**
  - 2) Check the radiator hoses and heater hoses.
  - 3) Check for cracked, worn, frayed hoses, secure couplings, rubbing components and listen for air leaks.

- 4) Check WATER PUMP for leaks, belt condition and tightness**
- d) Belts
  - 1) The belt (s) should not be frayed, no visible cracks, loose fibers, and no signs of wear.
  - 2) Check the belt(s) for proper tension. Push the belt (s) with your hand and if it deflects more than a 1/2" to 3/4" of an inch slippage is probably excessive.
- e) Air compressor:
  - 1) Check the mounting and belt condition, if equipped.
  - 2) Check the oil line (s) for leaks
- f) Automatic transmission:
  - 1) Check the fluid level.
- g) Windshield washer fluid
  - 1) Check fluid level
- h) Alternator:
  - 1) Check the mounting and belt condition.
  - 2) Look for loose wires and connections.
- i) Power Steering
  - 1) Keep the oil level above the "ADD OIL" line
  - 2) Check the belt for proper tension and condition, if equipped.
- j) Steering Box
  - 1) Look for missing nuts, bolts, cotter keys, etc.
  - 2) Look for power steering fluid leaks and damage to power steering hoses.
- k) Pitman Arm
  - 1) Look for missing nuts, bolts, cotter keys, etc. (looseness between the pitman arm and steering shaft)
- l) DRAG LINK:
  - 1) Look for missing nuts, bolts, cotter keys, (dust boots damaged or missing) etc.
- m) STEERING ARM:
  - 1) Look for cracks, dents and make sure the steering arm rotates.
- n) TIE ROD ASSEMBLY:
  - 1) Look for dents, cracks, missing nuts, bolts, cotter keys, (dust boots damaged or missing) etc.
- o) FRAME:
  - 1) Check for loose attachments, check for cracks and bent or broken cross members.
- p) SPRINGS:
  - 1) Look for broken or missing leaves. Look for shifted leaves that could come in contact with a tire, rim, brake drum, frame or body.



- 2) Look for cracked or broken spring hangers, broken, missing, loose or damaged bushings or bolts, loose or missing axle mounting parts.
- q) SHOCK ABSORBERS:
  - 1) Check bushings, mounting and for leaks.
- r) BRAKES:
  - 1) Check the **BRAKE CHAMBER**, for cracks, dents and it is securely mounted.
    - a. Check that the push rod is not bent or binding
  - 2) Check the **SLACK ADJUSTER**, for broken, loose or missing parts.
    - a. When pulled by hand, the brake rod should not move more than approximately one inch.
      - b. Check for pins and retainers
  - 3) Check the **BRAKE DRUM** for cracks or holes.
  - 4) Check inside wheel seal for leaks
- s) TIRES:
  - 1) Checks tread depth for a minimum of 4/32 of an inch on the front.
  - 2) Look for uneven wear, cuts, or damage to the tread or sidewalls. ( no retreads on the front)
  - 3) Check that the valve caps (shall be of the metal type) and stems are not missing or damaged.
  - 4) At least once a week, check for proper inflation with a tire gauge.
  - 5) When inflating, use manufacturing specification that is stamped on each tire.
- t) RIMS:
  - 1) Check for damaged or bent rims, no repair welds.
  - 2) No rust trails that indicate rim is loose on wheel.
- u) LUGS NUTS:
  - 1) Check that all lug nuts are present and not loose.
  - 2) No cracks at lug nut bolt holes
  - 3) Look for rust around the lug nuts. (which could indicate that the lug nuts are loose)
- v) HUB Cover:
  - 1) Check to see that the wheel hub seal is not leaking.
  - 2) If it has a sight glass, check that oil level is adequate
- w) MUD FLAP:
  - 1) Should be secure and not damaged.
- x) CLOSE AND LATCH HOOD:
- y) MIRRORS:
  - 1) Check physical condition, no loose bolts, no broken glass and securely mounted and etc.

## **DRIVER CHECK AREA:**

### **1. SAFETY EQUIPMENT:**

- 1) Check for a charged and a properly rated FIRE EXTINGUISHER. (ABC)
- 2) Check for proper date on inspection tag.
- 3) Check for red reflective triangles (THREE).
- 4) First aid kit, with 36 units and scissors.
- 5) Body fluid cleans up kit.
- 6) Seat belt cutter (full hand- replaceable blade within reach of driver).
- 7) Spare fuses.
- 8) Video securely fastened (if equipped).

### **2. WINDSHIELD:**

- 1) Check for current DMV AND DEPARTMENT OF EDUCATION stickers.
- 2) Check for cracks, dirt, illegal stickers and other obstructions to the drivers view.

### **3. INSIDE DOCUMENTATION:**

- 1) Rules and regulations, code of conduct, Proper registration and current schedule.
- 2) Check for condition and adjustment of sun visor (it should never be towards the driver).

### **4. TURN KEY ON AND CHECK:**

- 1) Horn, (high and low).
- 2) Windshield washers and wipers: (high, low and variable speed if equipped)
- 3) Heaters, defrosters & fans (high & low).
- 4) Dome lights.

### **5. ENGINE START CHECKS:**

- 1) Depress clutch ( if equipped)
- 2) Listen for unusual NOISES.
- 3) Check OIL PRESSURE GAUGE; should come up to normal within seconds after starting engine.
- 4) Ammeter should show a positive charge.
- 5) Voltmeter should approximately 14 volts.
- 6) Fuel; enough to make a trip.
- 7) Fuel/water separator indicator if equipped.

### **6. CHECK STEERING WHEEL:**

- 1) No more than (10) degree of play in wheel.

### **7. CLUTCH:**

- 1) Depress clutch and check for free travel and engagement (if equipped)

### **8. GEAR SHIFT:**

- 1) Check for smooth operation.

### **9. IN SEAT CHECK:**

- 1) Turn right signal and check indicator.**
- 2) Turn head lights on and activate high beam. (Check indicator)**

- 3) Turn clearance lights on.
- 4) Turn strobe light on.
- 10. CHECK OUTSIDE OF BUS:
  - 1) Right signal on side of bus, cowl and front of bus.
  - 2) High beam headlights.
- 11. PASSANGER AREA CHECK:
  - 1) Check stepwell light.
  - 2) Check hand rail mounting, make sure it securely fastened.
  - 3) Check steps and stepwell tread
  - 4) Check entrance door glass.
  - 5) Check service door controls. (close door)
  - 6) Activate (8) way lights and check indicators.
  - 7) Turn key on if it is off.
- 12. WALK BACK THROUGH CHECK:
  - 1) Check seats for loose, damaged bottoms, frames, front and back. Make certain seat bottoms are latched if equipped.
  - 2) Open rear emergency door and check for proper operation, instructions, buzzer and door stop/prop.
  - 3) Check right rear signal light.
  - 4) Check backup lights and listen for backup alarm.
  - 5) Check brake lights.
  - 6) Check rear amber lights
  - 7) Close emergency door.
- 13. WALK TOWARD FRONT OF BUS CHECK:
  - 1) Check back of seats.
  - 2) Check emergency windows for proper operation, latches, instructions and buzzers. ( make sure windows open fully)
  - 3) Check strobe light.
  - 4) Look for loose or foreign objects.
- 14. SET IN DRIVER SEAT CHECK:
  - 1) Turn left signal light on and check indicator.
  - 2) Turn head lights on low beam.
  - 3) Open entrance door activate 8 way red lights and check indicator light.
- 15. OUTSIDE CHECK: Right Hand side
  - 1) Check clearance lights, reflectors, lettering and numbers.
  - 2) Check storage box for chains, stretchers and wire for broken links.
- 16. DRIVE SHAFT:
  - 1) Make sure shaft is not bent or cracked.
  - 2) Couplings appear secure.
  - 3) Safety loops are in place.

17. Rear TIRES, INNER & OUTER:

- 1) Check tread depth, rear tires should not have less than 2/32 of an inch.
- 2) Check for uneven wear, cuts or damage to the side walls.
- 3) Check for missing or damaged valve (shall be of metal type) caps or valve stems.
- 4) Check tire at-least once a week for proper inflation with tire gauge. (if it is

necessary to inflate a tire use manufactures specifications that are stamped on the side of the tire.)

18. RIMS:

- 1) Check for a damage or a bent rim, no welding repairs.
- 2) Check for rust trails which would indicate a rim is loose on the wheel.

19. LUG NUTS:

- 1) Check that all lug nuts are present and not loose.
- 2) Check for rust trails around the lug nuts which would indicate they are loose.
- 3) Check for cracks around lug bolt holes.

20. AXLE SEALS:

1) There should no signs of leaking lubricants. (this includes the inside and outside seals)

21. SPACERS: If equipped

- 1) Check wheels for even spacing.
- 2) Check that tires are not touching one another.
- 3) Check for objects between tires.

22. BRAKES:

- 1) Check for damaged lining.
- 2) Check for sufficient lining. (minimum of 5/16 of an inch on rear & 1/4 of inch on front)
- 3) Check hoses for fraying or cracked and secure connectors
- 4) Check CHAMBERS for cracks, dents, and securely mounted.
- 5) Check that push rod is not bent or binding.
- 6) Is securely fastened to the slack adjuster.

23. SLACK ADJUSTER:

- 1) Check for broken, loose or missing parts (pins and retainers).
- 2) Check angle between push rod & adjuster arm.
  - a. Angle should be a little over 90 degrees with brakes released.
  - b. Angle should not be less than 90 degrees brakes applied.

24. DRUM:

- 1) Check for cracks, dents and holes.
- 2) Check for loose or missing bolts.

25. SPRING/AIR SUSPENSION:

- 1) Check for broken or shifted leaves.
- 2) Check the mounts, brackets, bolts, bushings, air bags if equipped.

26. SHOCK ABSORBERS:
  - 1) Check bushings and for secure mounting.
  - 2) Check for fluid leaking from shock.
27. MUD FLAP:
  - 1) Should be securely mounted and not damaged.
28. REAR BUS CHECK: Check for proper operation and condition
  - 1) Clearance lights.
  - 2) Red 8 way lights.
  - 3) Tail lights.
  - 4) Reflectors.
  - 5) License plate and light.
  - 6) Open emergency door. (Check outside lettering)
  - 7) Automatic chains. (If equipped)
  - 8) Check FRAME for:
    - a. Cracks or bends.
    - b. No loose, cracked, bent or missing parts.
    - c. Check springs, mounts, shock absorbers, and if equipped air bags.
29. DIFFERENTIAL:
  - 1) Check for leaks.
30. LEFT OUTSIDE CHECK: For proper operation and condition
  - 1) Check clearance lights, reflectors, & emergency window instructions.
  - 2) Mud flap securely mounted & no damage.
  - 3) Tires, rims, lug nuts, axle seals, & spacers.
  - 4) Brakes. (same as right side)
  - 5) Exhaust system.
    - a. Visible parts securely mounted
    - b. No separation holes or leaks.
  - 6) Check FRAME for:
    - a. Cracks or damage
    - b. Loose, cracked, bent, broken or missing parts.
  - 7) Check STOP ARM (SIGN) for:
    - a. Proper lights, wires and cables.
    - b. Air leaks and condition of boot.
    - c. Check sign for lettering and fading
31. FRONT OF BUS: Check for proper operation & condition of;
  - 1) Left turn signal.
  - 2) Clearance lights.
  - 3) Red 8 way lights.
  - 4) Low beam & park lights. (If equipped flashing head lights)

5) Crossing gate for proper condition, and deployment. (Check air boot for air leak and condition, Deployment speed should be appropriate as not to cause injury )

6) 4 way hazards.

32. ENTER BUS:

1) Check and adjust seat.

2) Check and adjust mirrors.

3) Check and fasten seat belt.

4) Check odometer and enter it on PUPIL TRANSPORTATION PRE-TRIP INSPECTION FORM.

AIR BRAKE CHECK (TEST):

(If Wheel Chocks have not been installed they must be installed at this time)

1) If it is necessary to start the engine to build air pressure make sure the park brake is set and transmission is in neutral (automatic or standard). Start engine and build air pressure to 120/125 PSI.

2) Turn engine off (if equipped with a standard transmission place transmission in low gear).

3) Turn KEY on. (Run Position)

4) Push park brake knob in. (release position)

5) After initial drop in pressure you should have no more than a 2PSI loss in (1) minute with foot off of service brake.

6) Apply service brake, after initial drop there should be no more than a (3) three PSI loss in one minute.

7) Pump the brake pedal (service brake) until low air pressure warning light and buzzer should activated by 60 PSI.

8) Continue to pump the brakes until the parking brake sets, (Knob pops out) at approximately 20 to 45 PSI.

9) Start engine and build air pressure up to approximately 60 PSI at which time the low air warning devices should go off.

10)Continue to build air pressure up until it reaches approximately 85 PSI.

11)The system should build air from 85 PSI to 100 PSI within 45 seconds at engine idle.

12)Continue to build air to 120/125 PSI at which time the governor should cut out and stop building pressure.

13)Checking the cut in/cut out pressure of the air compressor governor with engine at idle. Pump the bus air pressure down and the compressor should start building air at 90/100PSI and cut out (stop building air) at 120/125 PSI.

14)Turn bus off and remove keys from ignition and remove wheel chocks from wheel and put them in the storage box. Make sure that the park brake is set (Knob out) place the bus in gear and pull against the Park brake.

15) Test the service brake: release the park brake (Knob in), pull the bus forward at approximately (5) five MPH and firmly apply the service brake (foot pedal). (NOTE ANY PULLING TO ONE SIDE, UNUSUAL FEEL OR DELAYED STOPPING ACTION.)

If bus has passed all aspects of the test you are ready to begin your route.

## **SPECIAL NEEDS EQUIPPED BUSES WILL REQUIRE ADDITIONAL TRAINING**

### **DURING A TRIP INSPECTION:**

- a. Watch your gauges for signs of trouble.
- b. Use your senses (look, listen, smell) to check for problems.
- c. Bus drivers should stop at least every 2 hours or 100 miles (which ever comes first) and check:
  1. Tires, wheels, rims
  2. Brakes
  3. Lights
  4. Doors

### **POST-TRIP INSPECTION:**

- a. Check the tires, brakes, lights, and emergency signaling devices.
- b. Report any problems.
- c. Drivers are responsible for conducting a walk-through inspection of the school bus following drop-offs at each school and after the last delivery on each run segment. Prior to departing the bus for any length of time, a walk-through inspection must be conducted. The purpose of the walk-through inspection is to check on and under the seats for sleeping or hiding students and to identify any items that may have been dropped or left aboard the bus. Warning flag systems and/or electronic means may be used. Written policies and procedures should be in place for post-trip and post-run segment checks.
- d. If the vehicle is not equipped with a child minder a written verification of the operators examination of the interior of the bus for students, loose items and damage shall be completed.

**SECTION C**  
DRIVER FUNDAMENTALS  
CONTROLLING THE POSITION OF THE BUS  
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## OBJECTIVES

By the end of this unit, the students should be able to control the position of the bus by:

1. Estimating required space for the bus.
2. Observing the position of other vehicles
3. Making sure other drivers observe them.
4. Maintaining adequate separation between the bus and all other objects and pedestrians.

## OVERVIEW:

Beginning drivers too often learn to drive only under favorable driving conditions and probably with a lighter vehicle than a school bus. Then, when they have to drive a heavy bus under unfavorable road, light, traffic or weather conditions, they continue with the only driving practices they have learned and run into trouble.

Special or unusual driving conditions put special responsibilities on you. They lengthen the stopping distance or danger zone. Under unfavorable conditions, you must reduce vehicle speed merely to maintain the same margin of safety that you keep under favorable conditions.

You operate your bus over a variety of roads and under varied conditions. It is necessary to adapt your driving habits to the conditions under which you are driving. On poor roads, a considerable part of your attention should be devoted to getting through safely with the greatest degree of comfort to the passengers and without damaging the bus. On main highways, a large part of your attention should be concentrated on other traffic on the road. Know how the bus is going to respond on different types of roads and what the braking distance will be on different road surfaces -- under normal conditions and when rain, snow, or ice is present.

### Observing Procedures:

You must observe and be prepared to respond to other vehicles in the following situations:

1. When unusual noises occur.
2. Vehicles approaching from ahead.
  - a. Approaching intersections and interchanges.
  - b. Before attempting to pass.
    - c. When overtaking cars ahead.
    - d. Approaching parked cars.
    - e. When entering traffic.
  3. Vehicles following from behind.
    - a. General.
    - b. When changing lanes.
    - c. When preparing to pass.
    - d. When leaving traffic.
    - e. When entering traffic.
    - f. At intersections and interchanges.
    - g. When slowing and stopping.
  4. Cross traffic.
  5. Other road users:
    - a. 12-15 Second Rule - look 12-15 seconds down the road.
    - b. **S-I-P-D-E Process** -
      1. **Sense** - center scan-check instruments and mirrors.
      2. **Identify** - where, when, how, relating to senses.
      3. **Predict** - ability and process assumption.

4. **Decide** - determine action to be taken.
  5. **Execute** - behavior action taken.
- c. Commentary driving - say aloud what you see.  
National Safety Council
1. Recognize the hazard
  2. Understand the Defense
  3. Act correctly in time

#### Being Observed:

Make sure that you are observed by other drivers and road users through the following:

1. Use of brake lights when slowing or stopping.
2. Use of turn signals when changing lanes.
3. Use of lights, horn and appropriate acceleration when passing.

#### Separation:

You must maintain adequate separation -- a safe margin of space between your bus and other vehicles as follows:

1. Longitudinal separation
  - a. following distance
  - b. overtaking
  
2. Lateral separation
  - a. passing
  - b. being passed
  - c. approaching oncoming vehicles
  - d. approaching parked vehicles
  - e. approaching turning vehicles
  - f. approaching other road users

#### **OBSERVING PROCEDURES:**

**You must be able to respond to specific AUDITORY CLUES for the environment (which includes other traffic, pedestrians, and animals) in order to drive safely.**

- a. Attempt to identify the sources of unusual sounds, including sounds of emergency vehicles, screeching tires, horns and whistles, (trains, etc.).
- b. Look in the direction of the noise, using the mirrors to help locate the sound.
- c. Note whether the noise is continuous or intermittent or whether its intensity is increasing or decreasing as an indication of whether the source of the sound is approaching or leaving, or completely irrelevant to the intended path of your bus.
- d. Audibility may be improved by opening the window. In addition, to improve the detection of warning signals, minimize passenger noise level within the bus.

#### **Always Observe Vehicles Ahead**

- a. When negotiating intersections:
  - Observe the oncoming traffic for an indication of a left turn.
  - If turning left, check to make sure that the oncoming traffic has not anticipated a green light.

- b. Look ahead and note indications of vehicles leaving parking spaces by:
  - Observing the vehicle driver's hand signals or activated directional turn signals.
  - Noting the vehicle's lighted back-up lights or brake lights.
- c. Observe other traffic when negotiating a safe exit from parking spaces.
  - If parked at an angle and backing out, check the traffic behind and the vehicles to each side of traffic behind and the vehicles to each side of the bus.
  - If parked at an angle and exiting facing a traffic lane from a perpendicular space, check the traffic to both sides of the front of the bus.
  - If parallel parked and a parked vehicle is ahead, check for traffic before entering the roadway.
- d. Observe the vehicle ahead and do not pass if the lead vehicle is:
  1. Signaling or otherwise indicating a left turn.
  2. Changing lanes preparing to pass.
  3. Weaving or Wandering ( In this case, sound the horn or flash the headlights to alert the driver of the lead vehicle. If the weaving does not cease, wait until you can pass with at least one-half lane separation.)
  4. Decelerating suddenly.
  5. Passing children, cyclists or animals.
  6. Being passed by another vehicle. (In this case, wait until the lead vehicle has been passed, your view of the road ahead is clear and an acceptable gap is present.)
- e. Adjust your speed to changes in the speed of the lead vehicle.
- f. Watch for slow-moving vehicles on a long or steep upgrade and downshift. (Some states require vehicles going less than 40 mph to use their emergency flashers.)
- g. Check the traffic to the front and rear when entering traffic.
  1. Yield to the rear-approaching traffic.
  2. Look for a suitable gap in the traffic.
  3. Note the vehicle that you plan to enter behind and activate the turn signal as the vehicle passes.
- h. Observe vehicles behind in order to drive safely. In general, you should be able to react appropriately to being followed.
  - Make smooth gradual stops and observe the roadway and traffic ahead to anticipate stop requirement.
  - Check mirrors frequently to assess the traffic situation behind.
  - Watch for tailgating vehicles and for the following vehicles directional signals indicating an intent to pass.
- i. Look for rear-approaching traffic in the new lane when deciding to change lanes. You should:
  - On multi-lane roads, look for vehicles about to enter the new lane from the far adjacent lane.
  - Check all mirrors to observe vehicles passing in the new lane, following vehicles closing fast from the rear in the new lane, and following vehicles about to enter the new lane.
- j. When approaching an upgrade, check the traffic for trucks or other heavy vehicles that may be "highballing", i.e., approaching a long or steep hill with excessive speed.
- k. When negotiating a downgrade, periodically observe the traffic behind for vehicles which may be accelerating excessively.
- l. Observe the traffic ahead and from the left and right when approaching and traversing intersections.

- Watch for vehicles which are close and fast approaching the intersection and decelerate or stop to permit those vehicles to clear the intersection.
- Watch for vehicles approaching from the left and signaling a right turn. Prepare to enter the intersection only after the vehicle has begun the turn.
- If your vision is obscured (e.g., by buildings, trees, parked, vehicles, etc.), stop at the intersection and edge forward slowly.
- m. Observe other traffic when moving with traffic.
  - Scan the traffic situation and the roadway on tour well ahead, in addition to watching vehicles surrounding the bus.
  - Periodically observe vehicles in adjacent lane(s) in case that lane is needed for maneuvering or passing.
- n. Observe pedestrians and animals in order to drive safely.
  - Watch for pedestrians or animals entering the roadway from the front of or between parked vehicles.
  - Watch for pedestrians near intersections, crosswalks, and school crossings. Decelerate and proceed cautiously if pedestrians are near.
  - When stopped at intersections and noting pedestrians waiting to cross with large or heavy objects, remain stopped to allow the pedestrians to proceed.
  - Watch out for animals (domestic and wildlife) in the roadway
- o. When in danger of striking a pedestrian or cyclist, check the traffic for space to take evasive action and reduce your speed.

Add here any particular observation techniques you find useful and include other things to observe that are pertinent in your area if they aren't covered in this section.

Now you'll practice observing, being observed, and maintaining separation while actually driving on the road. Your instructor will describe the planned route and review the Commentary Driving Technique by the following planned exercises.

### **MAKING SURE YOU ARE OBSERVED:**

You must be able to utilize signaling devices and technique to ensure that other drivers are aware of your intentions and to warn other drivers of potential hazards.

1. Signal appropriately to traffic behind you under the circumstances indicated:
  - a. Signal your intention to decelerate or stop, by using brake lights
    - When determining the suitability of a parking space.
    - When preparing to park parallel or to exit from a parking space.
    - When parking at an angle.
    - In response to the actions of the vehicles ahead.
  - b. Signal your intention to change lanes or direction, by using directional turn signals well in advance.
2. Signal your intention to pass:
  - To the lead vehicle -- by flicking your headlights at night or by sounding the horn.
  - To traffic following -- by activating the left turn signal well in advance of initiating the passing procedure.
3. Signal appropriately your intention to turn, using directional signals:
  - When leaving a parallel parking space to enter traffic.
  - When leaving traffic.
  - At intersections at the appropriate time.
  - When approaching and entering an off-ramp without a deceleration lane.

- When leaving an off-street area facing traffic.
  - When preparing to change lanes or direction.
4. As a warning to other drivers tap the brake pedal lightly to signal to the following traffic (and to reduce speed)
    - If the lead vehicle changes speed.
    - If an oncoming vehicle starts across the center line.
  5. Flash headlight beams or sound the horn
    - To signal an oncoming vehicle that he has crossed the center line.
    - When the occupants of a parked car are about to exit on the roadway side.
  6. Sound the horn
    - When passing a stopped vehicle in the roadway.
    - When approaching the crest of a hill on a narrow road, in order to alert oncoming vehicles.
    - To alert animals (domestic and wildlife) in the roadway of the school bus's approach.
    - When in danger of striking a pedestrian or cyclist.

### **STEERING AND TURNING:**

To be classified as an expert driver, you must be able to assume the correct steering position and make all the turning maneuvers correctly and smoothly. Learn the correct procedures necessary to prepare for the turn, make the turn, and re-enter the traffic pattern. When you're confronted with an unusual turn or turnaround, turn with extreme caution. Today's speed limits and the super-highway systems upon which the school buses may travel, forces you to use added skills and judgment in making turns properly and safely.

1. Steering positions
  - a. Grip the steering wheel with both hands.
  - b. Hands shall be positioned on opposite sides of the steering wheel.
  - c. Hands on outside of steering wheel and thumbs on top or outside of wheel.
2. Use your eyes. Be continually aware of the entire area around your bus.
  - a. Eyes should be constantly on the move to obtain the "big picture".
  - b. Look ahead; use left side, right side and mirrors.
  - c. Scan mirrors every 3 to 5 seconds.
3. The push-pull steering method is recommended for minor steering corrections.
4. Hand over hand method may catch thumb in clothing, safety chain on wrist watch, bracelets, etc., which are hazards to steering.

### **Preparing for Turns**

Good signaling is very important to the safe operation of the school bus.

- a. Check traffic to the front and rear of the bus.
- b. Give proper signal to move vehicle into proper lane.
- c. Switch on turn signals 100 or more feet ahead of turn.
  - Signal early, signal continuously and cancel signal after turn.

### When making right turn.

- Give proper right turn signal
- Reduce speed and downshift to proper gear needed to execute turn
- Position bus in right lane.
- Check for clear right of way ahead and behind the school bus, using both outside mirrors

Execute the turn.

- Make turn smoothly without strain on the engine.
- Brake to a safe speed and down shift before entering the turn. Never shift gears during a turn.
- Check right mirror while executing turn.
- Enter the right most lane available and check turn signal for cancellation.
- Steer wheel back into position -- do not let steering wheel spin wheels back into position.

NOTE: Avoid "sharp" right turns.

When making left turn.

- Give proper left turn signal.
- Reduce speed and downshift gear.
- Position bus to the left edge of the lane.
- Check for clear right of way in front of school bus and behind using both outside mirrors
- If it is necessary to stop, keep front wheels straight and brake pedal depressed.
  - a. Prevents drifting and activates stop lights.
  - b. Prevents being shoved into line of approaching traffic if struck from the rear.

Execute the turn.

- Drive into the intersection, make turn smoothly and without strain on the engine.
- Check left mirror while executing turn.
- Never shift gears in a turn.
- Enter the highway in the left-most lane available and check turn signal for cancellation.

After completing the left turn upon multiple lane highways pick up speed, activate right turn signal and move into right hand lane as soon as reasonably possible.

Making a turnaround.

- Give brake signal well in advance of turnaround.
- Stop bus one bus length ahead of road to be backed into.
- Check traffic front and rear. Visibility should be 500 feet in either direction.
- Have traffic move around bus if possible.
- Back into roadway or driveway using mirrors.
- Re-enter roadway, with caution, checking traffic.

### **BACKING IN A STRAIGHT LINE:**

You must be able to back straight into a given space without allowing the bus to scrape or hit stationary objects.

1. Stop bus in correct position to back.
2. Using mirrors, check that way is clear.
3. Put transmission in reverse.
4. Using mirrors, back slowly and smoothly in a straight line.
5. Stop at desired point without hitting any object.
6. Be positive no pedestrians are in area into which you will be backing.
7. An expert driver must be able to skillfully back the bus when absolutely necessary. However, never back the bus when there is an acceptable alternative.

### **BEING OVERTAKEN AND PASSED:**

1. When there is no possible hazard:
  - stay in right hand lane

- maintain speed
2. When another vehicle is also approaching from the opposite direction creating a hazard for the vehicle trying to pass you:
    - Slow bus to allow vehicle to safely pass before oncoming vehicle reaches you, or move to parking lane or leave roadway if it seems that passing vehicle can't complete the pass before oncoming vehicle reaches you.
  3. When on a narrow road, following traffic is built up, and a regular stop is not coming up soon:
    - Pull to side of road (if possible) using right turn signal and stop.
    - Allow vehicles to pass.
    - Activate left turn signal.
- Resume position on road and continue run.

### **OVERTAKING AND PASSING:**

Usually, you won't have to overtake and pass other vehicles, but when it's necessary, follow these steps:

1. Using mirrors, check that the traffic following the bus is clear for passing.
2. On a two lane road, check that there is no on-coming traffic and check traffic signs and markings to determine if passing is allowed.
3. Activate the left turn signal well in advance of passing.
4. When clear, pull smoothly into passing lane.
5. Deactivate left turn signal.
6. Move smoothly past the vehicle at a safe speed.
7. Activate right turn signal.
8. Move back into right lane when at least 1 1/2 bus lengths ahead of passed vehicle.
9. Deactivate right turn signal.
10. Maintain safe speed.

AS AN EXTRA CAUTION: Signal your intention to pass -- to the lead vehicle -- by flicking headlights at night or by sounding the horn:

DO NOT PASS if the lead vehicle is:

1. Signaling or otherwise indicating a left turn.
2. Changing lanes preparatory to passing.
3. Weaving or wandering - in this case, you may sound the horn or flash the headlights to alert the driver of the lead vehicle, and if the weaving does not cease, wait until you can pass with at least one-half lane separation.
4. Decelerating suddenly.
5. Passing children, cyclists or animals.
6. Being passed by another vehicle - in this case, wait until the lead vehicle has been passed, your view of the road ahead is clear and an acceptable gap is present.

### **STOPPING AND PARKING A BUS:**

Stopping a school bus smoothly and within the limits of safety is another sign of expert driving. As a good operator, you have the vehicle under control at all times and know that braking distances increase greatly as the speed and weight of the bus increases. With an ideal reaction time of 3/4 of a second, you must realize that at 20 mph the average stopping distance is 62 feet, and at 40 mph the stopping distance is 209 feet (more than three times as great).

The skillful operator also knows that by using correct stopping procedures, the maintenance costs on the braking system will be less.

Stopping when in a low gear or 10 mph and less.

- a. Release accelerator and depress clutch pedal.
- b. Apply brakes gradually by increasing pressure.
- c. Reduce brake pressure slightly, but not completely just before coming to a stop to prevent jerking.
- d. Shift gear lever into neutral position.
- e. Release clutch and remove foot from pedal.

Stopping when in cruising gear.

- a. Release accelerator and depress brake pedal.
- b. When proper mph is obtained for any gear, downshift to next lower gear.
  - Will reduce heat build-up.
  - Will reduce excessive brake wear.
- c. Downshift can be very effective and smooth.
  - Third gear of 5-speed transmission.
  - Second gear of 4-speed transmission.
  - Parking the bus.
- d. Shift lever into low gear to provide maximum braking power by the engine.
  - Turn wheels into curb.
  - Turn off ignition and remove ignition key.
  - Release clutch and take foot off pedal.
  - Set parking brake (parking brake may freeze in wet cold weather).



## **RAILROAD CROSSINGS:**

Many accidents could be eliminated through planned safety procedures for crossing railroad tracks. Learn these procedures and practice them until they become automatic actions.

Chapter 17C, Article 12, Section 3 West Virginia Code:

"Certain vehicles must stop at all railroad grade crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, or of any vehicle owned by an employer which, in carrying on such employer's business or in carrying employees to and from work, is carrying more than six employees of such employer, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

Crossing railroad tracks represents one of the greatest hazards insofar as mass casualties and fatalities are concerned. STOP, LOOK, and LISTEN. All school buses loaded or empty should stop for railroad crossings as a matter of safety if not a matter of law.

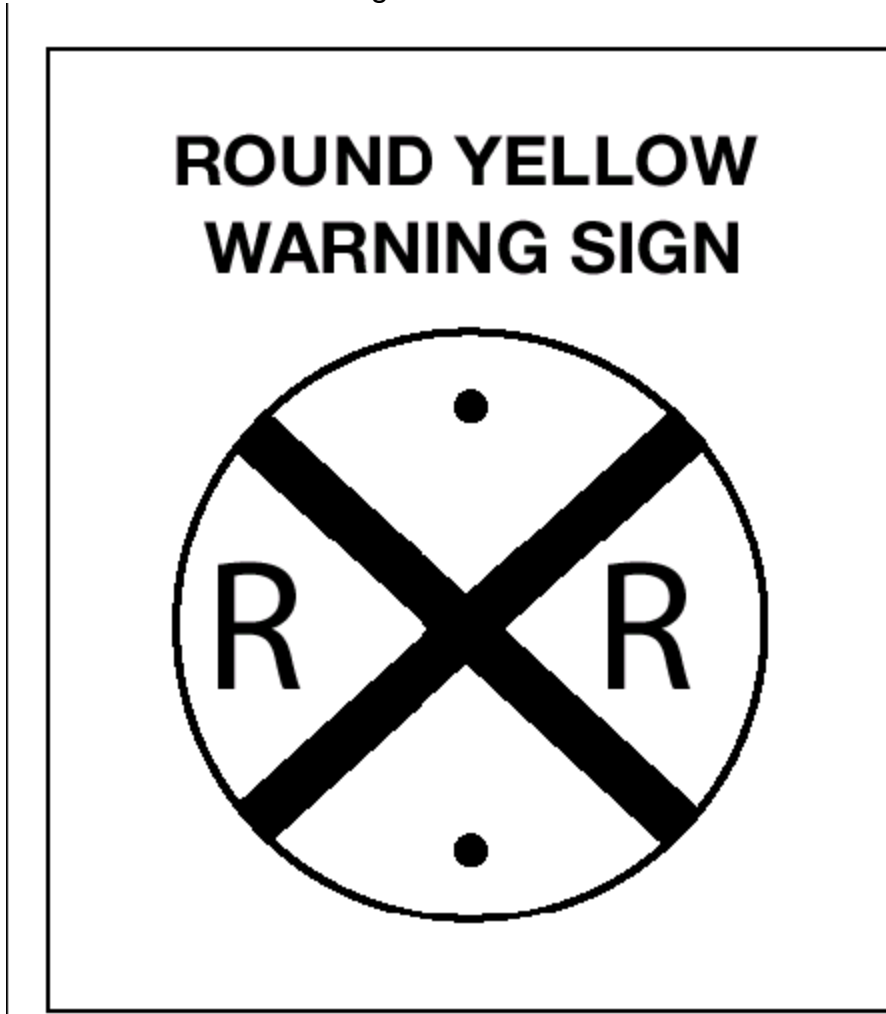
### **Railroad-highway Crossings**

**Types of Crossings Passive Crossings.** This type of crossing does not have any type of traffic control device. You must stop at these crossings and follow proper procedures. However, the decision to proceed rests entirely in your hands. Passive crossings require you to recognize the crossing, search for any train using the tracks and decide if there is sufficient clear space to cross safely. Passive crossings have yellow circular advance warning signs, pavement markings and cross-bucks to assist you in recognizing a crossing.

**Active Crossings.** This type of crossing has a traffic control device installed at the crossing to regulate traffic at the crossing. These active devices include flashing red lights, with or without bells and flashing red lights with bells and gates.

**Warning Signs and Devices**

**Advance Warning Signs.** The round, black-on yellow warning sign is placed ahead of a public railroad-highway crossing. The advance warning sign tells you to stop, look and listen for the train. See Figure 10.5.



**Figure 10.5**

**Pavement Markings.** Pavement markings mean the same as the advance warning sign. They consist of an “X” with the letters “RR” and a no passing marking on two-lane roads.

There is also a no passing zone sign on two-lane roads. There may be a white stop line painted on the pavement before the railroad tracks. The front of the school bus must remain behind this line while stopped at the crossing. See Figure 10.6.

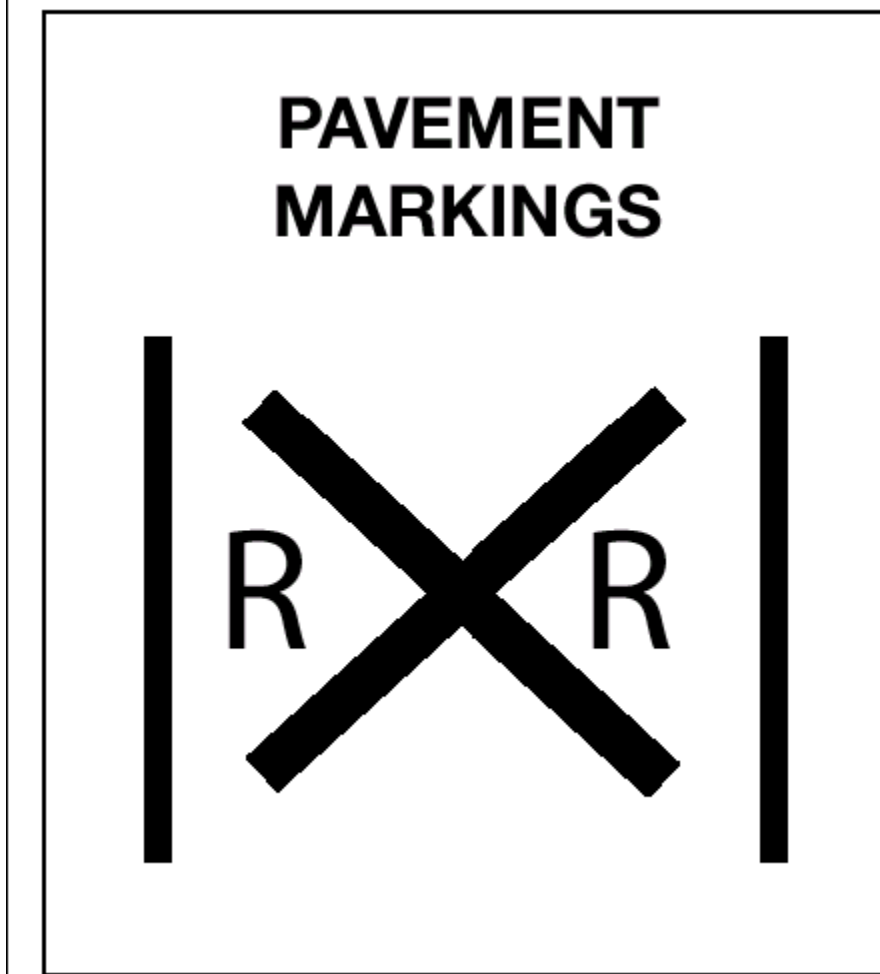


Figure 10.6

**Crossbuck Signs.** This sign marks the crossing. It requires you to yield the right-of-way to the train. If there is no white line painted on the pavement, you must stop the bus before the crossbuck sign.

When the road crosses over more than one set of tracks, a sign below the crossbuck indicates the number of tracks. See Figure 10.7

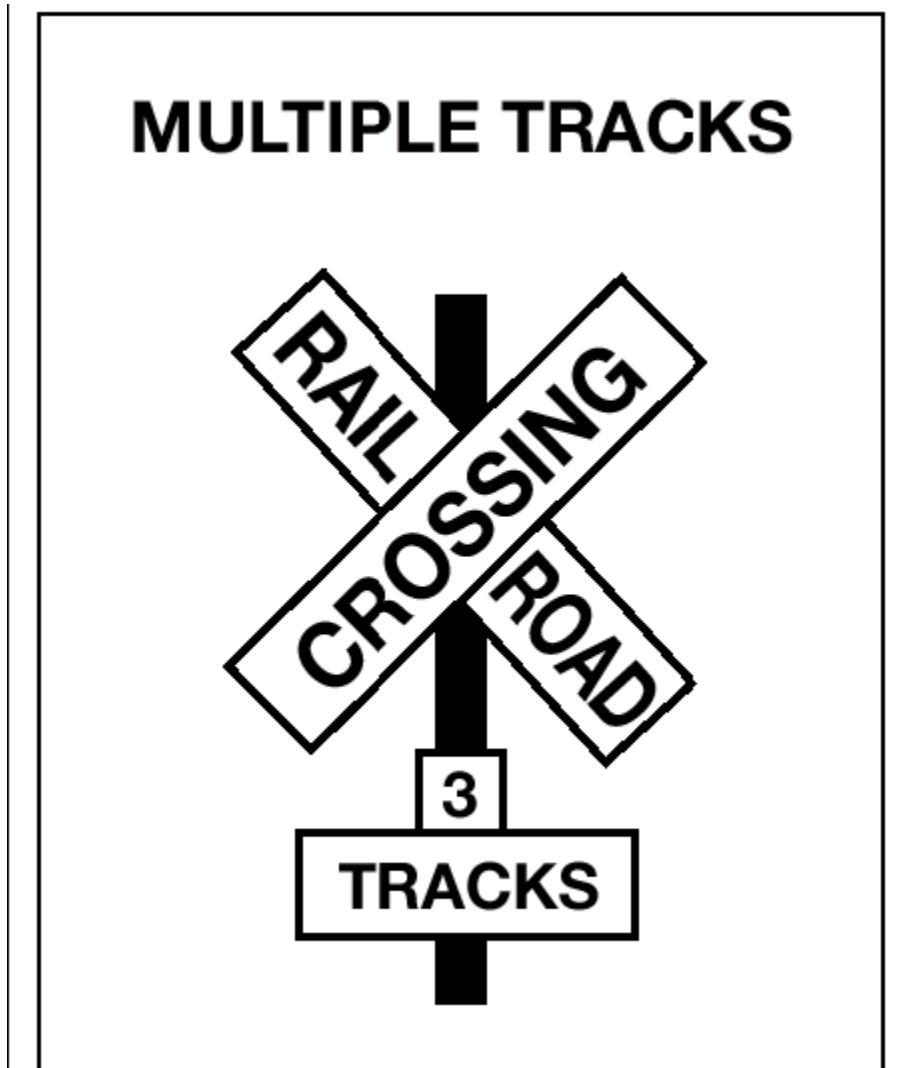


Figure 10.7

**Flashing Red Light Signals.** At many highway rail grade crossings, the crossbuck sign has flashing red lights and bells. You are required to stop! A train is approaching. You are required to yield the right-of-way to the train. If there is more than one track, make sure all tracks are clear before crossing. If the gate stays down after the train passes, do not drive around the gate. Instead, call your dispatcher. See Figure 10.8.

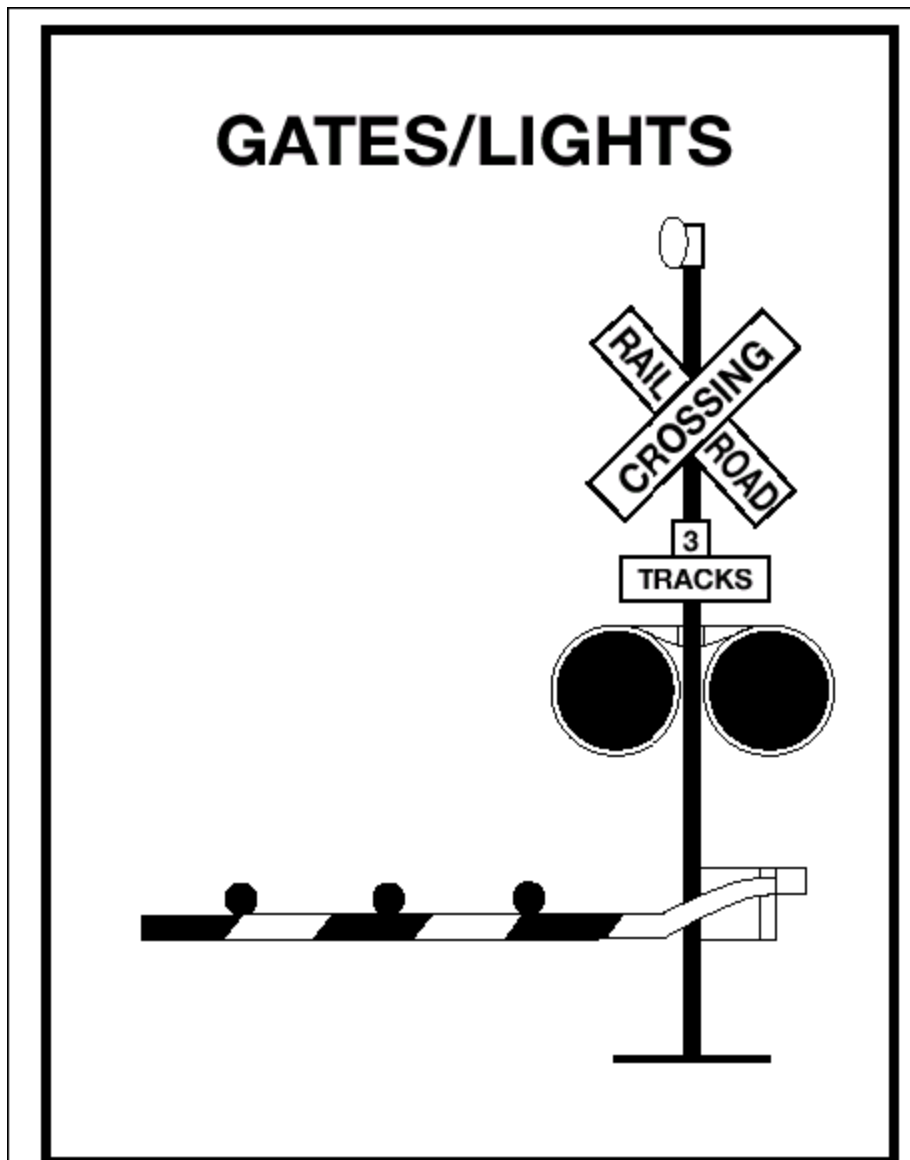


Figure 10.8

**Gates.** Many railroad-highway crossings have gates with flashing red lights and bells. Remember that buses are required to stop at all Rail Road crossing. Remain stopped until the gates go up and the lights have stopped flashing. Proceed when it is safe. If the gate stays down after the train passes, do not drive around the gate. Instead, call your dispatcher. See Figure 10.8.

***Recommended Procedures***

Each state has laws and regulations governing how school buses must operate at railroad-highway crossings.

It is important for you to understand and obey these state laws and regulations.

In general, school buses must stop at all crossings, and ensure it is safe before proceeding across the tracks. The specific procedures required in each state vary. ***If a train is in sight, or if any warning signals are activated, a loaded school bus cannot attempt to cross the tracks.***

A school bus is one of the safest vehicles on the highway. However, a school bus does not have the slightest edge when involved in a crash with a train.

Because of a train's size and weight it cannot stop quickly. A freight train with 150 cars traveling at 50 MPH would continue moving down the track for 1.5 miles before coming to a complete stop, even with full emergency braking. An emergency stop requires approximately 17 seconds for air brakes on all train cars to activate, and a train does not have an emergency escape route.

A school bus, under ideal conditions, should be able to come to a complete stop in approximately 12 seconds when following the proper procedures.

Always assume that a train is coming, even when there is no warning given. Familiarity with the rail road crossings on a route is an important aspect of safe transportation.

Avoid becoming over confident. Remember most trains run a variable schedule and travel at different speeds.

You can prevent school bus/train crashes by following these recommended procedures.

### **Approaching the Crossing:**

- Slow down, including shifting to a lower gear in a manual transmission bus, and test your brakes.
- Activate hazard lights approximately 200 feet before the crossing. Make sure your intentions are known.
- Scan your surroundings and check for traffic behind you.
- Stay to the right of the roadway if possible.
- Choose an escape route in the event of a brake failure or problems behind you.

### **At the Crossing:**

- Stop no closer than 15 feet and no farther than 50 feet from the nearest rail, where you have the best view of the tracks.
- Place the transmission in Park, or if there is no Park shift point, in Neutral and press down on the service brake or set the parking brakes.
- Turn off all radios and noisy equipment, and silence the passengers.
- Open the service door and driver's window so that you can look and listen for an approaching train.

### **Before crossing the tracks:**

- Close your entrance door

### **Crossing the Track:**

- Check the crossing signals again before proceeding.
- At a multiple-track crossing, stop only before the first set of tracks. When you are sure no train is approaching on any track, proceed across all of the tracks until you have completely cleared them.
- Cross the tracks in a low gear. Do not change gears while crossing.
- If the gate comes down after you have started across, drive through it even if it means you will break the gate.

After crossing the tracks, and you are sure that the bus has cleared the tracks, close the driver's window and turn the emergency flashers off and continue your route.

### ***Special Situations***

**Bus Stalls or Trapped on Tracks.** If your bus stalls or is trapped on the tracks, get everyone out and off the tracks immediately. Move everyone a safe distance far from the bus at an angle away from the tracks. If a train is approaching move at angle away from the tracks and in the direction of the approaching train.

If the crossing is occupied by a train, the bus driver must set the parking brake and place the gear shift in the neutral position until the crossing is clear.

**Police Officer at the Crossing.** If a police officer is at the crossing, obey directions. If there is no police officer, and you believe the signal is malfunctioning, call your dispatcher to report the situation and ask for instructions on how to proceed.

**Obstructed View of Tracks.** Plan your route so it provides maximum sight distance at highway-rail grade crossings.

Do not attempt to cross the tracks unless you can see far enough down the track to know for certain that no trains are approaching.

Passive crossings are those that do not have any type of traffic control device. Be especially careful at "passive" crossings.

Even if there are active railroad signals that indicate the tracks are clear, you must stop look and listen to be sure it is safe to proceed.

### **Containment or Storage Areas.**

***If it won't fit, don't commit!***

Know the length of your bus and the size of the containment area at highway-rail crossings on the school bus route, as well as any crossing you encounter in the course of a school activity trip.

When approaching a crossing beware of anything that would prevent the bus from completely clearing the track (S) such as a signal or stop sign on the opposite side, pay attention to the amount of room there.

Be Certain the bus has enough containment or storage area to completely clear the railroad tracks on the other side if there is a need to stop.

A school bus is at most 40 feet long, and requires 15 feet of clearance in front and in back, for a total of 70 feet for the bus to safely clear the track.

As a general rule add a minimum of 15 feet to the length of the school bus to determine an acceptable amount of containment or storage area.

### **STARTING ON A HILL:**

A. With parking brake set:

1. With right foot on brake, left foot depressing the clutch and transmission gear shift lever in first gear, release the clutch slowly until the engine begins to labor slightly.
2. Hold clutch at the friction point.
3. With right foot, release brake pedal and drop right foot onto the accelerator giving enough fuel to hold the weight of the bus without drifting backward.
  - a. Release clutch smoothly until completely out, giving enough fuel to pull the bus smoothly up the hill.

### **STOPPING ON A HILL (UPGRADE):**

1. Check approaching and following traffic.
2. Apply the brake lightly for a smooth stop.
3. Allow an extra safety margin between the bus and the vehicle ahead on an upgrade. The vehicle ahead could roll back when attempting to start.

### **STOPPING ON A HILL (DOWNGRADE):**

Stop as you would on an upgrade, except also:

1. Check following traffic.
  - After Step 1: tap brakes about twice to get attention of following driver.
2. Tap brakes to get attention of following traffic.
  - After Step 2: downshift to reduce speed as you see the need to stop.
3. Downshift as necessary while applying brake for a smooth stop.



## **SKILLS YOU WILL NEED:**

You must develop the following perceptual skills:

1. The ability to determine roadway limitations through peripheral vision, in order to be able to position the bus properly while attending to traffic.
2. The ability to maintain an appropriate separation from the vehicle ahead when following.
3. The ability to judge closing rate with the vehicles approaching from ahead, behind and the side.

You must develop (or improve) your manipulative skills in controlling the longitudinal and lateral motion of the bus while attending to general traffic and roadway conditions.

## **LONGITUDINAL SEPARATION PROCEDURES:**

Maintain adequate LONGITUDINAL separation from other traffic.

1. In maintaining an appropriate following distance behind the lead vehicle.
  - a. Allow enough distance for stopping the bus before the lead vehicle stops, if necessary.
  - b. Decelerate early and gradually to assist in achieving a smooth stop and avoid jamming on the brakes.
2. Increase longitudinal separation:
  - a. When following:
    - oversized vehicles that obscure your visibility
    - gasoline or inflammable/explosive carriers
    - vehicles that stop frequently - school buses, delivery vans, mail carriers, etc.
    - two wheeled vehicles - motorcycles, bicycles, etc.
    - vehicles carrying protruding loads
    - vehicles being driven erratically
    - emergency vehicles
  - b. On wet or icy roads.
  - c. Under conditions of reduced visibility - fog, snow, smoke or haze.
  - d. Under conditions of darkness.
  - e. Where traffic intersects, merges, or diverges.
  - f. When the road ahead is not visible.
3. Accelerate to increase separation distance with the vehicle following, if the driver of the vehicle exhibits erratic behavior.
4. Decelerate and be prepared to stop in order to maintain appropriate longitudinal separation:

- a. when the lead vehicle reduces speed.
  - b. when a vehicle is stopped on the roadway ahead. Stop well behind the overtaken vehicle so that you can pass the vehicle without having to back up.
  - c. when approaching a parked vehicle with the hood up.
  - d. when the driver(s) of the vehicle(s) behind, including one that may be tailgating, indicates he wishes to pass.
  - e. When following slow-moving vehicles, deceleration should be initiated in sufficient time --
    - to avoid emergency stops (panic stops).
    - to assure at least a four second separation from the vehicle ahead.
  - f. When following or approaching special vehicles, such as another school bus, trolley or transit bus, engaged in picking up and/or discharging passengers.
  - g. When an emergency vehicle, such as an ambulance, fire truck, or police vehicle is approaching from any direction.
  - h. When flashing red lights or flashing yellow lights are noted on the vehicle ahead.
  - i. When following a convoy, such as a funeral procession.
  - j. When following a driver exhibiting erratic behavior.
  - k. When approaching hidden driveways that are heavily used, example: plant exits.
5. Be prepared to stop or to change lanes when the vehicle ahead is about to enter or exit a parking space.
  6. If you decide to change lanes, allow a full car width between the bus and the vehicle that is parallel parking. Be sure that your continued movement will not be a hazard or contribute to an accident.

### **LATERAL SEPARATION PROCEDURES:**

Maintain adequate LATERAL separation distance from other traffic in relation to such procedures as passing, being passed, meeting oncoming vehicles, driving on freeways, entering traffic, changing lanes, and negotiating intersections.

1. In maintaining the appropriate lateral separation distance when **PASSING**, you should:
  - a. Select the appropriate lane for the passing maneuver.
    1. In general, pass on the left.
    2. On a two or three lane roadway - you may pass on the right of the vehicle that is stopped for a left turn. Use only the middle lane for passing on the left on a three lane roadway.
    3. On a four-lane roadway, you may pass moving traffic if necessary and legally permissible.
    4. On six or more lanes, you may pass on the right - when no lane change is necessary or when it is safe and expeditious to traffic.
2. In maintaining the appropriate lateral separation distance when **BEING PASSED**, you should:
  - a. If the pass appears to be safe --

1. Maintain position in the center of the lane or slightly to the right, if possible, to provide additional passing clearance.
2. Maintain or reduce speed, avoid acceleration.
  - b. Prepare to decelerate to provide more space if the passing vehicle cuts in front of your after passing.
  - c. If the passing vehicle attempts to abort the pass, accelerate quickly, if there is adequate clearance ahead, to allow the passing driver to pull safely back into the driving lane.
3. In maintaining the appropriate lateral separation distance in relation to ONCOMING VEHICLES, you should:
  - a. Keep to the right of the center line.
  - b. Maintain maximum lane separation by -
    1. Using the right lanes whenever possible.
    2. Positioning the bus in the right section of the lane whenever a move to the right lane is impossible or impractical.
  - c. Maintain precise steering control over the bus when oncoming vehicles pass to be able to react quickly to wind gusts, road irregularities or to an oncoming vehicle crossing the center line.
  - d. On a narrow downgrade, yield the right-of-way to the oncoming vehicles, pulling off the road if necessary to allow the vehicle to continue. However, be cautious not to pull onto soft shoulders.
4. To maintain the appropriate lateral separation distance when CHANGING LANES, you should:
  - a. Adjust the speed of the bus, accelerating or maintaining speed, whichever is necessary.
  - b. Steer into the new lane, after waiting a few seconds following the signal to turn.
  - c. Position the bus in the center of the new lane.
5. To maintain adequate lateral separation for PARKED VEHICLES, position the bus to avoid striking the vehicle door if it opens unexpectedly.
6. In maintaining adequate lateral separation distance with other traffic at INTERSECTIONS, proceed as follows:
  - a. When turning left, in general:
    1. Wait until there is a sufficient gap in traffic from both left and right to permit the turn to be made without danger.
    2. Avoid pulling halfway into the intersection when it will interfere with traffic.
  - b. If a driver in the oncoming lane suddenly makes a left turn across the path of the bus, stop or slow down to let him pass, depending on both of your speeds.
  - c. When turning left with no oncoming traffic, enter the appropriate lane for normal driving.
  - d. When turning left with oncoming traffic approaching:
    1. Proceed to the center of the intersection.
    2. Remain to the right of the center line.
    3. Keep wheels pointed straight, not turned left.
    4. Proceed with the turn when it is safe to do so.
  - e. When turning left and the oncoming vehicle also signals for a LEFT turn:
    1. Proceed partially into the intersection and stop, leaving adequate

- heading to complete the turn.
- 2. Remain to the right of the center line.
- 3. Complete the left turn when assured that the oncoming vehicle will turn and conditions are otherwise safe.
- f. When turning left and the oncoming vehicle signals for a RIGHT turn:
  - 1. Proceed partially into the intersection and stop until the oncoming vehicle begins his turn.
  - 2. Turn left into the nearest left lane of the cross street.
- g. Do not enter the intersection unless complete passage is assured.
- 7. In maintaining an adequate separation distance with PEDESTRIANS AND ANIMALS, proceed as follows:
  - a. Yield the right of way to pedestrians at all times.
  - b. When passing pedestrians, provide the maximum possible clearance (using the passing lane if possible) and do not pass the vehicle ahead when pedestrians reduce the lane clearance.
  - c. Decelerate when entering animal crossing zones or when noting animals on or alongside the roadway. Overtake animals at reduced speed and resume a normal rate after the pass has been accomplished.
  - d. Prepare to stop or swerve if the animal enters roadway. In this case, if swerving the bus to avoid hitting the animal would jeopardize the safety of the driver, passengers or other motorists or pedestrians, do not swerve the bus.
  - e. When in danger of striking a pedestrian or cyclist, decelerate and swerve the bus gradually when an insufficient stopping distance exists.

### **ENTERING THE FLOW OF TRAFFIC:**

#### **GENERAL –**

- 1. Stop at point of entry into the traffic flow.
- 2. Activate right or left turn signal.
- 3. Look to determine that there are no pedestrians in the path of the bus.
- 4. Check mirror to determine that all passengers are seated.
- 5. Look to right and left to determine whether there are vehicles in motion on the roadway to be entered.
- 6. Yield right-of-way to vehicles already on the road.
- 7. Look for suitable gap in traffic and when safe, accelerate smoothly into road, neutralizing the turn signal as correct lane position is established.

### **CROSSING INTERSECTIONS:**

- 1. Observe the traffic ahead and from the left and right when approaching and traversing intersections.
  - a. Watch for vehicles which are close and fast approaching the intersection. Decelerate or stop to permit those vehicles to clear the intersection.
  - b. Watch for vehicles approaching from the left and signaling a right turn. Decelerate and prepare to enter the intersection only after the vehicle has begun the turn.

- c. If your vision is obscured (ex: by buildings, trees, parked vehicles, etc.), stop at the intersection and edge forward slowly.
2. Observe other traffic when proceeding directly through an intersection.
  - a. Observe other traffic and yield the right-of-way if necessary.
  - b. Observe traffic preparing to turn left and prepare to stop should a left turn be indicated.

### **ADJUSTING THE SPEED OF THE BUS:**

You must operate the bus within posted speed limits and with consideration of prevailing environmental conditions. The basic rule-of-thumb is to drive at no greater speed than will permit stopping within the assured clear distance ahead.

### **LANE USE AND POSITION ON ROADWAY:**

1. Stay in one lane for normal driving.
2. Use parking lane only for stopping and parking.
3. Where there is more than one lane for traffic going in one direction, travel in the furthest right lane (not including parking lane) unless passing or turning left.
4. Drive at a safe distance from other vehicles -- at least 4 seconds from a followed vehicle; at least 500 feet from a followed bus in convoy; at least 4 seconds from a preceding bus leaving the school grounds. At least 1second for every 10 feet of vehicle length plus 1 second for speeds over 40 miles per hour.

### **CHANGING LANES:**

Look for rear-approaching traffic in the new lane and when deciding to change lanes.

1. On multi-lane roads, look for vehicles about to enter the new lane from the far adjacent lane.
2. Check the mirror(s) to observe vehicles passing in the new lane, following vehicles closing fast from the rear in the new lane, and following vehicles about to enter the new lane.

### **ESTIMATING REQUIRED SPACE:**

1. You must be able to attain and maintain an appropriate, stable margin or space between the bus and any moving or stationary object. To do so, you will have to perceive changes in the separation distance or apparent object size, depending upon the distance involved, and adjust the bus speed and/or position.
2. Skill must be developed in using peripheral and central vision to accomplish the finer steering control required to keep the bus within its lane while maintaining a safe distance from parked vehicles, etc.
3. You must be able to judge the rate at which your bus is closing with the vehicle ahead in order to adjust your speed or initiate a pass at the proper time.
  - a. The primary perceptual clue in the daytime is the change in apparent size of the lead vehicle.
  - b. At night the primary clue is the distance between the taillights.
  - c. Size or brightness of the taillights are not useful clues.
4. You must be able to judge:
  - a. If the closing rate and distance of following vehicles in other lanes and the

- traffic flow will give you a safe opportunity to change lanes.
- b. The speed and distance of leading vehicles. Speed changes must be estimated quickly if changing into the lane is to be done safely.
  - c. Before changing lanes, you must be able to:
    1. Keep traffic to your front, side and rear under constant surveillance and simultaneously steer the bus within its lane.
    2. Accomplish the change in a smooth continuous movement with very slight steering corrections and accelerator reversals.
5. You must:
- a. Develop the visual surveillance habit of scanning 360 degrees around the school bus.
  - b. Develop coordination between control movements and eye movements.
  - c. Be able to use peripheral vision for lateral control.
  - d. Develop the ability to adjust your position to avoid hazards you detect.
6. You must know that appropriate and stable following distances maintain safe traffic flow, and certain conditions call for a greater flow than normal following distance.
- a. Following another vehicle requires a margin of space of sufficient size for you to adjust to unexpected moves by the vehicle ahead or to fluctuations in the traffic ahead without being forced into sudden swerves or stops.
  - b. One rule that can be used to maintain safe following distances is to keep a distance between vehicles that is traveled in at least four seconds.
  - c. A traditional rule-of-thumb has been one bus length for every 10 miles per hour of speed.
  - d. Some circumstances call for greater following distance:
    1. When increasing speed: As speed increases, so does the distance required to come to a stop. To allow for the greater stopping distance, a greater headway between the bus and vehicle ahead is needed.
    2. When driving on wet or icy roads, which also increases the stopping distance.
    3. When driving at night or during weather conditions that adversely affect your ability to see roadway and traffic conditions ahead. Vehicles may decelerate sharply during poor visibility. A greater following distance is required to allow a safety cushion for responding to sudden actions by the vehicle(s) ahead.
    4. When fatigued: This causes a person to respond to situations more slowly than when they are fresh. The longer you take to react, the greater the distance required to stop the vehicle. To accommodate this poorer performance, allow more distance between your vehicle and the vehicle ahead.
    5. When following emergency vehicles. (Most states require a separation of at least 500 feet from emergency vehicles.)
    6. When following dual-wheeled vehicles, which may cause debris to be thrown from between the wheels. Also, the vehicle's larger size tends to block the view ahead if followed closely.

7. Following two-wheeled vehicles: Because of their lighter weight, two-wheeled vehicles can stop within a much shorter distance than the bus.

NOTE: Unstable spacing between vehicles adversely affects the flow of following traffic.

Drivers seem to underestimate distance in feet by 30 to 40 percent on the average, at highway speeds. In one study, drivers on the average, were 20 percent off in attempting to maintain an 80 foot following distance at 45 miles per hour.

The length of a sufficient gap in traffic will be defined differently by different drivers. Generally, a seven-to-eight second gap or lag in the flow of traffic is required before you enter an intersection. During peak traffic hours, this gap may be reduced by a second or two.

Drivers tend to underestimate gaps in traffic from the left and overestimate gaps in traffic from the right, due to differences in angle of view.

During peak hours, drivers in a hurry tend not to allow sufficient gaps in traffic from the right.

Following too closely is a significant factor for accidents. For example:

- a. Driver failure to maintain an appropriate interval while following a lead vehicle in traffic was a significant factor in rear-end collisions in a moderately high percentage of accident reports reviewed.
- b. Maintaining "proper" following distance prior to changing lanes permits deceleration and reentry to the right lane if necessary. Independent studies of accidents and near accidents among professional drivers attributed these situations largely to following too closely before changing lanes to pass.

#### **STRUCTURES WITH RESTRICTED SPACE:**

When approaching a bridge, tunnel or underpass, you should:

1. Decelerate for better control.
2. Look for signs indicating load, width, and height limits; or estimate whether required clearance is available.
3. Decide whether to proceed.
4. Yield to oncoming vehicles if structure is narrower than roadway.
5. Avoid stopping in or on the structure except in response to traffic flow or an emergency.
6. Maintain appropriate speed, taking into account the surface grade, weather conditions and traffic.
7. Stay as far right as possible until you clear the structure.

#### **APPROXIMATE WEIGHTS OF SCHOOL BUSES\***

PASSENGER CAPACITY	CURB WEIGHT	LOADED WEIGHT
35/36	11,480 pounds	5,830 pounds
47/48	12,875 pounds	18,665 pounds
53/54	13,570 pounds	20,080 pounds

59/60	14,905 pounds	22,135 pounds
65/66	5,755 pounds	23,705 pounds
71/72 - Type C	16,475 pounds	25,145 pounds
71/72 - Type D 1	9,794 pounds	28,584 pounds
77/78 - Type C	17,483 pounds	26,843 pounds
77/78 - Type C	20,569 pounds	30,077 pounds
83/84	21,379 pounds	31,609 pounds
89/90	21,379 pounds	32,329 pounds

\*Information for West Virginia bridge and road restrictions.

### **DRIVING ON RURAL HIGHWAYS:**

Much of the school bus travel takes place on suburban or rural roads. Such highways may consist of standard-width, hard-surfaced roads, narrow hard-surfaced roads, gravel and crushed rock surfaces and just plain dirt.

Rural roads are generally quite narrow. Probably the greatest hazard on such roads is the questionable condition of the outer edges of the roadway. During wet weather they frequently become soft and give way when the school bus gets too close to the edge.

Under such conditions, the bus driver when meeting oncoming vehicles, should avoid pulling too far to the right. In many cases, it is wise to stop the bus until the other car has maneuvered around it.

Hills are another source of danger. Many motorists using these roads tend to drive toward the center of the road. Bus drivers approaching a hill, especially one with a curve, should pull over to the right as far as reasonably possible so as to minimize the possibility of a head on collision with a motorist coming over the hill from the opposite direction.

Many of the secondary roads, though hard surfaced, are narrow and crooked. On such roads, the operator may permit his right wheels to run off the paved surface. When this happens, you should be cautious so as not to instinctively pull the bus back onto pavement immediately. When possible keep going straight and allow the bus to slow down. The brakes should be applied very gently in slowing the vehicle -- quick and hard application of brakes should be avoided. If conditions permit it, engine compression alone should be used to slow the bus to the desired speed.

If there is sufficient space on the shoulder of the road, first pull further right two or three feet from the pavement after the bus has slowed down. Then, with the bus moving very slowly, turn the wheels to the left and cut back onto the pavement.



Blind and uncontrolled intersections constitute an additional hazard on rural roads. All such intersections must be approached at a reduced speed and with utmost care.

### **DRIVING IN URBAN TRAFFIC:**

Regardless of the fact that the school bus will be operated much of the time on the open highway, it is important that you acquaint yourself with the sound practices that are necessary for town and city driving. Become familiar with local traffic regulations and follow the direction of officers directing traffic.

One of the most common faults of school bus drivers, while driving in town, is that they do not stay in the proper lane of traffic. Many drivers feel that since they are driving a vehicle that is wider than an ordinary car, it is safer if they straddle the lane. This is an erroneous assumption and a dangerous side; the bus is in a much safer position if it is in one lane rather than two. Keep the bus in the right lane, unless you are preparing to make a left turn. In this position, the bus will not interfere with other traffic to the extent that it does when occupying a portion of both lanes. If lanes are not marked off, it is up to you to imagine that the lanes exist and to operate the bus in the proper one. If you make it a habit to drive your bus in the wrong lane, or continually change from one lane to another, you demonstrate an absence of respect for other drivers and the safety of your passengers.

Another factor that is important to the safe operation of a school bus in city traffic is regulating the speed of the bus in accordance with other traffic on the street. If the bus is operated at a speed that is in excess of, or greatly under, that of other vehicles, it becomes a hazard to both the occupants of the bus and other users of the street. You must maintain enough distance between the bus and other vehicles to allow room to stop without colliding with other vehicles under emergency conditions. In city traffic, the speed of the bus should be in accordance with the speed of other vehicles and posted speed limits, so that the bus will not create a hazard and "tie-up" traffic.

Streets in cities, and roads leading into cities, frequently consist of four or more lanes and divided highways. If such roads are a part of the school bus route where children are picked up, consideration of the safety of the children should be paramount. The bus should be required to double back rather than to have a child cross a highway unassisted. This will permit children living on such roads to load and unload on the right side of the highway, consequently, lessening the danger of accidents that have occurred at various times when students have had to cross the road to board a bus. Hazards to passengers increase in proportion to the number of lanes of traffic they must cross in going to and from the bus stop.

### **NIGHT DRIVING (TWILIGHT TO DAWN):**

#### Some Things You Should Know:

Driving at twilight is more dangerous than driving during daylight. Drivers overestimate their ability to see at twilight. Shadows increase the difficulty in judging speed and distance of other vehicles. Many drivers are also fatigued at dusk in route home from work. One-fifth of motorists in fatal accidents were fatal injured between the hours of 5 pm and 8 pm.

Distance and speed estimation for oncoming vehicles at night is almost equal to that of daytime driving in the case of standard size vehicles. However, since distance perception at night is

based upon angular separation of headlights, the distance of a small foreign or compact car may be overestimated.

At 100 feet away, it is very difficult to see objects beside or beyond an approaching vehicle. Vision does not return to normal for some time after passing the vehicle. The driver actually travels essentially blind for some distance after having passed a pair of brilliant headlights. Your visibility is affected considerably by oncoming headlights, even distances in excess of 3,000 feet.

Your high beams may blind the oncoming vehicle driver, compounding the problem of driving, especially on a wet and possibly slippery surface.

### **IMPROVING YOUR ABILITY TO SEE AND DRIVE DURING DARKNESS:**

#### Maintain the Proper Vigilance Needed to Improve Your Ability to See During Darkness

1. Use the taillights of the vehicle ahead as an indication of the closing rate when driving in rural areas.
2. Watch for dark or dim objects on the roadway when driving at night. If dark objects appear, see-saw your eyes up and down, or cock your head to one side and peer out the corner of your eyes.
3. Watch beyond the headlights on and near the roadway for slow moving or unlit vehicles, curves, road obstructions or defects, pedestrians and animals.
4. Watch for pedestrians and unlit vehicles and objects on the roadway and at the curbside when driving in urban areas at night.
5. When approaching a pedestrian or animal at night:
  - a. Dim the lights to low beam.
  - b. Decelerate.
  - c. Watch the pedestrian or animal for an indication of change in direction of movement.
  - d. Prepare to take evasive action should the pedestrian or animal enter the roadway.
6. When approaching an animal refuge or crossing area, decelerate and watch for animals on or alongside the roadway.

Always drive more slowly than under similar circumstances during daylight. Maintain a speed that permits stopping within the distance illuminated by the headlights. **ALLOW A GREATER MARGIN OF SAFETY IN PERFORMANCE OF MANEUVERS THAN DURING DAYLIGHT HOURS:**

#### If the driver of an oncoming vehicle refuses to dim his headlights:

1. Decelerate.
2. Maintain your headlights on low beam.
3. Avoid looking directly at the vehicle's bright lights.
4. Focus the eyes to the right side of the roadway, beyond the oncoming vehicle.
5. Close one eye as the vehicle draws near, to save vision in that eye until the vehicle passes.
6. Maintain a slower speed for a period of time after the vehicle has passed.

### **NIGHT DRIVING PROCEDURES:**

1. Before starting, check that all lights in the interior as well as on the exterior of the bus, are in working order and that they are clean.
2. Keep headlights on low beam in cities and towns, in fog or haze, and approaching other motorists on a highway. Also put them on low beam as another vehicle passes the bus and until the vehicle is at least 200 feet in front of the bus (West Virginia Law), or until your headlights stop illuminating the back end of the vehicle that has passed. (Safety requires additional distance in most cases.)
3. Keep interior overhead lights off while driving.

4. Keep level of lights on instruments bright enough to read the instrument, but not so bright as to interfere with vision outside the bus.
5. Schedule start and return times of the trip with consideration of slower night driving time.
6. If the night driving time will require more than a one and one-half hour (90 minutes) stretch of driving, schedule rest stops for at least 10 minutes for each 90 minutes of driving.
7. If it is necessary to stop the bus on the shoulder of an open roadway, activate the parking lights and four way emergency flashers. Choose a spot which can be seen for at least 500 feet by oncoming and following traffic.

### **DRIVING UNDER ADVERSE WEATHER CONDITIONS:**

During the course of a school year, as a bus operator you will face a variety of hazardous conditions that will demand alert and skillful action. Conditions you will frequently face are: ice, snow, rain and fog. A basic rule to follow is always to shift to a lower gear when it is apparent that you will encounter any of these conditions.

A vehicle cannot be operated safely and efficiently at a high rate of speed when any of the above conditions prevail. To avoid getting stuck or spinning the wheels, try to keep the bus moving slowly and steadily forward in gear. If the wheels start to spin, let up slightly on the accelerator to allow the wheels to take hold. If the bus stops, do not continue to spin the wheels in hope of pulling out. In mud, snow or soft sand, this will only serve to dig the wheels deeper. If the bus becomes stuck, first try to get it out by pointing the front wheels straight ahead, and try "rocking" the bus by alternately putting it into reverse and into low. This can be done in a manner that the wheels do not spin, and in many cases, it will pull the bus out of a tough spot. If this fails, some material to provide friction, such as crushed rock, tree branches, pieces of timber or burlap should be pushed down around the tread wheels to allow the bus to again get in motion.

### **CONDITION OF STREET AND HIGHWAYS:**

You'll be driving over the same route twice a day all during the school year. You'll become thoroughly acquainted with the route, and after a short time, may begin to take the road for granted. But conditions change rapidly, potholes develop overnight, the grade washes away, shoulders become soft, railroad crossing approaches change during the night or day, loose gravel appears, slick spots develop through accumulations of snow and ice or oil deposits. Also, it is not uncommon to find a stalled vehicle in or adjacent to a traffic lane, that was not present on the last trip. Each day conditions are different and you must be on the alert to detect these changes before it is too late. It is no use to say that an intersection accident happened because the road was slick. Such accidents usually happen because the driver fails to adjust his or her driving to the road condition.

### **ADJUSTING YOUR DRIVING TO POOR ROAD CONDITIONS:**

Rain, snow, sleet, fog or icy pavement have never caused an accident. These conditions merely add more hazards to driving and make the normal hazards worse. Accidents are caused by drivers who do not adjust their driving to meet these conditions. Accidents blamed on skidding or bad weather conditions are classed as preventable. Expert drivers can drive safely on extremely slippery surfaces by reducing speed, installing chains and using sanders when necessary.

1. Reduce speed of bus.

2. Drive well to the right hand edge of the road.
3. Watch side roads closely for entering traffic.
4. Watch for stalled or parked vehicles obstructing traffic lanes.
5. Watch for accidents that obstruct traffic lanes.
6. Beware of patches of wet leaves and smooth blacktop surfaces.
7. Never look directly at lights of oncoming vehicles.
8. In fog, use windshield wipers and defrosters continuously.
9. In fog, haze (or rain or snow when it's overcast), drive with headlights on low beam.
10. Avoid sudden stops. Signal stops by tapping brake pedal to make the stop lights blink.
11. Approach hilltops cautiously, be able to stop for any emergency and to take evasive action if vehicles coming from opposite direction lose control.
12. Avoid locating stops where approaching motorists might be taken by surprise.
13. Always use chains when conditions warrant.

#### **PRE-TRIP TASKS:**

1. Check that chains are securely locked with spreaders on.
2. Clear lights, mirrors and front and rear windows of precipitation.
3. Check that entrance door works smoothly.
4. "Warm up" vehicle for several minutes unless the vehicle is kept pre-warmed.
5. Check that heater and window defroster are working.
6. Start trip from bus storage area earlier than usual to compensate for slower driving time.

#### **ON THE ROAD:**

1. If "ice" or a "wet" snow is on the ground, start up the bus in an appropriate gear for better traction.
2. When pulling out into the roadway, allow for greatest stopping time and maintain greater distance from other vehicles.
3. Drive more slowly than is posted for dry road conditions, especially on bridges and in tunnels.
4. When approaching intersections and stopping, release and reapply the brakes as necessary so wheels do not lock on the ice and contribute to a skidding accident.
5. To avoid a skid, do not disengage the clutch until the bus is almost at a standstill.
6. Make turns smoothly, avoiding application of the brake.
7. If a build-up of snow or ice occurs on front or rear windows, stop the bus and brush it off.

#### **POST-TRIP TASKS:**

1. Sweep water and snow out of bus and off steps.
2. Clear excess snow from windows.

#### **RAIN:**

1. Pre-trip Tasks
  - a. Clear windows, lights, and mirrors of mud and other dirt.
  - b. Check that windshield wipers are in working order.
2. On the Road
  - a. Drive more slowly than the speed posted for dry road conditions.
  - b. Make turns slowly, avoiding use of the brake as much as possible.
  - c. Use windshield wipers at all times.
  - d. If rain is heavy, drive with headlights on low beam.
  - e. When fog occurs, drive with headlights on low beam.

### 3. Post-trip Tasks

- a. Sweep water off floor and steps of the bus.
- b. If mud has splashed on lights and sides of bus, clear it off.

### **REDUCED VISIBILITY DUE TO WEATHER:**

When a driver thinks of adverse weather conditions, he/she usually thinks of how bad the roads will be. Don't forget, rain, snow (and, of course, for any smog) also reduces visibility. No matter how good your eyes are, you can't see as well when the sun isn't shining. How should you adjust your driving under these conditions?

### **EXPRESSWAY DRIVING:**

Expressway driving is different from the stop-start routine you experience on city and residential roads. Expressway driving forces you to adjust your habits to high speed. Experts recommend the following driving techniques which will help you take advantage of fast, convenient expressways--with safety.

#### How to get on an expressway:

Slow down and look before turning into an expressway approach.

1. Survey the traffic on the main roadway when entering an on-ramp.
  - a. Look briefly back over your left shoulder if entering the main roadway from the right.
  - b. Look back over your right shoulder if you're entering the main roadway from the left.
2. If driving on a short entrance ramp, check briefly for the main roadway approaching from the rear in selecting a gap.

Specifically:

- a. After looking briefly over your right shoulder, look at the rearview mirror before entering the main roadway from the left.
  - b. After looking briefly over your left shoulder, look at the rearview mirrors before entering the main roadway from the right.
  - c. Move your head from side to side in order to view the roadway through the mirrors, if necessary.
  - d. If no gap is visible, observe the ramp ahead, periodically view the main roadway using the mirrors if possible, and stop before reaching the end of the on-ramp if it is necessary to await an acceptable gap.
  - e. Periodically check the main roadway by quick shoulder glances or the use of mirrors, when approaching the main roadway.
3. Check the traffic on the main roadway when driving on a long entrance ramp.
    - a. Check the mirrors and glance briefly over your left shoulder if approaching the main roadway from the right.
    - b. Check the rearview mirror and look briefly over your right shoulder if approaching the main roadway from the left.

Wait for an opening in traffic. Expressway drivers are traveling a lot faster than you will be at first. A car going sixty can run you down. Keep far right, preferably in an acceleration lane, while you are getting up to the average speed of traffic. Expressways have divided traffic streams. When you enter from a "southbound" approach you can't go north. If you make the mistake of entering expressway traffic going some direction other than you intended, you must proceed with the traffic until the next interchange. Only then can you leave the expressway and re-enter by the proper approach. NEVER attempt to cross the center strip. It's illegal and extremely hazardous.

### **How to drive the "Straightway":**

Pick your lane -- and stay with it. Weaving and lane wandering are especially dangerous on a high speed expressway. In general, keep to the right. Where slow trucks and merging traffic make this lane hazardous, move over to the next lane.

Leave plenty of room between you and the car ahead. Maintain at least a four second interval.

Signal to alert others before you pass or change lanes. Use your turn signal lights to show you are about to leave your lane.

### **How to Drive at Expressway Speeds:**

Drive smoothly at a steady speed. Give the driver behind a chance to follow or pass you safely. You're a highway hazard if you indulge in spurts of speeding and dawdling.

Drive within a 25 percent range of the speed of traffic. If most cars are doing 55, you shouldn't drop below 45. Keep right when you must go slower than average.

On long drives, change your speed level at frequent intervals. Keeping the same speed dulls your reactions. A five or ten mile variation will perk you up.

Watch for signs noting changes in speed limits. A 40-mile zone on a 55-mile highway signals a danger area. Drop your speed promptly and stay alert for the upcoming hazard.

### **How to Meet a Crisis on an Expressway:**

If you must stop, signal for a right-hand turn as you decelerate. Drive completely off the right side of the road -- all wheels and fenders.

If your right wheels go off the pavement, do not brake. Stay in gear as you reduce speed to about 10 miles an hour. Look behind for a clear field. Turn left and you're back on the road again.

If a car is coming at you in the wrong lane, honk your horn and blink your lights. Then take evasive action to the right.

### **How to Get Off an Expressway**

Look for advance signals for your proper turn-off. Move to the correct turn-off lane.

Decrease your speed. Begin signaling your intention of turning off the expressway as soon as you slow down.

Read the interchange signs carefully to choose the proper turn-off lane. (If you're on special activity trip, your pre-trip plans should indicate which exits you will take. Make sure you know these in advance so you will recognize the signs when you see them.)

Drive slowly, or stop if necessary, before you enter traffic on the cross highway. And remember -- you are back on slow-driving territory with side streets, traffic lights and pedestrians.

### **Defensive Driving Tactics for Expressways:**

Look ahead for signs of trouble. A knot of cars in the distance means reduce your speed now. Prepare for slow moving traffic or a complete stop.

Look behind for signs of trouble. Your mirrors will warn you of a speeder, a passer or a car out of control.

Watch the pavement for signs of trouble. A rough patch that would cause mild bumping at moderate speed can throw your bus off the road at high speed.

### **Expressways at Night:**

Don't trust oncoming headlights as road guides. The traffic streams may be widely separated. Dim your lights for oncoming cars.

## **SECTION D**

DRIVER FUNDAMENTALS

DETECTING HAZARDS

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## OBJECTIVES

By the end of this unit, the students should be able to:

1. Use clues to detect potential hazards.
2. Determine degrees of actual hazards.
3. Select what action they should take to avoid hazards.

## OVERVIEW:

You've heard it said that every time you get behind the wheel of a motor vehicle, you take your life in your hands. In the school bus your life and the lives of every one of your passengers are in your hands. With the recent emphasis on defensive driving, more and more operators are becoming aware that just about every driving situation has potential hazards. It's not enough just to know what you're doing. You have to know what everyone else is doing too. If you've been driving a school bus for any length of time, you are aware of some of the hazards involved in your daily run. Some hazards are obvious; some aren't. Some are always there, like the sharp curve. Some seem to appear "out of nowhere", depending on the changing traffic situation. Do you consciously search for hazards as you drive?

In this unit, you'll practice a systematic technique for detecting hazards. You'll use most of your senses to pick up clues that indicate potential and actual dangers. And you'll make decisions about how you should adjust your driving to minimize or avoid hazards. You should get into the habit of being an "automatic hazard detector". Expert school bus operators drive well because they find the hazards before the hazards find them.

You should develop a "mental image" of the clues associated with each hazard. The habit of detecting clues must be strong enough that you can:

1. Distinguish clues within a complex, changing traffic situation.
2. Identify them within the short period of time your eyes are focused upon the situation in normal scanning.
3. Detect them even when you are not consciously looking for them. Failure to recognize hazards in time is a major cause of accidents.
  - Passenger distraction, inattention, and misinterpretation of traffic sounds have caused operators to react late to auditory clues of impending crash.
  - Safe operators tend to assure themselves of information 12 to 15 seconds ahead. The smallest time experienced operators tend to allow is 1 3/4 seconds.
  - Even after several months, new operators tend to spend more time monitoring only the road straight ahead than experienced operators.
  - Accidents, fatalities and rear-end collisions are higher in urban areas as a result of the increase of pedestrian and motor vehicle traffic. Approximately 12-15 percent of all urban school bus accidents are rear-end collisions. These facts emphasize the need for school bus operators to exercise extreme care in urban, and/or congested areas.
  - Alert bus operators are very rarely involved in accidents.

## SEARCHING FOR CLUES:

Scan the environment for clues of potential hazards:



1. Continuously scan surroundings on and off the roadway, shifting your gaze frequently. Look well ahead in the lane to focus distance relative to the bus speed and the roadway location. Specifically:
  - a. Focus at farther distances as your speed increases.
  - b. View the road ahead one full block in a city.
  - c. Focus at farther distances down the road in rural areas than you would in urban areas.
2. Avoid fixing your eyes on the road surface immediately forward of the bus hood.
3. An unobstructed view is important.
  - a. In a moderate number of accidents, collisions occurred at intersections where vision was reportedly obstructed or limited by buildings, vegetation or parked cars.
  - b. Roadside features that obscure your vision at intersections should be treated as if they were traffic lights and signs requiring you to stop. By stopping, you have an opportunity to study the traffic situation more carefully before proceeding rather than haphazardly continuing.
4. Observe other drivers.
  - a. Accidents relating to overtaking vehicles have been caused frequently by failure to note the actions of vehicles ahead. For example, a moderate number of accidents are caused by failure to note traffic stopped ahead for a left turn.
  - b. Another cited cause is failure to check traffic in the adjacent lane prior to entering it to pass and/or to avoid impact with a stopped vehicle.
5. You must know how to gather critical clues.
  - a. The bus operator who keeps abreast of the driving situation by continuous surveillance of traffic, traffic controls and the surrounding environment will recognize hazards while there is time to avoid them.
  - b. You receive the vast majority of the clues you use through your eyes. The more intently you fix your central vision on a particular object, the less aware you will be of clues from your larger field of indirect vision.
6. You must know the demand imposed on you driving in urban or congested areas.
  - a. Visual demands on the operator appear to be about three times as much at 20 miles per hour in the city as at higher speeds on a modern divided highway. The mere presence of pedestrians and children increases your surveillance requirements.
  - b. The greater need for surveillance in the city is partially due to the greater concentration of other vehicles. Traffic controls and pedestrian traffic also contribute to making city driving a more difficult task.
7. You must know the primary sources of potential trouble, and their clues, to be prepared for sudden actions by others.
  - a. Driving alongside parked vehicles is potentially hazardous because your view is limited and hazards can appear when there is little time or space for evasive action.
  - b. Key sources of hazards are:
    - The spaces between parked vehicles through which pedestrians and animals may dart into the street.
    - The parked vehicle that may suddenly move into the path of the bus.
    - Occupants of parked vehicles who may open the vehicle doors to get out without first checking the traffic situation. Positioning the bus at least four feet out from the parked vehicle will place it beyond the arc of a door being opened.
    - People stepping out from between parked vehicles.
8. Usually, there are clues from parked vehicles of impending entry into a driving lane. Among the clues you will find useful are:
  - a. Exhaust fumes - these indicate the engine is running.

- b. Back-up lights - for these lights to be activated, the ignition must be on and the gearshift lever in reverse. The appearance of back-up lights is often followed by a shift to a forward gear.
  - c. Brake lights - most drivers depress the brake pedal, thus activating the brake lights, just prior to shifting to a forward gear.
  - d. Front wheels - the direction toward which the front wheels are pointed may indicate whether the vehicle is ready to leave the space or still maneuvering into a good position for leaving.
  - e. Steering wheel - the steering wheel of vehicles parked to the right of the bus can be seen from some distance. If a steering wheel is not visible, it may mean the driver is behind the wheel.
9. A separation of at least a car width from a vehicle that is being parallel parked is recommended to accommodate the wide leftward swing of the vehicle's front end as it backs to the right.
10. You should know that you have an active, not passive, role when being passed.  
Continuously assess the chances for the other driver to safely complete the pass within the distance available. Make adjustments in the bus speed and position to accommodate the passing vehicle. You can flick your high beams at night to signal other drivers that you are aware of their intent to pass.
11. Develop the surveillance habit of scanning 360 degrees around the bus.

## **DETECTING ROADWAY HAZARDS CLUES:**

### ROADWAY HAZARDS -

#### 1. Sight Distance Limitations

##### a. Curves

- 1. Watch the road ahead for indications of a curve.
- 2. When approaching a curve, estimate a safe speed (if not posted) from the degree of curvature and banking.

##### b. Hills and Dips

- 1. Watch the road and roadside conditions (ex: trees and poles) for signs of hills.
- 2. In approaching a downgrade, identify a grade which is steep enough to require downshifting.
- 3. Identify the presence of dips which may obscure another vehicle.

#### 2. Maneuvering Limitations. Detect the following potential maneuvering limitations:

##### a. Narrow or narrowing lanes.

##### b. Roadway construction that is difficult to detect.

##### c. When the road surface ruts are present in gravel or dirt roads, you will:

- 1. Assess the road surface characteristics adjacent to the rut.
- 2. Assess the depth of the rut.

#### 3. Traction Limitations

##### a. Rough Surfaces

- Detect surface irregularities on asphalt and concrete, such as potholes, cracked pavement, etc.
- On a wooden surface, look for cracks, holes and nails.
- On a brick road, look for holes, bumps, cracks, loose bricks and slippery spots.
- "Washboard" conditions, continuous ruts.

##### b. Slippery Surfaces

- 1. Anticipate the smoothness of concrete or asphalt road surfaces at intersections.
- 2. Recognize areas of the roadway which are soaked with oil, grease or fuel.

3. Estimate depth and extent of deep water which partially or totally covers the roadways.
4. When driving on snow or ice covered roadways:
  - a. Judge the effect of traffic and temperature on road surface friction.
  - b. Observe closely the movement of vehicles approaching on side streets.
5. If ice is melting on the roadway:
  - a. Be alert for ice patches near shaded areas (ex: underpasses and buildings).
  - b. Note spots where direct sunlight may have accelerated melting.
  - c. Look for additional ice patches ahead.
- c. Loose Surfaces.  
Detect the signs of the following loose surfaces:
  1. gravel
  2. soft sand
  3. wet leaves
4. Traffic Conflict Points
  - a. Recognize potentially hazardous roadway conditions when approaching and emerging from toll plazas:
    1. Look for erratic driving from other drivers whose attention may be diverted while fumbling for money.
    2. When emerging from the toll plaza, look for other drivers accelerating rapidly and cutting in to get ahead of the "pack".
  - b. If driving on an entrance ramp, be alert for vehicles which are stopped or slowing down on the on-ramp.
  - c. If driving on a long entrance ramp with an acceleration lane that continues on as an off-ramp or deceleration lane, be aware that vehicles may leave the main roadway and cross over to merge onto the acceleration lane. Out-of-state drivers may be unfamiliar with exits and merge at the last minute.
  - d. When approaching and entering an off-ramp:
    1. Be alert for vehicles entering the deceleration lane, if that lane is also part of the acceleration lane for vehicles entering the roadway.
    2. When nearing the end of the off-ramp, look for other vehicles which may be stopped or waiting in line at the end of the off-ramp.
  - e. When approaching and passing interchanges on the freeway, note vehicles in the deceleration lane swinging back into the lane at the last minute.
  - f. Look for lead vehicle deceleration at the following locations:
    - Uncontrolled intersections.
    - Entrances to highway (on-ramps), including short acceleration lanes and left-hand entrances.
    - Highway exits (off-ramps), including short deceleration lanes and left-hand exits.
    - Divergence points (forks in the road).

#### **DETECTING OFF ROAD HAZARDS:**

1. Sight Limitations
  - a. When driving on general highways, be alert for hidden traffic, pedestrians or animals obscured from view by nearby roadside structures, trees or dense vegetation.
  - b. When driving in urban areas:
    1. Minimize distractions from the environment by seeking out traffic lights possibly "embedded" in lights from neon signs. This hazard is intensified when streets are decorated with Christmas lights.

2. In commercial areas, be alert for vehicles emerging from driveways and alleys obscured by buildings, parked vehicles or pedestrian traffic on the sidewalk.
3. Maneuver Limitations. When driving on roads with shoulders, periodically observe the conditions of the shoulders, including:
  - a. width
  - b. surface condition
  - c. alignment with pavement
  - d. presence of obstructions (ex: signs, guard rails)
  - e. pitch of the roadbed
4. Vehicle Entry Points
  - a. When approaching entrances to driveways, alleys and parking lots, look ahead to determine their locations.
  - b. When driving in off-street areas, be alert for vehicles in or crossing the vehicle's path.
  - c. Be alert for vehicles backing up to the exit or entering a parking space.
5. Pedestrian Entry Points
  - a. When approaching a commercial bus stop:
    1. Look for pedestrians crossing the street to board the bus or streetcar.
    2. Check to see that pedestrians have reached safety before starting.
  - b. Near playgrounds, residential areas, schools:
    1. Be alert for children playing or darting into the path of your bus from behind vehicles, structures or vegetation.
    2. Look for children sledding or otherwise playing in the snow or on the ice.
    3. When driving in an off-street area, be alert for vehicle and pedestrian traffic that may be entering or crossing the traffic aisle from any direction.

#### **DETECTING SINGLE VEHICLE HAZARDS:**

You should be able to recognize clues predictive of traffic hazards involving the motion of an individual vehicle.

1. General - In general, when surveying traffic, observe other drivers driving behavior so that you can watch for clues to how they react:
  - a. Note drivers who frequently change lanes as opposed to those who remain in the lane.
  - b. Note drivers who operate their vehicles with frequent changes in speed as opposed to those who maintain a steady speed.
  - c. Note those drivers who do not signal prior to a maneuver as opposed to those drivers who do signal consistently.
  - d. Note those drivers who stop suddenly in non-emergency situations as opposed to those drivers who decelerate gradually to stop.
  - e. Note out-of-state license plates; drivers may be unfamiliar with locations and road conditions.
2. Losing Control - Recognize clues indicating that another driver may lose control of vehicle:
  - a. Surface conditions that adversely influence oncoming vehicle control (ex: slippery surface, ruts, deep snow, mud or gravel on pavement, etc.)
  - b. Movements of the other vehicle including the following:
    1. Turning too fast (ex: if on-coming driver is turning too sharply after an off-road recovery).
    2. Approaching from the side too fast to stop or turn.
    3. Closing too fast from the rear.

- c. Movements of your bus (ex: stopped too quickly to allow a following vehicle to stop).
3. Lack of Communication by Other Drivers - Look for clues or situations in which the driver of another vehicle may execute a maneuver without signaling.
    - a. Whenever a turn may be made and the oncoming car may suddenly turn left particularly when:
      1. The vehicle is slowing
      2. The other driver is not aware of your oncoming bus
      3. The other driver is making erratic maneuvers
    - b. When a stopped vehicle gives an indication of imminent movement (example: parked car with driver in seat, exhaust or turned wheels).
    - c. When a driver may be giving a false indication (example: moving to the left near an intersection when he intends to turn right). Any turn signal may be uncanceled from previous maneuver.
  4. Failure of the Other Driver to Observe - When there are clues indicating that another driver may not have observed the bus and therefore, may not be prepared to yield the right-of-way. These clues include the following:
    - a. Driver not responding (example: approaching intersection from the side without slowing).
    - b. Driver's vision obscured (example: posts, windows)
    - c. Driver's view restricted (example: vehicle is partially hidden by trees detectable to you only by reflection of dust).
    - d. Your bus may not readily be seen (example: when sun is in other driver's eyes, etc.)
  5. Inadequate Adjustment by the Other Driver - Look for indications that another driver is not adjusting properly to a situation. Impatience causes many improper actions. He or she may execute a maneuver that will cause hazard to you, including the following:
    - a. Other driver isn't adjusting to an obstruction, such as a pothole or barrier.
    - b. Other driver isn't adjusting to a surface condition such as ice or snow.
    - c. Other driver isn't adjusting to a pedestrian (example: turning a corner into a street blocked by pedestrians).
    - d. Other driver isn't adjusting to another vehicle (example: passing vehicles forced to cut back abruptly).
  6. Slow Moving of Stopping Vehicles - Watch for indications that another vehicle is slowing or may stop suddenly.
    - a. Slow moving vehicles:
      - farm vehicles
      - underpowered vehicles
      - trucks on hills
    - b. Frequently stopping vehicles:
      - buses, including other school buses
      - buses and trucks carrying inflammables at railroad crossings
      - postal delivery vehicles
    - c. Vehicles that are engaged in the following maneuvers:
      - turning or exiting
      - entering the roadway
      - merging with other vehicles
      - approaching controlled intersections or railroad crossings

### **LOCAL SINGLE VEHICLE HAZARDS:**

Ice cream vendor type vehicles create special, high risk hazards. They frequently come with a bell, horn or some audible device that attracts the attention of their market – young children.

At the approach of the vehicle, children often come running from all directions, between parked cars, etc., with no thought of their personal risk. Only one thought occupies their mind - ICE CREAM.

A safe school bus operator must be mentally alert to these special hazards and carefully practicing defensive driving to avoid injuring or killing a small child who dashes suddenly into the street with no recognition or thought of the hazard.

### **DETECTING MULTIPLE VEHICLE HAZARDS:**

You should be able to recognize the clues in a traffic pattern that are predictive of a potential conflict.

1. Traffic Convergence - One or more vehicles converging on a traffic stream may force another vehicle into a conflict.
  - a. May force another vehicle to change lanes, including entering from side of road, driveway, freeway ramps, etc.
  - b. May cause other vehicles to stop suddenly.
2. Vehicle Obstructions - A vehicle slowing or stopping may cause another vehicle to drive around it, causing a conflict.
  - a. Drivers tailgating, indicating a chance of a sudden pass.
  - b. Slow-moving or stopped vehicles encourage other vehicles attempting to pass.
  - c. A vehicle entering into the roadway, forcing other vehicles around it.
3. Limited Traffic Visibility - One vehicle may limit another's visibility, allowing the other driver to enter a potential conflict (ex: an oncoming driver turns left).
4. Pedestrian or Animal - The presence of a pedestrian or animal in close proximity to traffic lanes could trigger a sudden evasive maneuver on the part of one motorist that could result in a multiple vehicle accident.
5. Tailgating vehicles in heavy (rush-hour type) traffic often triggers multiple vehicle accidents when conditions such as fog, ice, etc., are encountered.

### **DETECTING OTHER ROAD USERS HAZARDS:**

You should be able to recognize clues of potential conflict with other road users, including pedestrians, cyclists and animals. Clues will include the following:

1. Position of Road User Relative to Roadway
  - a. Pedestrians near roadway.
  - b. Cyclist in roadway.
  - c. Animals near roadway.
2. Motion of Road User
  - a. Pedestrian running toward roadway.
  - b. Children at play.
  - c. Animals near roadway.
3. Road User's Ability to See
  - a. Road user's vision (ex: pedestrian carrying packages, umbrella).
  - b. Line of sight (ex: driver alighting from parked vehicle).
4. Attentiveness of Road User
  - a. Activity (ex: child chasing ball).
  - b. Attention (ex: pedestrian looking the other way, talking, etc.).
5. Lack of Control (ex: motorcyclist turning on a slippery surface, gravel, etc.).

### **DETECTING COMBINATION VEHICLE/ROADWAY HAZARDS:**

You should be able to identify potential hazards arising out of the interaction between vehicles and roadway.

1. Decision Point - Any point in the roadway at which drivers are confronted with decisions representing a potential point of conflict (ex: a vehicle starting to exit from a freeway may suddenly return to the freeway; drivers unfamiliar with route sign may be in the wrong lane for their destination and change lanes suddenly at intersections or as two major routes split).
2. Compression Point - Any point at which the roadway is compressed represents a potential source of conflicts (ex: a vehicle approaching a point where four lanes become two, may suddenly change lanes).

## **SECTION E**

### **DRIVER FUNDAMENTALS EMERGENCY DRIVING TECHNIQUES**

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LOSS OF BRAKES

OBSTRUCTION IN PATH OF BUS

SUDDEN LOSS OF VISIBILITY



## OBJECTIVES

By the end of this unit, the students should be able to select appropriate driving techniques to maintain or regain control of the bus under five emergency conditions:

1. Skid
2. Tire blowout
3. Brake loss
4. Obstruction in path of bus
5. Sudden loss of visibility

## OVERVIEW:

Expert drivers don't depend on their skill to get them out of tight spots. They depend on their judgment to avoid tight spots. IT'S A LOT EASIER TO STAY OUT OF TIGHT SPOTS THAN TO GET OUT OF THEM. However, you may find yourself confronted with one of these five emergency conditions:

1. Skid
2. Tire blowout
3. Brake loss
4. Obstruction in path of bus
5. Sudden loss of visibility

Under these conditions, you must know what emergency driving techniques to use. Your responses must become automatic because you will not have much time to think about what you should do.

The procedures in this unit are "last ditch" measures to avoid an accident if at all possible. Since it is impossible to completely eliminate human error in the performance of routine driving tasks, your ability to take appropriate and immediate action under emergency conditions becomes critical.

## **SKID CONTROL:**

Any number of factors can cause a school bus to go into a skid. During a skid, tires lose proper traction with the road surface. The normal means of controlling the bus are affected steering, braking, decelerating and accelerating. You must be able to detect a loss of traction in time to maintain or regain control of the bus. Loss of traction may include:

- Skids caused by tire failure resulting from under inflation or sudden deflation from a blowout.
- Front wheel skids resulting from faulty brakes, excessive speed.
- Rear wheel skids resulting from faulty brakes, excessive acceleration or speed on curves, rough or slippery surfaces.
- Four wheel locked brake skid resulting from inappropriate application of brake pressure.
- Hydroplaning resulting from traveling too fast on a water covered roadway with lack of attention given to tires, tread and pressure.
- Skids caused by oil on the road after the first few minutes of rain.

Once you lose traction and bus goes into a skid, you must be able to regain directional control:

1. **STEERING** - Immediately apply controlled steering (turn into the skid -- this means steer the wheels in the direction you want to go). Follow by controlled counter- steering to dampen fishtailing until steering control is re-established.
2. **BRAKING** - Apply no brake pressure until steering control is re-established.
3. **DECELERATION** - Remove pressure from the accelerator smoothly (not suddenly) and do not accelerate again until steering control is re-established.
4. **ACCELERATION** - Once steering control is re-established, shift to lower gear and accelerate gradually to maintain traction.

## **TIRE BLOWOUT:**

1. Grip the steering wheel firmly and steer your vehicle straight down the center of your lane.
2. DO NOT apply your brakes.
3. Take your foot off accelerator. If bus starts to skid, follow skid procedure.
4. Activate right turn signal, move right slowly, out of the lane of traffic and stop. Watch out for soft shoulders which could make the control of the bus even more difficult.
5. Activate 4-way hazard lamps, not red flashing warning lights.
6. Decide whether to evacuate your children while the repair is being made.
7. Follow procedures for mechanical breakdown.

## **LOSS OF BRAKES:**

If you're ever confronted with a partial or total loss of brakes:

1. Pump the brake pedal and sound horn, flash headlights, etc.
2. Downshift to lowest gear possible.
3. If there is an upgrade within the assured clear distance ahead, stay on the road and allow the upgrade to slow the bus. Then select a path for leaving the roadway.

4. If no upgrade is within the assured clear distance ahead, select a path for leaving roadway that will minimize injuries and property damage. If you must go into a bank, turn into it at an angle. Otherwise, bus may flip over.

### **OBSTRUCTION IN PATH OF BUS:**

When you suddenly see obstruction -- a pedestrian, ball, another vehicle, construction barrier, etc., -- in the direct path of the bus, you must take evasive action to avoid hitting it.

Evasive action is simply the exercise of your fundamental driving maneuvers under conditions of stress -- limited time, space and distance. You must decide which of these evasive actions you should perform to avoid hitting the obstruction.

1. Modulated braking.
2. Quick steering to the right, with or without braking.
3. Leaving the paved portion of roadway, with or without roadside hazards present. For effective evasive action, you must be able to inhibit the tendency to slam on the brakes. Generally, operators tend to apply the brakes at the first sign of trouble. While effective in many instances, braking can lock the wheels and cause loss of steering control, making it impossible to steer away from a collision.

You may decide that braking to a stop is the best evasive action you can take to avoid the obstruction. This will depend on how fast you are going, how far away the object is, how good your tires are and whether the road is wet, dry, icy, etc.

Because the obstruction is an emergency, you won't have time to do lengthy calculations. If it's not instantly obvious that you can stop in time, you must choose to steer the bus in an alternate path. You must be able to recognize quickly the best "escape route". At a glance, decide:

- Whether a possible escape path is free of hazardous obstacles.
- Whether clearances are sufficient to allow the bus to pass through them.
- Whether an off-roadway surface will permit steering control.
- Whether the obstruction is likely to move into your escape path.
- Whether one escape route is safer than another.

The size and weight of the bus limits its ability to swerve sharply to avoid an object or to leave the pavement with any great degree of control. Overturning is a danger. **STEER FIRMLY AND AS GRADUALLY AS POSSIBLE TO STILL CLEAR THE OBSTRUCTION. USE ONLY MODULATED BRAKING.**

It can't be stressed enough that your decision will probably have to be a split-second one. Rehearse these points so that you can decide what evasive action is best.

- If you're traveling as fast as 40 mph, the obstruction has to be at least 200 feet away for you to stop safely. That's 2/3 of a football field! Any closer, and you'd better steer around it or off the road.
- Behind every rolling ball, there's likely to be a running child. Just because the ball clears your path in time doesn't mean you are out of danger.
- If you're in a tight spot, hitting the obstacle might be the safest thing to do. For example, with heavy oncoming traffic, heavy pedestrian traffic on sidewalk to your right, suppose a construction warning sign is the unexpected obstacle less than 10 feet away in your lane. You're going 25 mph. You cannot stop in time, and steering left or right would create a worse collision. You may assess the relative dangers and decide it is better to demolish the sign.

IN ANY CASE WHERE COLLISION IS ABSOLUTELY UNAVOIDABLE TRY TO:

- Avoid a head-on collision; collision at an angle reduces force of impact.
- Avoid hitting human beings. If you have a choice, it is better to hit inanimate objects than people.

Remember: You are more likely to avoid hitting any obstruction in the path of the bus if you always anticipate the unusual and practice effective evasive action so it becomes as automatic as possible.

#### **SUDDEN LOSS OF VISIBILITY:**

Several things can cause sudden loss of visibility – water splashed onto windshield, headlight failure, hood flies up, etc.

You must know how to control the vehicle until you can regain normal visibility. You'll have to use clues other than the usual visual clues.

#### **IF THE HOOD FLIES UP:**

1. Lower your head and try to look through the gap at the hinge.
2. Look out the left and right windows to help keep your sense of direction.
3. Apply brakes moderately.
4. Activate your right turn signal.
5. Steer out of the traffic lane and stop.
6. Activate four-way hazard lights (not red flashing).

#### **IF THE HEADLIGHTS FAIL:**

1. Immediately hit dimmer switch.
2. Activate right turn signal, four-way hazards.
3. Use available environmental light to keep sight of road.
4. Brake slowly and steer out of traffic lane and stop.

#### **IF WATER/SLUSH IS SPLASHED ON WINDSHIELD:**

1. Apply the brakes cautiously; look out side windows to keep sight of road.

2. Turn on wipers.

**IF WINDSHIELD WIPERS FAIL DURING RAIN/SLEET/SNOW:**

1. Look out side windows to keep sight of road.
2. Apply brakes cautiously.
3. Activate right turn signal.
4. Pull over as far to the right as possible, or off road and stop.

## **SECTION F**

### **SAFETY/SECURITY AND EMERGENCY PREPAREDNESS**

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## **OBJECTIVE**

By the end of this unit, the students should be able to:

1. Identify the major causes of school bus accidents and describe actions to avoid accidents.
2. Identify his/her legal responsibilities and required action in case of an Accident
3. State the county's policy on eight accident/emergency issues.
4. Describe and demonstrate emergency procedures to follow.
5. Effectively operate a 2 way communication system.

## **GENERAL CONCLUSIONS ABOUT SCHOOL BUS ACCIDENT FACTORS:**

On a national level, certain factors influence school bus accidents. Your local statistics may vary.

- a. School bus operators are at fault about half the time.
- b. Collision between a school bus and another vehicle in traffic is the most common type of school bus accident.
- c. Young people and elderly operators tend to have a higher accident rate than the intermediate age group.
- d. Defective brakes on the bus is the most common mechanical factor in accidents. BUT, mechanical failures cause a very low percentage of accidents.
- e. More students are killed approaching or leaving the bus than on board the bus.

## **SCHOOL BUS OPERATORS LIABILITY FOR PUPIL INJURIES:**

You may be held liable for injuries to school children resulting from your negligence. All four essential elements or grounds for negligence must be present. Courts generally consider these to be:

1. Your legal duty to conform to a standard of conduct for the protection of others against unreasonable risks.
2. Your failure to conform to the standard.
3. A reasonably close casual connection between your conduct and resulting injury.
4. Actual loss or damage resulting to the interests of another.

School Boards in West Virginia through the State Board of Risk and Insurance Management, carry insurance against driver negligence. Operators could become liable for any awards in excess of insurance carried.

The considerations that most courts use in determining operator negligence are:

1. The degree of care which the operator must use ranges from "ordinary" and "reasonable" to "extraordinary" and "highest degree". The degree required depends on the type of duty. The tendency of the courts is to require more care from people with a duty involving younger children.
2. The approximate age of a child to be capable of recognizing traffic dangers is 10 to 11 years.
3. You and your district are both accountable for maintaining a safe vehicle.
4. Most cases involving accidents while boarding and alighting from a bus use the factors of "reasonable care" and "safe places" in determining negligence. Know possible alternatives and select appropriate location for first day. The Transportation Director is responsible for selecting and locating all stops.
5. You are expected to keep order on a bus and may use any normally accepted means.
6. You are not automatically guilty of negligence if injury occurs. You have the opportunity to refute the charge by proof that proper care was used.
7. You may generally be held accountable for your acts separately from any decision regarding district liability.
8. NEGLIGENCE IS FOR JURY DETERMINATION.



Your instructor will describe a case history involving a law suit.  
NOTE: A school bus accident is when a bus bumps or touches another vehicle, person or object and causes damage.

### **ACCIDENT PROCEDURES:**

If you have an accident, there is a procedure to follow that will meet the requirements of the state law. No two accidents are the same. The sequence of things in the suggested procedure may not be practical in every case. At times, good common sense will be the rule.

Your primary responsibility is to your passengers. Therefore, your first responsibility is to remain calm. If you are unable physically to perform your duties, direct others to do them for you. Should this be the case, ask your oldest and most capable student to help.

The following procedure is recommended:

1. Stop immediately.
2. Turn off ignition switch.
3. Set brakes.
4. Remain calm and reassure students.
5. Evacuate and assemble passengers in a safe location, if required.
6. Extinguish any existing fire, if possible.
7. Apply first aid as needed.
8. Use warning devices to "protect the scene".
  - a. Protect the passengers and the bus from further accidents and injuries. Place bi-directional reflective devices in accordance with state law.
  - b. Protect the scene from traffic and people so that evidence is not destroyed. (West Virginia Motor Vehicle Law, Chapter 17C, Article 14, Section 40.)
  - c. Under normal circumstances, the vehicle involved should not be moved until law officers advise you to do so.
9. Be alert to a fire or the possibility of fire.
  - a. Check for ruptured fuel lines. A bus can be a potential furnace.
  - b. Check for electrical fire.
  - c. Look for smoke.
  - d. Check for hot tires which may catch fire -- caused by metal rubbing against a tire from point of impact to final resting place.
  - e. Extinguish fire, if any.
10. Check for injury to passengers.
  - a. If passengers are injured, follow first aid procedures.
11. Keep all passengers in the bus unless hazards exist, such as:
  - a. Conditions that might lead to a fire.
  - b. Danger of further collision.

- c. Danger of drowning, bus overturning, etc.
12. Account for all passengers.
  13. Notify school administrators of the location of the bus accident.
  14. Notify the appropriate law enforcement agency. (West Virginia Motor Vehicle Law, Chapter 17C, Article 4, Section 1-10).
  15. Do not discuss the facts of the accident with other motorists but give information only to investigating officers and school officials.
    - a. To provide necessary information for all concerned --law enforcement officers, school officials, etc.
      1. List all passenger's names, ages, addresses and phone numbers.
      2. Information about the school bus, such as insurance, make, model number, owner, etc. An emergency packet should be carried on the bus which includes bus information, emergency telephone numbers and any additional local directives covering this subject.
    - b. While being investigated, be patient, evaluate questions and give clear and concise answers.
    - c. An operator involved in an accident is required to give their name, address, driver's license number and vehicle information. Be ready to give this information to the other driver and also write down the same information regarding them.
    - d. If witnesses were present, other than your passengers, get names, addresses, phone numbers and license numbers.
  16. Cooperate with school administration.
    - a. During the investigation of the accident, do not release any of your passengers to anyone unless told to do so by the school administration.
    - b. If passengers are injured and need to be removed from the scene, follow policy adopted for this purpose at the local level. If not, send someone to call for aid, such as hospital ambulance service or fire department -- wherever help can be summoned quickly. The injured should be transported by proper means to a hospital for care.
  17. Continue the transportation of the passengers by:
    - a. The present bus, if released.
    - b. Another bus.
    - c. Some other means - again following local policies of the counties, but not until authorized to do so.

We will now go over our forms and how they are to be filled out.

## MECHANICAL FAILURE/BREAKDOWN PROCEDURES:

Despite good design, engineering and/or the preventive maintenance programs, you may have mechanical failures occasionally. You must know what to do, how to do it and when it should be done in case of a breakdown while on the road.

Let's begin by studying legal requirements as far as equipment is concerned.

- NOTES:
1. Emergency (4-way) flasher.
  2. Bi-directional Reflective Devices

Here is a suggested procedure for mechanical failure:

1. Stop the bus as far to the right of the road as possible, or on the shoulder of the road.
2. Secure the bus; activate 4-way hazard lights and set brake.
3. Keep passengers in bus unless this is unsafe.
4. If location of the bus is unsafe, remove passengers to a safe location (see EVACUATING THE BUS).
5. Place bi-directional reflective devices in accordance with state law.
6. Telephone or radio the proper school authorities, giving location of the bus and description of breakdown. (Emergency phone list should be prominently displayed in bus.)
7. See that all passengers are delivered to their destination.
8. Complete maintenance repair reports.

## EVACUATING THE BUS:

1. The school bus operator shall conduct and supervise emergency exit drills at least twice per year.
2. The school bus operator shall conduct and supervise an emergency exit drill before every curricular, co-curricular and extra-curricular trip. Usually, passengers remain on the bus during an emergency, but some situations require that you evacuate the bus, such as:
  - FIRE OR DANGER OF FIRE
  - UNSAFE POSITION
  - DANGER OF DROWNING
3. Fire or danger of fire: a bus should be stopped and evacuated immediately if the engine or any portion of the bus is on fire. Passengers should move distance of 100 feet or more from the bus and remain until the operator of the bus has determined that no danger remains. Being near an existing fire and unable to move the bus away or near the presence of gasoline or other combustible material should be considered as "danger of fire", and passengers should be evacuated.
4. Unsafe position: in the event that a bus is stopped due to an accident, mechanical failure, road conditions or human failure, the operator must determine immediately whether it is safer for passengers to remain in the bus or to evacuate. You must evacuate if:
  - a. The final stopping point is in the path of any railroad tracks constituting a hazard to passengers.

- b. The stopping position of the bus may change and increase the danger. If, for example, a bus should come to rest near a body of water or embankment where it could still move and go into the water or over a cliff, it should be evacuated. The operator should be certain that the evacuation is carried out in a manner which affords maximum safety for passengers.
  - c. The stopping of the bus is such that there is danger of collision. In normal traffic conditions, the bus should be visible for a distance of 300 feet or more. A position over a hill or around a curve where such visibility does not exist should be considered reason for evacuation.
  - d. The bus is situated in the path of a tornado from which it is impossible to escape by driving at a 90 degree angle. In such cases, promptly evacuate the bus and guide the passengers to the safest existing location, a ditch or depression in the ground surface, the protection of a concrete bridge abutment, a nearby basement, etc. NEVER take cover from a tornado behind a tree or other object that could fall upon you.
3. Danger of Drowning: Statistically the danger of drowning has not been a major factor in school transportation safety. However, the threat can and does arise occasionally. The best possible safeguard is to avoid situations where the potential threat of drowning exists. A thorough knowledge of your area of operation and a carefully outlined plan to minimize any danger of exposure to conditions that could result in drowning will most likely prevent any such occurrence. Some situations planning should include are:
- a. Flash floods - even in areas where flooding does not normally occur.
  - b. Rising streams from heavy or prolonged precipitation.
  - c. Mud slides or bridge damage that could trap you in rising water situations.
  - d. A vehicle accident or loss of control situation where your bus enters or could enter a body of water that would threaten your passengers with drowning.

In an emergency, it is possible for passengers to jam the emergency door by all trying to get out of the door at the same time. To help avoid this situation, you should organize and conduct emergency exit drills for all passengers who ride school buses. West Virginia regulations require two a year. They are several ways to evacuate:

1. Through the rear or side emergency door.
2. Through the front entrance door.
3. Through the front door and rear half exits through the rear or side door
4. Through the roof hatches
5. Through side door alone or in combination with 1-4 above.

Explain to all passengers who ride the bus the procedure to be followed if it is necessary to evacuate a bus. The following is one recommended procedure that may be adapted to a local situation.

### Suggested Front Door Evacuation Drill Conducted on School Grounds:

In the interest of safety, all bus operators should conduct an emergency evacuation drill through the front door when they unload at the schools at least twice a year with each bus load of passengers. This approach does not take any more time than the regular unloading procedures.

Follow these steps:

1. Stop the bus, set parking brake and turn off engine.
2. Stand, open the door, face the passengers and get their attention.
3. Give the command: "Emergency drill, remain seated, front evacuation".
4. The bus operator shall direct passengers.
5. Standing between the first occupied seats, turn and face the front of the bus.
  - a. Starting with the right-hand seat, tap the shoulder of the passenger nearest the aisle to indicate that those occupants shall move out. Say, "Walk--Don't Run--Use Hand Rails".
  - b. Hold a hand before the occupants of the left-hand seat in a restraining gesture.
6. When the passengers in the right-hand seat have moved forward far enough to clear the aisle, dismiss the occupants of the left-hand seats.
7. Continue evacuation procedure as described, right and left seats alternately, until the bus is empty.
8. When the last seat is empty, walk to the front of the bus checking to see that everyone is out.
9. After you leave the bus, go to passengers and advise them of improvements to be made or tell them of the job well done, then immediately dismiss them for class. If there are passengers who are to continue on to another school, reload them and continue run.

### Suggested Rear Door Evacuation Drill Conducted on School Grounds

Rear emergency door evacuation or side-door evacuation works in reverse of the one just explained. Explain how the doors work and instruct passengers not to open them until you give the command to do so.

- Safety of passengers is of the utmost importance and must be considered first.
- You are responsible for the safety of the passengers; however, in an emergency the operator might be incapacitated and unable to direct the passenger emergency evacuation. It is important to have passengers available who know how to:
  - a. Bring bus to a safe stop.
  - b. Turn off ignition switch.
  - c. Set emergency brake.
  - d. Summon help when and where needed.
  - e. Use kick-out windows.
  - f. Set bi-directional reflective devices.

- g. Open and close doors and account for all passengers passing their station.
  - h. Help passengers off bus.
  - i. Operate 2-way radio.
  - j. Perform other assignments.
- "Emergency drills" for school buses should be organized in a manner similar to fire drills held regularly in schools. School bus drills should be held more often during fall and spring months, preferably when bus arrives at the school building with the passengers.
  - Drills should be held on school property and not on bus route.
  - Types of bus drills held should be varied.
  - Operators should stay in bus during evacuation drills. Be sure that the emergency brake is set, ignition off and transmission in gear.
  - Do not permit passengers to take lunch boxes, books, etc., with them when they leave the bus. Getting the passengers off safely in the shortest time possible and in an orderly fashion is the object of a school bus evacuation drill.
  - The passengers should go to a distance of at least 100 feet from the bus in an "emergency drill" and remain there in a group until give further directions.
  - All passengers should be given an opportunity to participate, including those passengers who only ride a bus on special trips.
  - Each passenger should be instructed in the proper safety precautions while riding the bus and in drill procedure.
  - Instruct passengers in how and where to get help. Instructions and telephone numbers should be posted or otherwise carried in the school buses.

#### EVACUATING NOT AMBULATORY STUDENTS FROM THE SPECIAL NEEDS BUS

Students who ride to and from school in wheelchairs or other mobile seating devices, and passengers utilizing a CRS, must be given special consideration when it is required to evacuate them from a school bus.

- a. Be familiar with your county's written policy covering these drills.
- b. Conduct drills at schools, preferably on school grounds and in a safe location.

#### REMEMBER:

- a. All windows in your bus which are mounted in rubber can be kicked out to make an extra avenue of exit.
- b. A seat cushion can be used to knock out windows should the need exist. (Be sure to knock out jagged edges of glass.)
- c. Keep first aid kit and fire extinguisher in a state of readiness.
- d. Use a "palm up" approach to provide assistance as needed when the rear emergency door is being used as an exit.

#### USING EQUIPMENT:

When an emergency or accident happens, it's too late to learn how and where to use the emergency equipment. You should know the location and operation of:

- BI-DIRECTIONAL REFLECTIVE DEVICES

- HAZARD FLASHERS
  - FIRST AID KIT
  - FIRE EXTINGUISHER
  - BELT CUTTER
  - CELL PHONE
  - BODY FLUID CLEAN UP KIT
  - STROBE LIGHT
  - FIRE BLANKET
  - TRASH CONTAINER
1. Bi-directional Reflective Devices
    - a. Place one device at the side of the bus on roadway side -- 10 feet from rear of bus.
    - b. Place second device approximately 100 feet to rear of bus.
      1. Placement distance should be greater if bus is on a hill or in a curve.
      2. Distance is not to exceed 300 feet.
    - c. Place third device 100 feet on front of the bus on a two lane highway, 200 feet to the rear on a four lane highway, again using greater distances if conditions warrant.
  2. Four-way hazard flashers - use with good judgment.
  3. First Aid Kit
    - a. Each bus shall carry a 36 unit first aid kit conforming Policy 4334.
    - b. Replace any item used from the emergency equipment supplies as soon as possible.
  4. Fire Extinguishers
    - a. Bus shall be equipped with at least one (1) dry-chemical fire extinguisher of metal construction, refillable, and with a rating of not less than 2A-10-BC as required by Policy 4334 - suitable for Class A - B - C type fires.
    - b. Fire extinguishers shall bear label of Underwriter's Laboratories, Inc. showing rating of not less than 2A-10-BC.
    - c. The extinguisher shall be mounted in the driver's compartment, conveniently accessible, and held by a substantially constructed bracket and securely mounted so as to withstand normal vehicle vibrations.
    - d. The fire extinguisher must have a current inspection certificate.
  5. A belt cutter shall be securely mounted easily accessible to the driver from a seated position.
  6. Some buses may be equipped with county owned cell phones, however, no cell phones are to be used by the driver while the bus is in motion.
  7. Every bus must be equipped with a body fluid clean up kit and all drivers must be trained in the proper use and disposal of its contents.
  8. Strobe lights are to be used only during adverse visibility conditions.
  9. Each lift equipped bus will be equipped with an emergency fire blanket. This blanket will be used for the purpose of assisting with emergency evacuation.
  10. When used the trash container shall be secured by a holding devise that is designed to prevent movement, but to allow easy removal and replacement. It shall be installed in an easily accessible location in the driver's compartment, not obstructing passengers access to the entrance door.

#### FUELING THE BUS

No fueling shall take place while passengers are on board.

#### DISTRIBUTION OF ITEMS

School bus operators shall not distribute items to passengers unless authorized by school administrators, i.e., candy, food and gifts.

## PERSONAL DRESS

Transportation employees are professionals and should conduct their affairs in a businesslike, professional manner. They should be neatly dressed in regular or conservative type street clothes. All drivers/aides will wear non-skid shoes. No high heels, sandals, open toed or open heeled shoes or beach type shoes will be permitted. Wooden soled and flip-flop shoes will not be worn.

### Classification of Fires:

Accepted standard practices separate fires into three general classes. Study chart given.

### Dry Chemical Extinguisher (Air Pressurized).

A gauge is mounted at the top of the extinguisher indicating the air pressure. The gauges are usually divided into two areas of green and red indicating low and high pressure. If the needle on the indicator stays in the green area, it is properly charged. To operate:

1. Remove from bracket.
2. Hold in upright position. Due to construction of cylinder, extinguisher should not be laid on side to operate.
3. Pull safety pin by breaking seal.
4. If possible, stand upwind from burning material to prevent standing in smoke and heat.
5. Squeeze handle to discharge the powder.
6. Do not walk into unburned material that could catch fire in a back-flash and cause injury to you.
7. Turn on and off as desired to control the fire.
8. The fire extinguisher, regardless of the extent of use, should be recharged or replaced immediately after use.

## **WHAT TO DO AFTER THE FIRE IS OUT:**

Who to call --

How to report damage --

Some other emergencies that could affect the operations of your bus, and the safety of your passengers are:

1. Floods
2. Tornadoes
3. Snowstorms
4. Forest fires

## **LOCAL POLICIES:**

You are in full charge of the bus at all times. Knowing proper emergency procedures, emergency evacuation procedures, and accident scene procedures is a must! These areas of responsibility deal directly with the safety and care of your passengers in the event of an accident, as well as other emergency situations which may arise.

As school bus operator, you must know:

1. What to do



2. How to do it
3. When to do it

Here are your school county's policies on what the operator is to do about eight issues which may arise in an accident/emergency situation.

### **TWO-WAY COMMUNICATIONS:**

#### **a. USE**

1. Minimum use.
2. Be concise.
3. Speak clearly.
4. When calling, identify. (ex: "Bus # \_\_\_ to Base")
5. No profanity or unnecessary communication.
6. Acknowledge message received.
7. For emergency only. If not directly involved, stay clear.
8. Instructor will explain:
  - a. How to turn on and off
  - b. Using the mike
  - c. Different channels

#### **b. PROCEDURES FOR EMERGENCY RADIO USE**

1. Depress button on mike and say "Bus # \_\_\_ to \_\_\_\_\_ 'emergency'".
  2. Release button and wait for response.
  3. Depress button and give exact information.
    - a. Bus number
    - b. Location
    - c. Type of emergency
    - d. Assistance needed
- Be brief, accurate, calm and stay near the radio in case more information is needed.

#### **c. CARE**

1. Avoid contact with liquids.
2. Avoid rough treatment.
3. Check daily to make sure it is functioning properly.
4. Clean with slightly moist cloth (no water).
5. See the unit is secure at the end of the shift.

**REFER TO SPIDER TRAINING MANUAL FOR ADDITIONAL INFORMATION REGARDING SAFETY/SECURITY AND EMERGENCY PREPAREDNESS**

## **SECTION G**

### **PASSENGER CONTROL**

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## **OBJECTIVES**

By the end of this unit, the students should be able to:

1. List the procedures for controlling the bus and passengers during loading and unloading.
2. Describe general rules of passenger conduct and discipline procedures.
3. Identify types of disorder requiring immediate attention and describe procedures or controlling them.
4. Report passenger control problems.

## **OVERVIEW:**

You must learn proper procedures for controlling traffic, for crossing passengers, for loading and unloading passengers and for the proper seating of passengers.

First, consider the equipment on the bus necessary to accomplish these purposes.

1. 8-way flashing warning light system.
  2. Stop Arm
  3. Mirrors
  4. Entrance door.
  5. Crossing Control Arm.
- We will explain the reason each is listed as we proceed.

## **Loading and Unloading**

More students are killed while getting on or off a school bus each year than are killed as passengers inside of a school bus.

As a result, knowing what to do before, during, and after loading or unloading students is critical.

This section will give you specific procedures to help you avoid unsafe conditions which could result in injuries and fatalities during and after loading and unloading students.

Rationale: Some stops require different procedures, related to the use of loading lights. Depending on whether you are loading on the highway or off the highway. If you are loading off of the highway the loading light system should not be activated. However all necessary precautions should be taken to ensure the safety of the students.

### ***On Highway Loading Procedure***

Each school district establishes official routes and official school bus stops. All stops should be approved by the school district prior to making the stop. You should never change the location of a bus stop without written approval from the County transportation director.

You must use extreme caution when approaching a school bus stop. You are in a very demanding situation when entering these areas.

It is critical that you understand and follow all state and local laws and regulations regarding approaching a school bus stop.

This would involve the proper use of mirrors, alternating flashing lights, stop arm, and crossing control arm.

When approaching the stop, you should:

- Approach cautiously at a slow rate of speed.
- Make a light brake application to activate brake lights so that vehicles behind you will have an indication that the bus is about to stop.
- **Activate** alternating flashing amber warning lights at least 200 feet or approximately 5-10 seconds before the school bus stop.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.
- Continuously check all mirrors to monitor the danger zones for students, traffic, and other objects.
- Move as far as possible to the right on the traveled portion of the roadway.

- Bring school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop. This forces the students to walk to the bus so you have a better view of their movements.
- Place transmission in Park, or if there is no Park shift point, in Neutral and set the parking brake at each stop.
- Open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the school bus.
- Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.

## ***Loading Procedures***

Students should wait in a designated location for the school bus, facing the bus as it approaches.

**Students should board the bus only when signaled by the driver.**

**Monitor all mirrors continuously.**

Count the number of students at the bus stop and be sure all board the bus. If possible, know names of students at each stop. If there is a student missing, ask the other students where the student is.

Have the students board the school bus slowly, in single file, and use the handrail. The dome light should be on while loading in the dark.

**Wait until students are seated and facing forward before moving the bus.**

There must be sufficient space on the school bus seat for each passenger's body to be completely contained within the seat compartment in the event of a crash or sudden driving maneuver, students who are not completely seated within the seat compartment may not benefit from the passenger crash protection system built into the school bus under federal and state regulations.

**Check all mirrors.** Make certain no one is running to catch the bus.

If you cannot account for a student outside, secure the bus, take the key, and check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.
- Engaging the transmission.
- Releasing the parking brake.
- Turning off alternating flashing red lights.
- **Checking all mirrors again.**
- Allowing congested traffic to disperse.

When you have determined it is safe, proceed and continue the route.

## Off Highway Loading

If an off Highway stop has been established and at any time the circumstances change requiring a student to cross the Highway. The County Transportation Director must be notified prior to changing the stop. Then an approved and proper procedure can be made.

You must use extreme caution when approaching a school bus stop. You are in a very demanding situation when entering these areas. It is critical that you understand and follow all state and local laws and regulations regarding approaching a school bus stop.

This would involve the proper use of mirrors.

When approaching the stop, you should:

- Approach cautiously at a slow rate of speed.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.
- Turn on right turn signal indicator about 100-300 feet or approximately 3-5 seconds before pulling over.
- **Continuously check mirrors** to monitor the danger zones for students, traffic, and other objects.
- Move a safe distances from the travel portion of the roadway.
- Bring school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop. This forces the students to walk to the bus so you have a better view of their movements.
- **Place transmission in Park, or if there is no Park shift point, shift to Neutral and set the parking brake at each stop.**
- Make a final check and when you have determined that it is safe, open the door and signal for students to load.

## Loading Procedure at School

The loading procedure is essentially the same wherever you load students, but there are slight differences. When students are loading at the school campus, you should:

- Turn off the ignition switch. (Lift equipped buses may require a different procedure)
- Remove key if leaving driver's compartment.
- Position yourself to supervise loading as required or recommended by your state or local regulations.

## Unloading Procedures on Highway

### ***To be used when there is no student crossing the highway***

- Perform a safe stop at designated unloading areas as described.
- Open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the school bus.
- **Make a final check to see that all traffic has stopped before completely opening the door**
- Have the students remain seated until told to exit.
- **Check all mirrors.**
- Tell students to exit the bus and walk at least 10 feet away from the side of the bus to a position where the driver can plainly see all students
- Count the number of students while unloading to confirm the location of all students before pulling away from the stop.
- **Check all mirrors again.** Make sure no students are around or returning to the bus.
- **If you cannot account for a student outside the bus, secure the bus, and check around and underneath the bus.**

When all students are accounted for, prepare to leave by:

- Closing the door.
- Engaging transmission.
- Releasing parking brake.
- Turning off alternating flashing red lights.
- **Checking all mirrors again.**
- Allowing congested traffic to disperse.

When it is safe, move the bus, and continue the route.

While performing unloading and crossing procedures, school bus drivers should remember that they are not traffic officers. Signals given to other motorists from inside the bus could be easily misunderstood. If a driver of a motor vehicle violates the red light law (WV code 17C-12-9) or acts in any way to jeopardize the safety of bus passengers, the operator should obtain the offenders license plate number and report the office to a magistrate office.

Note. If you have missed a student's unloading stop, do not back up. Be sure to follow local procedures.

However, if backing is required at or near a school bus stop, the backing procedure should be completed prior to passenger discharge. If an adult or responsible person is available, use his/her assistance while backing.

**Additional Procedures for Students That Must Cross the Roadway.** You should understand what students should do when exiting a school bus and crossing the street in front of the bus. In addition, the school bus driver should understand that students might not always do what they are supposed to do.

**If a student or students must cross the roadway, they should follow these procedures:**

1. Walk approximately 10 feet away from the side of the school bus to a position where you can see them.
2. Walk to a location at least 10 feet in front of the right corner of the bumper, but still remaining away from the front of the school bus.
3. Stop at the right edge of the roadway. You should be able to see the student's feet.
4. When students reach the edge of the roadway, they should:
  - a. Stop and look in all directions, making sure the roadway is clear and is safe.
  - b. Check to see if the red flashing lights on the bus are still flashing.
  - c. Wait for your signal before crossing the roadway
  - d. Upon your signal, the students should:
    - Cross far enough in front of the school bus to be in your view.
    - **Stop at the left edge of the school bus.**
    - **Look again for your signal to continue to cross the roadway**
    - Look for traffic in both directions, making sure roadway is clear.
    - Proceed across the roadway, continuing to look in all directions.

## **Unloading Off Highway**

If an off Highway stop has been established and at any time the circumstances change requiring a student to cross the Highway. The County Transportation Director must be notified prior to changing the stop. Then an approved and proper procedure can be made.

### ***Approaching the Stop***

NOTE: You should never change the location of a bus stop without written approval from the County transportation Director.

You must use extreme caution when approaching a school bus stop. You are in a very demanding situation when entering these areas. It is critical that you understand and follow all state and local laws and regulations regarding approaching a school bus stop. This would involve the proper use of mirrors.

When approaching the stop, you should:

- Approach cautiously at a slow rate of speed.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.
- **Continuously check all mirrors.**
- Turn on right turn signal indicator about 100-300 feet or approximately 3-5 seconds before pulling over.



- **Continuously check mirrors** to monitor the danger zones for students, traffic, and other objects.
- Move a safe distances from the travel portion of the roadway
- Bring school bus to a full stop.
- **Place transmission in Park, or if there is no Park shift point, shift to Neutral and set the parking brake at each stop.**
- Have the students remain seated until told to exit.
- Check all mirrors.
- **Make a final check and when you have determined that it is safe, open the door and signal for students to unload.**
- Tell students to exit the bus and walk at least 10 feet away from the side of the bus to a position where the driver can plainly see all students.
- Check all mirrors again. Make sure no students are around or returning to the bus.
- Count the number of students while unloading to confirm the location of all students before pulling away from the stop.
- **If you cannot account for a student outside the bus, secure the bus, and check around and underneath the bus.**

When all students are accounted for, prepare to leave by:

- Closing the door.
- Engaging transmission.
- Releasing parking brake.
- Turning on left turn signal.
- **Checking all mirrors again.**
- Allowing congested traffic to disperse.
- When it is safe, move the bus, enter the traffic flow and continue the route.

**NOTE:** If you have missed a student's unloading stop, do not back up. Be sure to follow local Procedures.

### ***Unloading Procedures at School***

State and local laws and regulations regarding unloading students at schools, particularly in situations where such activities take place in the school parking lot or other location that is off the traveled roadway, are often different than unloading along the school bus route.

It is important that the school bus driver understands and obeys state and local laws and regulations.

The following procedures are general guidelines.

When unloading at the school you should follow these procedures:

- Perform a safe stop at designated unloading areas and secure the bus.
- Have the students remain seated until told to exit.

- Position yourself to supervise unloading as required or recommended by your state or local regulations.
- Have students exit in orderly fashion.
- Observe students as they step from bus to see that all move promptly away from the unloading area.
- Walk through the bus and check for hiding/sleeping students and items left by students.
- **Check all mirrors.** Make certain no students are returning to the bus.
- If you cannot account for a student outside the bus and the bus is secure, check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.
- Fastening safety belt.
- Engaging the transmission.
- Releasing the parking brake.
- **Checking all Mirrors.**

## ***Special Dangers of Loading and Unloading***

### **1. Dropped or Forgotten Objects**

Always focus on students as they approach the bus and watch for any who disappear from sight.

**Students may drop an object near the bus during loading and unloading. Stopping to pick up the object, or returning to pick up the object may cause the student to disappear from the driver's sight at a very dangerous moment.**

Students should be told to leave any dropped object and move to a point of safety out of the danger zones and attempt to get the driver's attention to retrieve the object.

### **2. Handrail Hang-ups**

Students have been injured or killed when clothing, accessories, or even parts of their body get caught in the handrail or door as they exited the bus.

You should closely observe all students exiting the bus to confirm that they are in a safe location. **Prior to moving the bus continue to monitor all mirrors**

Any problems or special situations should be reported immediately to your supervisor or school authorities.

### **GENERAL RULES FOR PASSENGER CONDUCT:**

Certainly it cannot be denied that your passengers are affected by the school transportation program. Their experiences on the bus -- good and bad -- become apart of their

education, such as the power of example the school bus operator exerts in molding attitudes and driving practices, as well as the operator's long-lasting influence on other aspects of the life of passengers during their growing and developing years.

**DESIRABLE PASSENGER CONDUCT:**

*Reference Section 10 policy 4373 student code of conduct*

*Reference Section 8 policy 4336 policy and procedures manual*

Formal classroom behavior is required of passengers on a school bus. Your control over passengers should be sufficient to assure that:

1. Passengers will enter and leave the bus at school loading stations and at highway bus stops in orderly fashion and in accordance with instructions. This requires passengers to proceed at all times:
  - a. Without haste and without loitering.
  - b. Without crowding and without pushing.
  - c. With each passenger showing due regard for their own safety and the safety of others.
2. Passengers must, at all times:
  - a. Refrain from shouting and other boisterous activity.
  - b. Refrain from talking to you while the bus is in motion
  - c. Show due consideration for you and your problems.
  - d. Refrain from infringing upon the rights of other passengers.

In general, any activity which worries or distracts you as the driver is objectionable. You need to keep your mind on the driving and on the traffic situation. If you are worried about the activity in the bus, you are likely to be distracted and cannot be a safe driver. Since drivers must make over 100 decisions per mile on a moderately traveled city street, driving is certainly a full-time job. Also, noise is considered a stress causing factor.

3. Passengers will remain seated while the bus is in motion.
  - a. Each passenger must go directly to their seat upon entering the bus.
  - b. Each passenger must remain seated until the bus has stopped.
4. Passengers will cross road in accordance with instructions and the provision of the state law.
5. Passengers will neither purposely nor carelessly destroy property. Transportation equipment represents a large capital investment. Passengers can be expected to cooperate in its maintenance and preservation, in view of laws governing the financial responsibility of the parent/guardian.
  - a. Orderly behavior in the bus, at all times, is essential. Rough-housing is not only hard on seats and interior finish, it also makes it difficult for you to give your attention to driving safely.
  - b. Passengers should keep feet off the seats.
6. Passengers will not extend arms or other parts of body out through windows.
  - a. It is important that no object protrude through an open window.
  - b. Passengers should leave windows alone. You should attend to ventilation.

7. Passengers will not throw objects about in the bus or out through windows. Waste paper and other refuse may not be scattered along the highway. Provision should be made inside for such material and it should be disposed of at end of trip. Shooting "paper wads" or other material in the bus is not permissible. Passengers will be instructed to take pride in a clean bus.
8. The following restrictions apply to the transportation of passengers on the bus with baggage, freight or merchandise of any kind.
  - a. Books and other property should be properly held on laps. Any item too large to conveniently hold on lap or between feet is not permitted unless it is safely secured in a designated place.
  - b. Only property of passengers and/or the county board of education may be transported. County policy should be formulated to control the size and type of musical instrument permitted to be transported on county school buses, as well as how such shall be secured while in transit.
  - c. Highly flammable materials, firearms, explosive and all deadly or dangerous weapons including aerosol cans are prohibited. Aerosol cans such as windshield de-icer shall be stored in an outside storage box on the school bus.
  - d. The aisle shall be clear.
  - e. A clear and unobstructed access shall be at all times maintained to the emergency door and emergency windows.
9. Animals are not permitted on a school bus unless it is a certified service animal
10. None of these restrictions shall be construed as permitting objects or materials to be transported with passengers that interfere with the protection afforded by the padded bus seats.

In addition to items listed above, you should instruct and encourage passengers to:

1. Follow your instructions promptly and respectfully.
2. Be on time at the bus stop location.
3. Be on time at the school loading station.
4. Avoid playing or loitering on the highway when waiting for a bus which is late.
5. Follow correct safety procedures when walking on the highway to and from a bus stop. In some instances, passengers must meet a school bus some distance from the home driveway. Procedures for walking safely alongside the highway should be clear to passengers.
6. Other:

#### **YOUR RESPONSIBILITY FOR DISCIPLINE:**

All rules and regulations concerning passenger behavior should be well known and clearly understood by:

1. Bus drivers
2. Passengers
3. Parents

Teachers and drivers have direct responsibility for training and instructing transported passengers. Teachers, as well as bus operators, should supervise loading stations at the school grounds where students are boarding.

Copies of rules and regulations covering passenger behavior should be prepared by the administration and distributed to passengers and parents. The active cooperation of parents can be very helpful.

You must, of course, accept responsibility for supervising and controlling passengers out on the route. You cannot escape the fact that you are in charge. Establish and discuss acceptable discipline procedures as outlined in section 8 of Policy 4336 and section 10 of policy 4373.

#### **NOTE ON STATE AND LOCAL REGULATIONS:**

West Virginia Law Chapter 18A, Article 5, Section 1, West Virginia School Transportation Regulations authorizes the bus operator to exercise authority over the passenger, in the place of the parent, while the passenger is on the bus.

#### **PASSENGER MANAGEMENT:**

As a good bus driver, you should always have a general knowledge of your "load" or cargo. Your primary responsibility is to transport the passengers to their destination and discharge them safely. But, you must know something of the behavior patterns of your riders and know a great deal about their reactions in order to safely pick up and deliver your load. Remember the following:

1. Each passenger is an individual and therefore different, but do not allow special privileges to any passenger, in order to avoid playing favorites or having a double standard. School bus operators can create a large percentage of their own on-board discipline problems. An operator should avoid favoritism.
2. Remember that all eyes are on you while you are driving the bus. Your words and actions have tremendous influence on the passengers riding on your bus. Any indication of anger or desperation on the part of the school bus operator shows the passengers are in control of the situation, as the bus operator is clearly out of control.
3. Speak quietly, clearly, with confidence and firmness when talking to the passengers on your bus.
4. Be liberal in your praise of the group when they accept responsibility well and have a general pattern of good behavior. Be tactful and cautious about singling out individual passengers for praise before the group.
5. Do not try to handle discipline cases yourself. Refer all such cases to your supervisor or the school principal. Give all the facts and be sure the entire problem is understood. Usually the passenger who causes the problems on the bus is also causing problems in the classroom. The school administrator has the whole picture of the passenger while you, as a bus operator, know only their bus behavior.
6. You must learn to distinguish between "insignificant" events and "potential problems" such as but not limited to bullying. In trying to decide about the potential for a situation to develop into a serious problem, try carrying your thinking to a logical conclusion and

decide on the basis of the seriousness of far-reaching effects or results of the behavior before making a decision to take action on the manner and degree with which you should act on this behavior. Any misbehavior incident that has the potential for a serious problem should be written up on the proper report form and submitted the school principal. Include all pertinent details and keep a copy for your record.

7. Never give an order or issue an ultimatum that you do not fully intend, or have the authority, to enforce. Giving such an order might result in a liability suit involving you and/or your employer. Rather, suggest an action which the passenger can successfully obey. Make a request that will stimulate positive action, not check it. State it positively, say "Do this" rather than "Don't do that".

8. Have a valid reason for what you ask. Give the passenger time to react to your request. You must be careful in dealing with passengers to never threaten them with violence, shout or show excitement or evidence of irritation. Carry out your instructions to the passengers with no evidence of favoritism. If you overlook violations of conduct by one passenger, you'll lose the respect of the other passengers. Strike a happy medium by not being too lenient or too harsh, as both extremes are equally bad for the morale of the passengers on the bus. Your attitude should be friendly, cheerful and businesslike. Strive to build morale and cooperation in your bus with the help of the passengers. This can be done by being friendly, courteous and helpful. In the course of time, the passenger morale will be a great source of help in controlling passengers who are the worst offenders. When passengers discover that improper conduct is not acceptable to the group, offenders will hesitate to do things which cause them to lose "face" with the group. One of the best approaches to building passenger morale is to give the passengers a chance to participate in drafting and selecting the rules and procedures for maximum safety on the school bus. Practice all approaches which create better driver-passenger relationships.

Some drivers have difficulty in dealing with young people, so they become very authoritarian. This authoritarian approach is really intimidation. Your age, status and position can be intimidating; but this usually does not work with young people very long. Sooner or later they realize they can control you through mere numbers alone. If they want to harass you, even the young ones, they can find ways to do it.

In this section of this unit we are going to be concerned with passenger management. Knowing how to manage or get along with your passengers will, to a large degree, be determined by how well you understand youngsters; what they are like, why they are like that and what their desires and needs are.

Merely understanding youngsters, however, is not sufficient. How you relate to youngsters is equally important. Establishing this relationship is done through communications, both verbal and non-verbal; in what you say, how you say it and what you do.

The type and quality of communication you have with your passengers will, to a large extent, determine how well your passengers behave. It will also, to a large extent, determine how safe the bus trips are and how happy you will be in your chosen occupation.

You will also be studying the highlights of the following topics as they relate to passenger management:

- Nature of young people.
- Stages of human development.
- Motivators of behavior: desires, fears, drives.
- Characteristics of people.
- Roadblocks to effective communication.
- Promoting positive passenger behavior.
- Responsibilities of passenger management team.

Young people are not small adults. Young people are young people. Everyone goes through a growth process and various developmental stages. Passengers in your bus will be at different stages of this process. Consequently, they cannot be expected to be like or act like adults. Nature of young people is rapid growth in the following:

- Socially
- Emotionally
- Physically
- Intellectually
- Impulsive
- Physical
- Intuitive
- Independent/Dependent

There are certain developmental stages in life which everyone will go through.

#### **PRE-SCHOOL STUDENTS**

- Emotional attachment - parents, siblings, teachers, bus drivers etc.
- Feelings are open to new experiences.
- Unpredictable actions.
- Spontaneous actions

#### **ELEMENTARY STUDENTS**

- Peer influences
- Overly helpful
- Unpredictable action

#### **MIDDLE/JR. HIGH STUDENTS**

- Peer influences
- Unpredictable behavior
- Testing independence
- Emotionally sensitive

#### **HIGH SCHOOL STUDENTS**

- Level of Maturity varies greatly
- Emotionally sensitive
- Young people like everyone else have certain desires, fears and drives that control their behavior.

Behavior controls - Desires:

1. Fair treatment - consistent
2. Admiration - parents, peers
3. Win

4. Acceptability
5. Respect
6. Courtesy

Behavior controls - Fears:

1. Rejection
2. Exclusion
3. Ridicule
4. Physical abuse

Behavior controls - Drives:

1. Peer acceptance
2. Viewed as leader
3. Fun
4. Physical stimulation
5. Social exploration
6. Security

Having a basic understanding of people will help you communicate effectively with your passengers. Remember:

1. Everyone is special.
2. Behavior is caused.
3. People are not owned they are individuals.
4. People have feelings.
5. People can reason.
6. Problems are opportunities.
7. All things are not always equal but should be fair.
8. Recognition as a human being is expected.

For effective communications with your passengers messages should be positive rather than negative. For example:

<b>DO THIS</b>	<b>NOT THIS</b>
Be Direct	Be Sarcastic
Positive Reinforcement	Criticize
Be consistent and courteous	Threaten
Provide solutions and advice	Blame

You should strive to exhibit those behaviors which will help develop positive behaviors in your passengers.

Positive driver actions:

1. In control - confident.
2. Helping person - human.
3. Friendly - smile.
4. Listen and look for problem causes.
5. Provide options.
6. Define limits - be firm.



It is a recommendation of the West Virginia Department of Education that the school bus drivers must avail themselves of the disciplinary procedure provided them by their supervisor. The bus driver has no authority to slap, spank or abuse any passenger.

Passengers who break the rules should be returned to their homes or to their schools before any disciplinary action is taken. (Check with bus supervisor on local school district policy on reporting behavior problems.)

You are not the only person responsible for passenger conduct on the bus. Other members of the transportation team have equally important responsibilities in assisting and supporting you while the passengers are in your custody. Passenger management responsibilities:

#### Driver

You have the immediate responsibility because the passengers are under your direct supervision while being transported. You can do much in your relationships with passengers to provide an environment which will minimize passenger disturbances. If disturbances do break out, you do not need to become judge and jury in each occurrence. Your responsibility is to report it to the appropriate administrator. You should be careful not to overstep your legal authority.

#### Transportation supervisor

The transportation supervisor's responsibility is to provide helpful support and guidance to you in handling passenger management problems.

#### Administrator

The school administrator's responsibility is to follow through and take appropriate action on disciplinary problems reported by you. Administrative support in this regard is very important.

#### Teachers

A passenger's teacher can play an important role by assisting you in better understanding the causes of problems a passenger might be having. This understanding will help in determining an appropriate solution to the problem.

#### Parents

Parents are legally responsible for the behavior of their children. Any behavior problem must ultimately be solved through parent cooperation and assistance. The parent working with the school administrator must assure the responsible behavior of their children.

#### Students

The student's responsibility is to follow the rules and regulations set forth by the state and local school district. Assisting you through proper behavior will help assure a safe and efficient bus trip.

Summary of topics reviewed:

- Nature of young people.
- States of human development.
- Motivators of behavior: desires, fears, drives.

- Characteristics of people.
- Roadblocks to effective communication.
- Promoting positive passenger behavior.

### **RESPONSIBILITIES OF PASSENGER MANAGEMENT TEAM:**

Your role in passenger management is an extremely important one. How you relate to each and every passenger on your bus will, to a large extent, determine how safe and enjoyable the bus trip will be.

In addition, you are a part of the school system and educational process. You should view your role as an opportunity to be a positive force in the lives of young people who are growing rapidly.

### **WHEN YOU HAVE DISCIPLINE PROBLEMS:**

You must maintain order on your bus. Keep in mind the following simple rules:

1. Stop the bus if the behavior problem is a serious one. If it is a minor infraction, a word of warning over the speaker system (if available) or a remark directed to the offender may be enough. If the infraction is more serious in nature, stop the bus. The fact that you have taken this action makes the passengers realize the situation is one that is out of the ordinary. Do not stop and lecture passengers for each and every little incident.
2. Stand up and speak to the offenders in a courteous manner but in a firm voice. Don't show anger, but all passengers must realize you "mean business." Be firm, but friendly.
3. If a change in seating is needed, move one or more passengers to a seat near the driver so you can more closely observe the behavior, in order to control unnecessary distractions and to help better provide for the overall safety and welfare of all passengers.
4. You have no legal right to put a passenger off the bus except at their regular bus stop or at the school. If an emergency situation develops in which the safety and welfare of passengers is in jeopardy and you feel very drastic action is needed, stop the bus and contact the proper school authorities and other authorities. Until you can obtain assistance from a proper school administrator, and/or a law enforcement officer, it will be necessary to use your judgment to control the situation and provide for the safety of any and all the passengers on your bus.

### **REPORTING DISCIPLINE PROBLEMS:**

You are responsible for the conduct of passengers on your bus, but you must have the backing of the school administration to effectively discharge this responsibility. In cases of continued misconduct, continue to report the instances of passenger misconduct, in writing, to the supervisor and principal. Refer to Section 7 of Policy 4336.

In many school systems, the first action taken is reprimand. If the passenger's behavior does not improve, the parents may be notified and the passenger may be denied the right to

ride the bus until agreement is reached in a conference or may be transferred to another bus. This is usually done after all other measures have failed to improve the situation.

## **SUSPECTED CHILD NEGLECT OR ABUSE**

As a school bus driver you have the obligation to report to the proper authorities any suspected child neglect or abuse.

### **PROPER PROCEDURES:**

1. Always be courteous to your passengers.
2. Always control your temper.
3. Act the part of a person in a responsible position, conscious of your important job.
4. Do everything possible to inform passengers that they themselves have important responsibilities in assuring group safety.
5. Maintain close contact with principals and secure their cooperation
6. Spot the few troublemakers and ask the principal what methods to employ if you are uncertain.
7. Seat any troublemakers near you, within your vision.
8. Be firm, but kind.
9. Don't be too familiar with the passenger
10. Don't be too lenient at first
11. Don't make "wisecracks".
12. Don't threaten.
13. Don't shout.
14. Don't argue.
15. Don't use physical force; observe the policy of "hands off".
16. Don't create issues that have to be settled later.
17. Don't discipline passengers while the bus is in motion.
18. Never assume that everything is all right.
19. Avoid general statement to the whole bus load of passengers when restoring order.
20. Don't question publicly the decision of the school board; however, feel free to make suggestions for improvement to the proper authority.

## **SECTION H**

### **FIELD TRIPS**

OVERVIEW

FIELD TRIP IS A SPECIAL AND EXCITING TIME

FIELD TRIP RESPONSIBILITIES

SPECIAL INSTRUCTIONS

## **OVERVIEW:**

As a driver, you may be called upon to drive special trips with various groups. These may occur between regular home-to-school route, late afternoon, evenings or on weekends. Driving field trips can present problems that are different from regular home-to-school routes. Some of the issues are:

1. Being assigned to drive a bus other than the one you usually drive.
2. Transporting different age groups than you normally do.
3. Driving long periods at one time.
4. Driving roadways and freeways and driving in and out of areas that you are not familiar with.
5. Driving at night.
6. Driving in all kinds of weather and road conditions.
7. Transporting extra equipment.
8. Working with chaperones and/or a teacher.
9. Adjusting to the activities and the spirit of the trip.
10. Handling of emergencies that may occur away from home.
11. Overnight field trips.
12. Passengers who aren't familiar with safe bus riding rules and practices.
13. Emergency evacuation demonstration prior to every field trip.

This is a list of a few areas that must be considered when you are assigned to a field trip.

## **FIELD TRIP IS A SPECIAL AND EXCITING TIME:**

The field trip or activity trip is a special and exciting time for all concerned. It must also be a safe trip.

Be sure you have a special trip authorization form including on it:

1. Destination and date.
2. Nature and purpose of trip.
3. Departure and expected return times.
4. Names of passengers to be transported.
5. Rest stops and overnight arrangements, if any.
6. Appropriate documentation for authorization of the trip.

The best way to insure a safe and happy trip is through pre-planning.

Numerous problems can arise when driving on field trips -- problems such as selecting the wrong route, running out of fuel, arriving late or not at all. On a field trip a mishap of any degree of seriousness is always more difficult to handle because drivers typically are not as familiar with the area as they are with their own route, and they are further from getting assistance. Drivers should have available several phone numbers should they need help during the trip. These would include the school office, your transportation supervisor, the transportation supervisor at your destination and the school bus maintenance numbers from each county along your way. Phone numbers of where these individuals can be reached in the evening as well as their normal office numbers should be obtained.

Some passengers may have a special medical problem which should be known before the trip begins. Only in this way can any medical problem be planned for in advance.

The driver is in charge of the bus and all passengers on board.

Chaperones shall assist the bus driver with the needs of the student and shall be seated as best to serve the needs of the student and as approved by the driver.

A number of different types of groups participate in field or activity trips. Each group may have one or more different types of group leaders. Typical groups and group leaders would include:

1. team/coach
2. class/teacher
3. group/chaperone

### **FIELD TRIP RESPONSIBILITIES:**

On field and activity trips responsibilities are shared between the driver and the group leader and or the chaperone.

Driver responsibilities include, but are not limited to:

1. Obeying all safety regulations.
2. Maintaining passenger control.
3. Control of emergency situations.
4. Maintaining safe vehicle condition.
5. Selecting stops:
  - a. rest stops
  - b. food stops
  - c. fuel stops
6. Head counts

Responsibilities of group leaders and chaperones include, but are not limited to:

1. Provide a list of all persons on trip.
2. Relaying trip plans and safety precautions.
3. Providing passenger information.
4. Maintaining passenger control.
5. Supervision at stops.
6. Head counts.
7. Passenger instructions.
8. Assembly of passengers.

When the passengers are on board and seating arrangements have been finished, you should do the following:

1. Briefly discuss with your passengers basic bus rules and noise levels you can live with; also window control.
2. Point out emergency procedures:
  - a. location and operation of emergency releases for front door, emergency windows, rear door and roof hatches if so equipped.
  - b. Location of fire extinguisher and first aid kit.

Some long field trips can be very tiring for you as well as our passengers. The following should be considered.

1. Get plenty of rest before the trip.
2. You may want to rest during waiting time before the trip home.
3. Watch your eating habits while on the trip. (Large have meals may cause drowsiness, especially on the return trip.)

Departure times and locations are important. Drivers have to know the exact time they are to arrive at the school, the exact location for the passenger pick-up and the exact time of departure for the event.

If you are unfamiliar with the bus being used on the trip you should check to be sure the bus is cleaned and serviced. Perform a full pre-trip inspection. Familiarize yourself with the instruments and controls. If the bus is a different type than you normally drive, take a test ride, as long as is necessary, to familiarize yourself with the vehicle.

When loading for special trips, check to see that only authorized passengers board the bus.

Band instruments, luggage or other large items should be prohibited in the driver or passenger compartment. Loose luggage or equipment could cause injury or block passages in the event of a collision or sudden maneuver. **IN NO EVENT SHALL AISLES,**

**DOORS, STEPS OR EMERGENCY EXITS BE BLOCKED.**

Special stops along the way should be planned in advance such as, but not limited to food, fuel and comfort. It is better if they can all be accomplished in one stop rather than separate stops for each. When estimating travel time, time estimates for these stops will need to be included.

A driver should know any special situations along the way. Bridges and tunnels would be good examples. A question the driver might ask is: "Is there anything along the way that I cannot get over, under or through?" Tolls are a consideration. If a toll road or bridge is used the driver will need sufficient money to pay these tolls. Motor fuels and their purchase is another consideration.

## **REFERENCE NCTS STANDARDS FOR ACTIVITY AND FIELD TRIPS – PAGE 314**

### **SPECIAL INSTRUCTIONS:**

A final consideration is any special instructions. Is there anything else you need to know to have a safe and happy trip? Drivers should check with the Transportation supervisor and the person in charge of the trip for these types of special conditions or situations.

When destination has been reached make sure all passengers know which bus they are to board for the return trip and at what time.

In closing this subject, keep in mind when you are on a field trip, you represent you county and your school and you should conduct yourself accordingly.

School bus accident reports indicate that many accidents occur on field trips, and the leading causes are as follows:

1. Drivers unfamiliar with the bus.
2. Drivers unfamiliar with the route being traveled.

3. Misuse of braking system descending grades.
4. Driver fatigue.
5. Faulty equipment.



# **SECTION I**

## **TRANSPORTING STUDENTS WITH DISABILITIES AND SPECIAL HEALTH NEEDS**

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## OBJECTIVES

By the end of this unit, the students should be able to:

1. Identify the physical characteristics and behavioral tendencies of students with disabilities and special health care needs.
2. Describe special loading/unloading procedures.
3. Describe special methods of controlling students with disabilities.
4. State ways of communicating with parents of children with disabilities.
5. The use and importance of the medical information card.
6. Responsibilities for bus operators and bus aides.

## OVERVIEW:

Attitude. The success of programs of students with disabilities and special health care needs depends upon the people who have daily contact with the children. Such people should possess characteristics which are different in kind and degree from the average. They should have extra patience, mental alertness, flexibility, resourcefulness, enthusiasm, emotional stability, personal warmth, friendliness,

understanding and sympathy. As a bus operator, you should be able to develop and maintain rapport with children and be able to exercise mature judgment in relation to both the area of students with disabilities and special health care needs and the responsibilities of driving.

You should be aware of and be willing to conform to the objectives of the child's therapeutic needs. You should be able to accept their problems as you would accept any child. You should treat these children as you would want your own children to be treated.

The daily bus ride to school can be an important part of a child's progress toward independence. The child will learn how to leave his/her home to meet the bus, how to cross a street and how to behave on the bus. You will explain the bus rules to them and the child will learn to obey them. You play an important role in determining behavior patterns of children. In fact, you can start the child's day off right or wrong. The bus ride to and from school can be a pleasant experience which a child anticipates eagerly or it can become a dreaded experience. You should be thoughtful and careful about such routine matters as assigning a seat or seat mate, the presentation and purpose of a seatbelt and about using discipline.

Remember, however, that your primary purpose is to take children to and from school safely and dependably. Therefore, while you make allowances for specific problems of students with disabilities and special health care needs, a child's social adjustment will be of less importance than getting to school on time and the safety of the other children, the operator and the bus.

## **YOUR RESPONSIBILITIES:**

Qualifications. Besides operator qualifications regarding age, health, past experience, knowledge of vehicles and maintenance, safe driving practices, etc., you should be able to operate specially equipped or adapted vehicles. You will be trained in the use of wheelchairs, (lifts and anchorages) and CSR (child safety restraint system). We will discuss the use of the use of ambulatory devices and equipment such as: braces, crutches, walkers, oxygen.

Information. You should be aware of the problems of each of the children who ride your bus; with the medical and physical aspects of disabilities of each child. You should, through communication with school personnel and parents, know when a child is on medication (*refer to policy 2422.8 Medical Administration Policy*) and the effects of that medication. This will help you to determine when a child is behaving abnormally for his/her condition. Administration of medication is not a part of first aid training and school bus drivers are prohibited from administering medication under 2422.8 the Medical Administration Policy.

You have the responsibility of reporting to the school authorities or to the parent specific incidents, attitudes, etc., which may be significant in the treatment of the child. You should know what special steps to take in case of a traffic accident or breakdown because the comfort and emotional well-being of these children are your responsibility while they are in your charge. You may spend much time learning how to care for each child under the many circumstances that might occur while the children are on your bus.

## **FOR COMMONLY USED SPECIAL EDUCATION TERMS:**

Refer to National Transportation Specifications and Procedures, Appendix E, Characteristics of Disabilities as defined by IDEA.

## **GUIDELINES FOR HANDLING BEHAVIOR PATTERNS:**

Behavior patterns of each child with any of these conditions are individual problems and should be understood. Each operator must treat each child separately. For example, don't give a general direction to the entire bus load of children. You should not assume everyone would understand this direction.

Behavior patterns of these children for any given day or hour of the day can be caused or changed by the actions of many people:

- The school bus operator
- Parents or members of the family
- Teacher or aide
- Other bus passengers

When you communicate with a child, take into consideration, regardless of the age and size of the youngster, his or her attention span. With some children, this can be rather short. Be consistent when you communicate with a child.

A student may behave differently from day to day because of medication. Many students are extremely hyperactive and use their excess energy to get attention from you or from someone else. It is difficult to give guidelines for handling all situations. You should consult with parents, teacher and supervisor. It can also be of help to move the child to another seat away from a student who may be causing problems.

## **BEHAVIOR PATTERNS:**

Usually, your students with disabilities and special health care needs will fall into one of four categories:

- Physically impaired
- Mentally impaired
- Behavior disordered
- Learning disabled

The children with these different types of handicaps may act quite differently. So, you should learn to recognize these differences and learn how to handle them.

The following descriptions of behavior patterns are average and, of course, there will be many variations and degrees which are not covered here.

## **STUDENTS WITH PHYSICAL DISABILITIES:**

### Deaf and Hearing Impaired.

A deaf child learns to respond to lip movement, facial expression and head movement, as well as to gestures, signs and finger spelling.

### Blind and Visually Impaired.

The blind and visually impaired child's knowledge is gained primarily through hearing and touch. The ease with which the blind child can move about, find objects and places and orient themselves to new situations is crucial.

### Speech Impaired.

### Orthopedic Impaired

May require special mobility aides.

## **MENTALLY IMPAIRED STUDENTS:**

Their height, weight and motor coordination are may be close to the average student of the same age but their social and mental skills are underdeveloped.

The Behavior Disordered Child. These children are defined as neurologically and/or emotionally disabled. They often have behavior problems based on inner tensions which create anxiety, frustrations, fears and impulsive behavior; social maladjustment, including incorrigibility, truancy, pre-delinquency and delinquency.

## **ADAPTIVE EQUIPMENT:**

**All decisions regarding medical equipment in the school bus should be made in accordance with state laws and regulations.**

It is necessary for transportation staff to be familiar with the design and operating procedures for this special equipment as well as know how to conduct equipment inspection and make simple field adjustments. Transportation personnel shall be trained in the use of the following systems as recommended by their manufacturer:

**Power lift** - Knowledge of automatic and manual operation of power lifts is required. No person shall be allowed to stand on the lift platform during operation of the lift. All persons requiring the use of the lift shall be seated and secured properly in a wheelchair. (Refer to National school transportation specifications and procedures Sec. Transportation For Students with Disabilities and special health care needs - P. 58)

**Emergency Fire Blanket** - all lift equipped buses must be equipped with an emergency fire blanket.

### **Wheel Chair Securement Systems**

#### **Emergency Escape Exits**

**Electronic Voice Communication** - Each school bus that transports Individuals with disabilities shall have a two-way communication system capable of providing communication with the operational base, or at least local 911 operators where technologically feasible.

**CRS** - Adaptive and assistive devices used to support and secure students, including mobile seating devices, child safety restraint systems, safety vests, wheelchair tie down/occupant restraint systems, assistive technology devices, trays and securement hardware, including their storage and securement.

#### **Medical Support Equipment**

This may include respiratory devices, such as oxygen bottles (which should be no larger than 22 cubic feet for liquid oxygen and 38 cubic feet for compressed gas) or ventilators. Tanks and valves should be located and positioned to protect them from direct sunlight, bus heater vents or other heat sources. Other equipment may include intravenous and fluid drainage apparatus.

All portable equipment and special accessory items, including the equipment listed above, shall be secured at the mounting location to withstand a pulling force of five times the weight of the item or shall be retained in a enclosed, latched compartment. The compartment shall be capable of withstanding forces applied to its interior equal to five times the weight of its contents with out failure of box=s integrity and securement to the bus. EXCEPTION - If these specifications provide specific requirements for a particular type of equipment - e.g.; wheelchairs, the specific specification shall prevail.

#### **Service Animals**

Certified service animals may be transported as required.

#### **Medicine Transportation**

Must be secured, attended and available as necessary. Medications are only to be administered by persons authorized under WVDE Policy 2422.8. School bus operators are not included as person so authorized but must be knowledgeable in regard to the students' needs. However, aides are included as those authorized to administer medicine when a properly trained by the county medical professionals. In case of a life or death emergency all bus drivers as well as any other persons are covered by the good Samaritan act. Refer to WV School Code 18-5-22.

The aide shall be positioned on the bus in such a place as to best benefit the needs of the students served.

**All adaptive equipment must be properly stored on the bus when not used by students.**

### **LOADING AND UNLOADING:**

Most transportation systems, when possible, load and unload students with disabilities and special health care needs youngsters in front of each child's home due to the fact that the child cannot be left unattended.

These children sometimes need assistance to board the bus and must be helped during this process. Eye-to-eye contact with some children is a must. Remember, care and protection are two things which the parents and children expect from you.

**The transportation team is responsible for loading, unloading and properly securing the student. At no time should this duty be delegated to the parent or other person.**

If an aide is assigned to the bus:  
Be sure each person knows their role; in the case of misunderstanding, don't argue. Carry on any discussion out of the student's presence.  
Use a team effort when carrying or guiding the student onto the bus.

When the use of restraints is required, check to see that they are securely fastened and the aide is correctly seated before putting the bus into motion again.

When specially equipped buses are used to accommodate wheelchairs, etc., with the use of a lift, it is the responsibility of the transportation team to guide the chair onto the bus and secure it in place inside the bus.

Check that the lift door has been securely fastened into position after the student has entered the bus.

Unloading on the school grounds:

Assist each student off the bus into the charge of a teacher or other school attendant.

Insure that all passengers and belongings are taken off the bus.

Unloading at home of the passenger:

Carry or guide each student off the bus into the charge of a parent or other authorized responsible person.

Check that all belongings of each student are taken off the bus.

Report tactfully to the parent any observations which may be appropriate, whether medical or behavioral observations.

If an authorized person is not at home to receive the student, keep him/her on the bus; immediately contact the proper transportation administrator for instruction.

### **ON THE ROAD:**

1. The bus driver and aide shall watch that all passengers remain safely seated.
2. If any student shows symptoms of illness that requires immediate attention, pull bus as far to the right of the road as possible and stop; activate four-way hazard lamps.
3. If a voice communication is available notify the proper authorities; otherwise assign the aide or passing motorist to perform that task.

### **CONFIDENTIALITY:**

Information provided to transportation staff to assist in the orderly and safe transportation of a student including disabling condition, medical/health issues, or

other personal characteristics or information, is protected by the provisions of the Family Educational Rights and Privacy Act, and transportation staff shall be trained regarding confidentiality requirements.

### **GETTING THE FACTS:**

You must have pertinent information about each of your passengers and be a special observer of behavior on your vehicle. You are often the source of information which is vitally important to your supervisor, the student's teacher and parents. Secure pertinent information about and identification picture of each student you transport. Make a confidential card file form to be kept on your bus and in your supervisor's office. A 3"x5" card is suggested. *A form for this purpose is available in the National School Transportation Specifications and Procedures - page 350.*

### **EMERGENCIES:**

Report circumstances of illness or injury to your supervisor immediately.

Planning for emergencies should include:

1. An "in-bus" list of telephone numbers for assistance.
2. First aid equipment including a fire blanket.
3. Information on each child with parent's and physician's telephone numbers.

A plan should be worked out between the parents and the school or operator to deal with emergencies that may arise. For example:

1. What is to be done if the parents are not at home to receive the child at the end of the day?
2. What is to be done if the bus, for some reason, cannot reach the home? One such reason could be due to weather conditions.
3. Have a back-up plan. Ex: A second home, such as a friend or relative, where the child can be taken in such emergencies.
4. What is to be done if the child needs medical attention while being transported?

### **STATE AND LOCAL POLICIES:**

As a partner in the transportation system, you must take an active role in encouraging a system which is designed to aid you in meeting your students' needs by:

Seeking information as to what part you are to take in communicating needs to parents, teacher, supervisor and students.

The following rules and regulations are applicable to bus operators and aides, but do not cover all circumstances which exist for various situations. They do serve as guidelines for the operation of special education transportation programs. The bus operator and aide shall:

1. Obey all regular school bus operational regulations (unless exceptions are noted), state and local policies and traffic laws.
2. Maintain and keep current transportation confidential emergency cards and other required written information. This information is to be maintained in accordance with the Family Education and Privacy Act and state and local regulations.

3. Withhold from a student any type of food (candy, gum, soft drink, etc.) unless required as part of the students' medical necessity.
4. Exercise patience, understanding and mature judgment.
5. Communicate effectively with parents and school staff.
6. Utilize and safely operate the special equipment needed for each student's seating, loading and unloading.
7. Know the safest and most direct route to a hospital or recognized medical center.
8. Arrange the seating of students, where possible, to prevent emotional or physical disturbances (but allow "normal" interaction between students). The special education teacher for these students may be of great assistance in these situations.
9. Explain bus rules to students and enforce them, remembering to:
  - a. Be firm -- but gentle.
  - b. Be patient -- but persistent.
  - c. Always be consistent.
10. Maintain discipline and report to the proper school authorities and/or parents any unusual episodes, attitudes, etc., immediately and in detail, because they may have medical implications.
11. Be willing to learn how to care for each student under the many circumstances that might occur while the students are on the bus. Eye contact usually reveals problems that may occur.
12. Know the appropriate procedures to take in case of a traffic accident or breakdown as they relate to the needs of the students.
13. Maintain the bus schedule for pick-up and delivering of students as closely as safety will permit.
14. Adhere to an established route unless there is an emergency. Contact the proper school administrator when such deviations are necessary.
15. Make sure that a student is not left unattended on the bus.
16. Record when each student is behaving abnormally for their condition and advise the appropriate officials accordingly.
17. Be mentally alert and follow the plan for emergency indicated on the student information card when problems or abnormal reactions occur.
18. Assist each student in meeting therapeutic needs as indicated by appropriate school personnel such as learning to get on and off without assistance.



19. In addition to the above requests, the special education aide shall:
  - a. Assist in the loading and unloading.
  - b. Maintain control of students while on the bus.
  - c. Take care of any special needs of the students while they are on the bus and while they are being loaded and unloaded.
  - d. Assist the bus driver in times of need and during any emergency.

**RESPONSIBILITIES OF THE SCHOOL BUS OPERATOR AND AIDE FOR TRANSPORTING STUDENTS WITH DISABILITIES:**

1. The operator of a bus transporting students with disabilities shall assure that students aboard the bus are supervised at all times.
2. The aide and/or bus operator shall assist such students on and off the bus at the designated bus stop.
3. The bus operator and/or aide shall assure that the protective safety devices are utilized.
4. The bus operator and aide(s) shall receive training regarding the needs of students with disabilities.
5. The bus operator and aide shall have available to them in the vehicle confidential emergency data including:
  - a. student's name and address;
  - b. parent's name, address, home and work phone numbers;
  - c. emergency health care information; and
  - d. provisions for the student's safety when and if the student is unable to be met at the designated bus stop.

The IDEA Amendments of 1997 require that all personnel serving children with disabilities be knowledgeable and trained about the children being served. This includes transportation administrative personnel, drivers, transportation safety assistants, and substitute personnel.

Positive, safe, and efficient transportation experiences and practices will assist a school system's commitment to promoting independence and educational opportunities for special needs students. This chapter outlines recommendations for providing quality professional training for administrative personnel, drivers, transportation safety assistants, and substitute personnel responsible for transporting and chaperoning special needs students. Prior to transporting students, it is recommended that at least the driver or the transportation safety assistant has completed training and has experiences in special needs transportation. Training should be documented, monitored, and ongoing as needed.

When developing and conducting training for transportation personnel, it is recommended that the following areas be included to ensure best practice. Training areas should be modified and expanded to meet the needs of the school district and individual students as needs arise and change. Resources within the school district and community that may be available to assist with training include special education teachers, school physical therapists, vendors of specialized equipment (such as wheelchair securement systems), nurses, behavior specialists, transportation and exceptional children’s administrators.

## 8.1 Personnel Training

Training Areas	Resources for Training
Animal Companions	Orientation and Mobility Specialist, Service Animal Trainer, EC Administrator, Transportation Administrator
Disability Characteristics and Medical Conditions Medically Fragile children Medication Transport DNR	EC Administrators, OT, PT, SLP, RN Disabilities and Health Conditions
Universal Precautions and Communicable Diseases First Aid Blood Born Pathogens	RN, Local Health Department, First Responders Professional Video Tapes
Communication Skills Student Communication Effective Communication Customer Service	EC Teacher, SLP, EC Administrator
Confidentiality Requirements	School System Human Resource Department Transportation Administrators EC Administrators, School Administrators
Discipline Sexual Harassment Violence Supervision of Students	BED Specialist, BED Teacher, EC Administrators, School Administrators Communication and Collaboration
Emergency Information Management	Transportation Administrators

Training Areas	Resources for Training
Equipment Handling Bus Equipment Student’s personal equipment Securement Techniques Wheelchairs Child Safety Restraint Systems Bus Driver Training	Transportation Personnel, Manufacturer’s Reps PT, SLP, OT, Equipment Suppliers, RN Division of Motor Vehicles Specialized Equipment: Descriptions and Procedures Certified Child Passenger Safety Technician
Evacuation Procedures Body Mechanics and Lifting Techniques Implementing Individualized Plans Safe Transfer and Lifting Techniques	Transportation Personnel, EMT, RN, PT, EC Teachers Emergency Evacuation Procedures
Federal and State Regulations, Local Policies and Procedures IEPs IFSPs	Transportation Administrators EC Administrators

Inclement Weather Procedures	Transportation Personnel
Laws Individuals with Disabilities Education Act, 1997 Individualized Education Plans Individual Family Service Plans Section 504 of the Rehabilitation Act	EC Administrators Laws, Policies, and Regulations
Loading and Unloading Procedures Students using Wheelchairs/Assistive Devices Preschoolers Students who walk but require supervision and assistance	Transportation Personnel, PT Specialized Equipment: Descriptions and Procedures
Pick-up and Drop-off Locations	Transportation Personnel
Radio Procedures	Transportation Personnel
Record Keeping	Transportation Personnel
Report Writing	Transportation Personnel

## **Behind the Wheel Certification**

("Behind the Wheel Instruction Manual" is attached next.)

# West Virginia Department of Education

## Office of School Transportation

**“We Drive For Excellence”**

### **BEHIND THE WHEEL INSTRUCTION MANUAL**

2008/2009 Edition

**This manual is to be used as an instructor’s guide for the (12) hours of actual behind the wheel training per individual applicant.**

**This training is to be completed with a certified instructor and the applicant on a one on one basis in order to meet specifications.**

## **INTRODUCTION OF SCHOOL BUS OPERATION**

### **In This Chapter:**

**Lesson Plan**

**Objectives**

**Overview**

**Driver compartment controls**

**Seat controls**

**Starting the Engine**

**Releasing the Park brake**

**Accelerating**

**Shifting**

**Use of Brakes**

**Basic Vehicle Skills**

**Basic on Road Skills**

**Railroad-Highway Crossings**

**Danger Zones and Use of Mirrors**

**Loading and Unloading**

**The following is a recommendation for the minimum amount of time that should be spent on each area.**

Two hours (2) of the actual driving time will be night driving.

Basic controls one (1) hour

Basic skills one (1) hour

Basic maneuvering two (2) hours

On Road:

Rural one (1) hour

Urban one (1) hour

Expressway one (1) hour

Student Loading/Unloading two (2) hours

Railroad crossing (1) hour

## OBJECTIVES

- By the end of this unit, the students should have:
- Knowledge of Driver Compartmental Controls
- Knowledge of Proper Seat Adjustment
- Knowledge of Starting the Engine
- Knowledge of proper use of the Park Brake
- Knowledge of the use of the Clutch and Transmission
- Knowledge of the use of the Brakes
- Knowledge of Basic Vehicle Skills
- Knowledge of Basic on Road Skills
- Knowledge of **Railroad-Highway Crossings**
- Knowledge of **Danger Zones and Use of Mirrors**
- Knowledge of **Loading and Unloading**



## **OVERVIEW:**

This manual is to teach you the basic skills necessary to operate school buses safely and efficiently in transporting this most valuable cargo. To accomplish this, well-trained and safety oriented drivers are required.

An established comprehensive training program will teach you the procedures for basic driving skills and techniques, maneuvers, detecting hazards, potential hazards, appropriate driving techniques, positioning of the school bus and emergency conditions.

School bus operators hold the greatest responsibility of any other driver today. In past years, accidents involving school buses were caused by the school bus operators in approximately half of all accident cases. Those school bus operators did not follow procedures of driving fundamentals. Through practice, correct basic procedures will become a habit and will improve your performance as a school bus operator.

To be a good bus operator, you must position yourself in control; you must be able to reach and operate the controls in comfort and be able to see the areas all around the bus.

## Driver Controls:

1. Driver should be instructed on all controls, such as ABS, ATC, Retarders, Automatic chains, Door locks, Vandal Locks, & Ignition interlocks when equipped. How they work and where they are located.

## Automatic Traction Control:

Normal Vehicle Operation (ATC Lamp Is Off) Wheels Stop  
Spinning (ATC Lamp Goes Out) Excessive Wheel Spin  
ATC Operational (ATC Lamp Comes On)

ATC turns itself on and drivers do not have to select this feature. If the drive wheels spin during acceleration, the ATC indicator lamp comes on, indicating ATC is active. It goes out when the drive wheels stop spinning.

ATC Automatic Traction Control:

ATC is an option available on ABS-equipped vehicles. It helps improve traction when vehicles are on slippery road surfaces by reducing wheel over-spin. ATC works automatically in two ways.

If a drive wheel starts to spin, ATC applies air pressure to that wheel and applies brake. This transfers engine torque to the wheel with better traction.

If both drive wheels spin, ATC reduces engine torque to provide better traction.

There is also a dash mounted switch for use in deep snow or mud. This function increases available traction on extra soft surfaces by slightly increasing the permissible wheel spin. This function is not automatic and is not designed for constant use. The ATC lamp blinks constantly when the switch is activated.

Always refer to the vehicles operators' manual for these and other components.

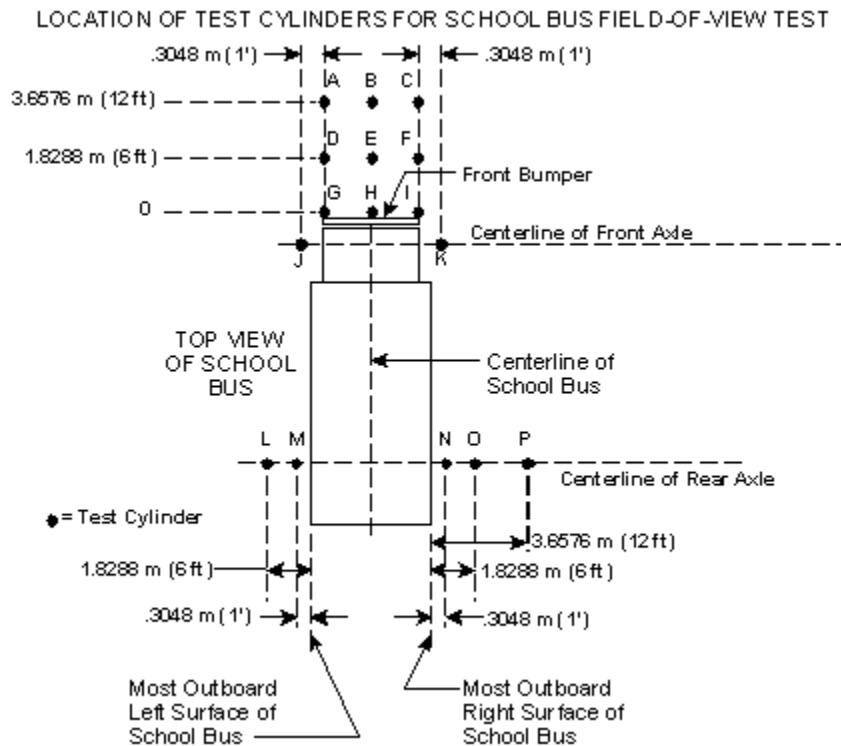
Rationale: Each bus may have different types of switches and systems; they may be located in different places and may be activated differently.

## Seat Controls:

- Adjust the seat so that all controls can be operated properly.  
Rationale: Be sure to lock the seat into proper position to prevent the seat from moving forward and backwards as to ensure the operator will be able to maintain control of steering, braking and acceleration.
- Fasten and adjust driver safety restraint (dsr), which is to be worn at all times when bus is in use.
- Check for correct mirror adjustment.

Rationale: Proper adjustment and use of all mirrors is vital to safe operation of the school bus, in order to observe the danger zones around the bus and look for students, traffic and other objects

In the danger zones of the bus. Check each mirror to ensure maximum viewing area is attained. If necessary have mirrors adjusted. Per FMVSS 111



## STARTING THE ENGINE:

- Assure that parking brake is set.
- Release the ignition interlock/vandal lock. If equipped  
Rationale: If Interlock/vandal lock is not released the bus will not start
- Depress clutch pedal to disengage it from the engine, if transmission is manual.
- Shift gear lever into neutral position.  
Rationale: Buses will not start unless they are placed in neutral
- Turn on ignition key to complete electric circuits and follow dash instructions.  
Rationale: Some buses are equipped with a wait to start light. While other buses may have some type of symbol in the dash that represents the wait to start light and if the operator attempts to start the bus before the light/symbol directs the operator to the bus will be hard to start.
- Engage starter switch with clutch depressed and gear shift in neutral.
- Use foot accelerator sparingly. Every effort should be taken into consideration during vehicle operation.
- Bus engines will vary widely in sensitivity; therefore, do not hesitate to ask the supervisor or bus mechanic for special techniques in starting a particular bus.
- Warm up engine at fast idle; do not race the engine.
- Check all instruments to see that all are registering properly:

## Idling of School Buses:

In normal weather, a school bus operator shall not idle the bus while waiting for or loading students. Buses will be allowed to idle when the temperature is 40 degrees Fahrenheit or colder, when the driving windows need to be defrosted, when the safety or comfort of the students is in question.

School bus operators are prohibited from idling the buses for more than 10 minutes unless defrosting of windows is needed, in this case idling shall be limited to thirty minutes

## Releasing the Park Brake:

Inform the trainee that the Park brake will not release until the system has attained at least 60PSI, and on some models the park brake will not release unless the ignition key is in the run position.

*Rationale: Some buses will release the park brake simply by pushing the Park Brake knob in (release position), While some buses have to have the key on and the foot brake applied in order to release the Park Brake.*

## Accelerating:

These guide lines are to be used when pulling out from a stop, whether the vehicle is on a level road way or pulling out on grade.

- Don't roll back when you start. You may hit someone or someone's vehicle behind you. If you have a manual transmission vehicle, partly engage the clutch before you take your foot off the brake.
- Put on the parking brake whenever necessary to keep from rolling back. Release the parking brake only when you have applied enough engine power to keep from rolling back.
- Speed up smoothly and gradually so the vehicle does not jerk. Rough acceleration can cause mechanical damage.
- Speed up gradually when traction is poor, when you are on rain or snow covered roads. If you use too much power, the drive wheels may spin. You could lose control or If the drive wheels begin to spin, take your foot off of the accelerator.
- The driver should not coast (foot on clutch or gearshift in neutral).The driver does not stall the engine and accelerates smoothly and merges with other traffic into proper lane using appropriate speed of engine.

*Rationale: Accelerating and merging properly prevents the vehicle from interfering with the flow of traffic. Accelerating too quickly may damage equipment, which in turn cause the vehicle to stall or break down.*

## Shifting gears:

Correct shifting of gears is important. If you can't get your vehicle into the right gear while driving, you will have less control.

Basic Method for Shifting Up. Most heavy vehicles with manual transmissions require double clutching to change gears. This is the basic method:

- Release accelerator, push in clutch and shift to the transmission into neutral at the same time.
- Release clutch. Let engine and gears slow down to the rpm required for the next gear (this takes practice).

- Push in clutch and shift to the higher gear at the same time.
- Release clutch and press accelerator at the same time.
- Shifting gears using double clutching requires practice. If you remain too long in neutral, you may have difficulty putting the vehicle into the next gear. If so, don't try to force it. Return to neutral, release clutch, increase engine speed to match road speed, and try again.

Knowing When to Shift Up. There are two ways of knowing when to shift:

- Use Engine Speed (rpm). Study the driver's manual for your vehicle and learn the operating rpm range. Watch your tachometer, and shift up when your engine reaches the top of the rpm range. (Some newer vehicles use "progressive" shifting: The rpm at which you shift becomes higher as you move up in the gears. Find out what's right for the vehicle you will operate.)
- Use Road Speed (mph). Learn what speeds each gear is good for. Then, by using the speedometer, you'll know when to shift up.

With either method, you may learn to use engine sounds to know when to shift the transmission.

## Basic Procedures for Shifting Down

- Release accelerator, push in clutch, and shift to neutral at the same time.
- Release clutch.
- Press accelerator, increase engine and gear speed to the rpm required in the lower gear.
- Push in clutch and shift to lower gear at the same time.
- Release clutch and press accelerator at the same time.
- Downshifting, like up-shifting, requires knowing when to shift. Use either the tachometer or the speedometer and downshift at the right rpm or road speed.
- Special conditions where you should downshift are:
  - a. Before Starting Down a Hill. Slow down and shift down to a speed that you can control without using the brakes hard. Otherwise the brakes can overheat and lose their braking power. Downshift before starting down the hill. Make sure you are in a low enough gear, usually lower than the gear required to climb the same hill.
  - b. Before Entering a Curve. Slow down to a safe speed, and downshift to the right gear before entering the curve. This lets you use some power through the curve to help the vehicle be more stable while turning. It also allows you to speed up as soon as you are out of the curve

*Rationale: Drivers must adjust speed to safely negotiate a curve. Drivers inexperienced with the operation of a school bus often misjudge the maximum speed with which they can negotiate a curve radius. Excessive speed prior to the curve requires hard braking in the curve which could create a hazardous condition. At the other extreme, drivers whose handling skills are deficient may slow too much to keep the vehicle in the lane while negotiating the curve. Speed adjustments need to be made prior to the curve to allow the driver time to concentrate on the curve and not on shifting.*

*Also you make sure that the operator keeps the vehicle wheels in the proper lane.*

***Rationale; Because of off tracking/tail-swing driver must approach the curve from an outside position of the lane to keep the rear wheels from cutting across the apex of the curve. Failure to do so can cause the rear wheels to leave the road or present a hazard in the neighboring lane.***

### **Automatic Transmissions**

Some vehicles have automatic transmissions. You can select a low range to get greater engine braking when going down grades. The lower ranges prevent the transmission from shifting up beyond the selected gear (unless the governor rpm is exceeded). It is very important to use this braking effect when going down grades also.

## **Basic Braking procedures**

The Driver must be taught proper braking techniques. These techniques are:

**Rationale: Drivers unskilled at operating vehicles with air brakes will have a tendency to over-brake causing harsh and erratic stops.**

- Push the brake pedal down gradually. The amount of brake pressure you need to stop the vehicle will depend on the speed of the vehicle and how quickly you need to stop. Control the pressure so the vehicle comes to a smooth, safe stop. If you have a manual transmission, push the clutch in when the engine is close to idle.
- Brakes are designed so brake shoes or pads rub against the brake drum or disks to slow the vehicle.
- Braking creates heat, but brakes are designed to take a lot of heat. However, brakes can fade or fail from excessive heat caused by using them too much and not relying on the engine braking effect.
- Excessive use of the service brakes results in overheating and leads to brake fade.
- Brake fade results from excessive heat causing chemical changes in the brake lining, which reduce friction, causing expansion of the brake drums.
- As the overheated drums expand, the brake shoes and linings have to move farther to contact the drums, and the force of this contact is reduced.
- Continued overuse may increase brake fade until the vehicle cannot be slowed down or stopped.
- Brake fade is also affected by adjustment. To safely control a vehicle, every brake must do its share of the work.
- Brakes out of adjustment will stop doing their share before those that are in adjustment. The other brakes can then overheat and fade, and there will not be enough braking available to control the vehicle(s).
- Brakes can get out of adjustment quickly, especially when they are hot. Therefore, check brake adjustment often.
- Remember, the use of brakes on a long and/or steep downgrade is only a supplement to the braking effect of the engine.
- Once the vehicle is in the proper low gear, the following is the proper braking technique:
  - a. Apply the brakes just hard enough to feel a definite slowdown.
  - b. When your speed has been reduced to approximately five mph below your "safe" speed, release the brakes. (This application should last for about three seconds.)
  - c. When your speed has increased to your "safe" speed, repeat steps 1 and 2.
  - d. For example, if your "safe" speed is 40 mph, you would not apply the brakes until your speed reaches 40 mph. You now apply the brakes hard enough to gradually

reduce your speed to 35 mph and then release the brakes. Repeat this as often as necessary until you have reached the end of the downgrade.

**Caution: Applying the park brake when the brakes are over heated may cause damage, however do not leave the vehicle unattended without setting the park brake.**

### ***Low Air Pressure:***

If the low air pressure warning comes on, stop and safely park your vehicle as soon as possible.

There might be an air leak in the system. Controlled braking is possible only while enough air remains in the air tanks.

The spring brakes will come on when the air pressure drops into the range of 20 to 45 psi. A heavily loaded vehicle will take a long distance to stop because the spring brakes do not work on all axles. Lightly loaded vehicles or vehicles on slippery roads may skid out of control when the spring brakes come on. It is much safer to stop while there is enough air in the tanks to use the foot brakes.

### ***Parking Brakes:***

Any time you park, or are loading or unloading students use the parking brakes, except as noted below.

Pull the parking brake control knob out to apply the parking brakes, push it in to release.

The control will be a yellow, diamond shaped knob labeled "parking brakes" on newer vehicles.

On older vehicles, it may be a round blue knob or some other shape (including a lever that swings from side to side or up and down).

**Note: Do not apply the park brake until the vehicle has come to a complete stop.**

If your vehicle does not have automatic air tank drains, drain your air tanks at the end of each working day to remove moisture and oil. Otherwise, the brakes could fail.

***Never leave your vehicle unattended without applying the parking brakes or chocking the wheels. Your vehicle might roll away and cause injury and damage.***

## **Antilock Braking Systems**

### ***Vehicles Required to Have Antilock Braking Systems***

The Department of Transportation requires that antilock braking systems are on:  
Air brakes vehicles, (trucks, buses, trailers and converter dollies) built on or after March 1, 1998.

Hydraulically braked buses with a gross vehicle weight rating of 10,000 lbs or more built on or after March 1, 1999.

Many buses built before these dates have been voluntarily equipped with ABS.

Your school bus will have a yellow ABS malfunction lamp on the instrument panel if it is equipped with ABS.

### ***How ABS Helps You***

When you brake hard on slippery surfaces in a vehicle without ABS, your wheels may lock up.

When your steering wheels lock up, you lose steering control. When your other wheels lock up, you may skid or even spin the vehicle.

ABS helps you avoid wheel lock up and maintain control. You may or may not be able to stop faster with ABS, but you should be able to steer around an obstacle while braking, and avoid skids caused by over braking.

### ***Braking with ABS:***

When you drive a vehicle with ABS, you should brake as you always have. In other words:

Use only the braking force necessary to stop safely and stay in control. Brake the same way, regardless of whether you have ABS on the bus. However, in emergency braking, do not pump the brakes on a bus with ABS.

As you slow down, monitor your bus and back off the brakes (if it is safe to do so) to stay in control.

### ***Braking if ABS is Not Working***

Without ABS, you still have normal brake functions. Drive and brake as you always have.

Vehicles with ABS have yellow malfunction lamps to tell you if the ABS is not working properly. The yellow ABS malfunction lamp is on the bus's instrument panel.

As a system check on newer vehicles, the malfunction lamp comes on at start-up for a bulb check and then goes out quickly. On older systems, the lamp could stay on until you are driving over five mph.

If the lamp stays on after the bulb check, or goes on once you are under way, you may have lost ABS control at one or more wheels.

Remember, if your ABS malfunctions, you still have regular brakes. **However you should have the vehicle serviced immediately upon completion of your route/trip.**

*Rationale: It could be an indication of a developing mechanical issue.*

### ***Safety Reminders***

ABS won't allow you to drive faster, follow more closely, or drive less carefully.

ABS won't prevent power or turning skids—ABS should prevent brake-induced skids but not those caused by spinning the drive wheels or going too fast in a turn.

ABS won't necessarily shorten stopping distance. ABS will help maintain vehicle control, but not always shorten stopping distance.

ABS won't increase or decrease ultimate stopping Power—ABS is an "add-on" to your normal brakes, not a replacement for them.



ABS won't change the way you normally brake. Under normal brake conditions, your vehicle will stop as it always stopped. ABS only comes into play when a wheel would normally have locked up because, of over braking.

ABS won't compensate for bad breaks or poor brake maintenance.

Remember: The best vehicle safety feature is still a safe driver.

## **Auxiliary brake/retarders**

**Engine Brakes:** *There are two basic types of engine brakes.*

The most common uses a butterfly valve mounted in the exhaust pipe to restrict the flow of the exhaust gases. Other engine manufactures are using the turbocharger to serve the same purpose.

The other method of engine braking is to use the engines compression to retard the engine. All engine brakes are controlled with a dash mounted switch to turn them on or off, some may even have a switch to turn them on or off, some may even have a switch that control the level of the engine braking. When the engine brake is in operation it works with the ABS brake system to help in the braking effort. The use of the engine brake on long steep grades will greatly reduce the chance of brake failure due to brake fade, and if it is used on a regular basis will greatly extend the life of the vehicle primary brake shoes.

The only time the engine brake should not be used is when driving on road surfaces with low traction. The engine brake should never be considered as the vehicle primary braking system, but when used together with the service brake it adds an extra level of safety to the vehicle.

Some vehicles also have driveline "retarders." These retarders help slow a vehicle, by reducing the need for using your brakes. They reduce brake wear.

All retarders can be turned on or off by the driver. On some vehicles the retarding power can be adjusted. When turned "on," retarders apply their braking power (to the drive wheels only), when you let up on the accelerator pedal all the way.

**Caution:** When your drive wheels have poor traction, the retarder may cause them to skid. Therefore, you should turn the retarder off whenever the road is wet, icy, or snow covered. However if the vehicle is equipped with an auxiliary brake system the driver should receive the proper training on the use of this system

## **BASIC VEHICLE SKILLS**

### **BACKING IN A STRAIGHT LINE**

Backing will be practiced and may be necessary, however use an adult Helper if at all possible. Use a helper when you can. There are blind spots you can't see. That's why a helper is important. The helper should stand near the back of your vehicle where you can see the helper. Before you begin backing, work out a set of hand signals that you both understand. Agree on a signal for "stop"

### **Backing Safely**

Because you cannot see everything behind your vehicle, backing is always dangerous. Avoid backing whenever you can. When you park, try to park so you will be able to pull forward when you leave. When you have to back, here are a few simple safety rules:

- Start in the proper position.
- Look at your path.
- Use mirrors on both sides.
- Back slowly.
- Back and turn toward the driver's side whenever possible.

**Start in the Proper Position.**

Put the vehicle in the best position to allow you to back safely. This position will depend on the type of backing to be done.

**Look at Your Path.** Look at your line of travel before you begin. Get out and walk around the vehicle. Check your clearance to the sides and overhead, in and near the path your vehicle will travel.

**Use Mirrors on Both Sides.** Check the outside mirrors on both sides frequently. Get out of the vehicle and check your path if you are unsure.

**Back Slowly.** Always back as slowly as possible. Use the lowest reverse gear. That way you can more easily correct any steering errors. You also can stop quickly if necessary.

**When possible Back and Turn Toward the Driver's Side.** Back to the driver's side so you can see better.

Backing toward the right side is very dangerous because you can't see as well. If you back and turn toward the driver's side, you can watch the rear of your vehicle by looking out the side window.

Use driver side backing--even if it means going around the block to put your vehicle in this position. The added safety is worth it.

***Back/Right:***

Back into a space that is to the right rear of your vehicle. Practice right backing in a defined area as not to encroach on the boundaries.

*Rationale: This can be done in a coned area or an actual turning area.*

***Back/Left:***

Back into a space that is to the left rear of your vehicle. Practice left backing in a defined area as not to encroach on the boundaries.

*Rationale: This can be done in a coned area or an actual turning area.*

**Alley dock:**

You will practice sight-side backing your vehicle into an alley, bringing the rear of your vehicle as close as possible to the rear of the alley without going beyond the exercise boundary marked by a line or row of cones. You are required to get your vehicle completely into the space with your entire vehicle straight with the alley.

# ONROAD DRIVING

## TURNS

You will be required to make a turn:

- Check traffic in all directions.
- Use turn signals and safely get into the lane needed for the turn.
- As you approach the turn:
  - a. Use turn signals to warn others of your turn.
  - b. Slow down smoothly, change gears as needed to keep power, but do not coast unsafely. Unsafe coasting occurs when your vehicle is out of gear (clutch depressed or gearshift in neutral) for more than the length of your vehicle.
- If you must stop before making the turn:
  - a. Come to a smooth stop without skidding.
  - b. Come to a complete stop behind the stop line, crosswalk, or stop sign.
- If stopping behind another vehicle, stop where you can see the rear tires on the vehicle ahead of you (safe gap).

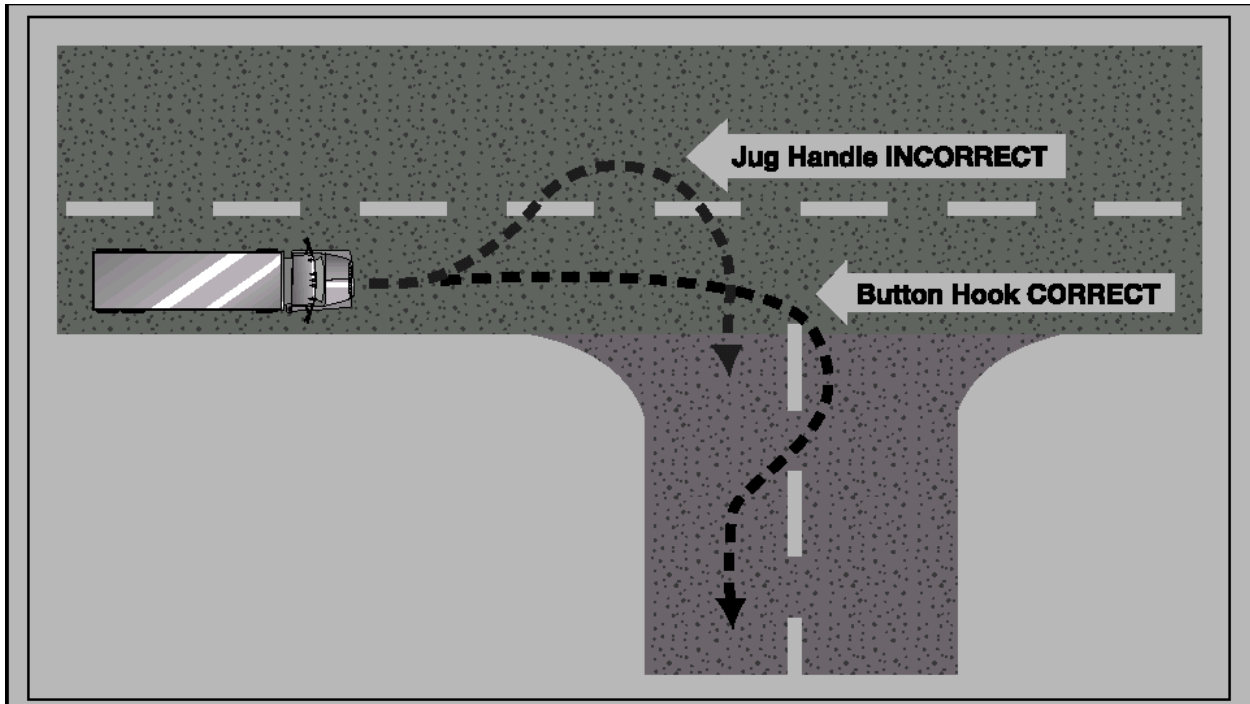
Rationale: The driver should allow enough space to maneuver the vehicle in case of emergency or stalled traffic
- Do not let your vehicle roll. Keep the front wheels aimed straight ahead.

Rationale: You want to keep the wheels pointed straight ahead in the event that the vehicle is struck from the rear. The driver can maintain better control of the vehicle.
- Check traffic in all directions.
- Keep both hands on the steering wheel during the turn.
- Do not change gears during the turn.
- Keep checking your mirror to make sure the vehicle does not hit anything on the inside of the turn.
- Vehicle should not move into oncoming traffic.
- Vehicle should finish turn in correct lane.
- After turn:
  - a. Make sure turn signal is off.
  - b. Get up to speed of traffic, use turn signal, and move into right-most lane when safe to do so (if not already there).
  - c. Check mirrors and traffic.

**Right Turns.** Here are some rules to help prevent right-turn crashes:

- Turn slowly to give yourself and others more time to avoid problems.
- When you are driving a bus that cannot make the right turn without swinging into another lane, turn wide as you complete the turn. Keep the rear of your vehicle close to the curb. This will stop other drivers from passing you on the right.
- Don't turn wide to the left as you start the turn. A following driver may think you are turning left and try to pass you on the right. You may crash into the other vehicle as you complete your turn.

- If you must cross into the oncoming lane to make a turn, watch out for vehicles coming toward you. Give them room to go by or to stop. However, don't back up for them, because you might hit someone behind you. See Figure 2.13.



**Figure 2.13**

**Left Turns.** On a left turn, make sure you have reached the center of the intersection before you start the left turn. If you turn too soon, the left side of your vehicle may hit another vehicle because of offtracking.

If there are two turning lanes, always take the right turn lane. Don't start in the inside lane because you may have to swing right to make the turn. Drivers on your left can be more readily seen. See Figure 2.14.

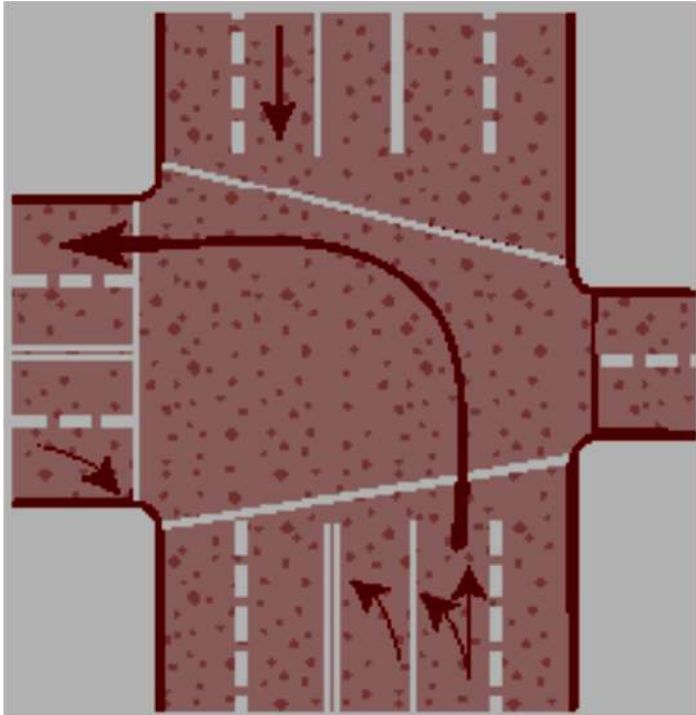


Figure 2.14

## INTERSECTIONS

As you approach an intersection:

- Check traffic thoroughly in all directions. Decelerate gently.
- Brake smoothly and, **if necessary**, change gears.
- If necessary, come to a complete stop behind any stop signs, signals, sidewalks, or stop lines maintaining a safe gap.

Rationale: Making a full stop allows the driver enough time to thoroughly observe the traffic environment around the vehicle. Also, make sure that there is sufficient space between the vehicle and the sidewalks when making turns. You do not want to rub, scrape or climb the sidewalk with the vehicle a pedestrian could be caught and injured and the tires could be damaged.

- Your vehicle must not roll forward or backward.
- When driving through an intersection:
  - a. Check traffic thoroughly in all directions.
  - b. Decelerate and yield to any pedestrians and traffic in the intersection.
- Do not change lanes or shift gears while proceeding through the intersection. Keep your hands on the wheel.

Once **through** the intersection:

- Continue checking mirrors and traffic.
- Accelerate smoothly and change gears as necessary.

### **Urban/Rural Straight:**

You will be expected to make regular traffic checks and maintain a safe following distance. Your vehicle should be centered in the proper lane (right-most lane) and

you should keep up with the flow of traffic but not exceed the posted speed limit.

Also when encountering ( driving upon) emergency vehicles you should slow your vehicle, use proper procedure and move your vehicle into the left lane if safe to do so.

### **Rural Driving--Lane Changes**

During multiple lane portions you will be asked to change lanes to the left, and then back to the right. You should make the necessary traffic checks first, then use proper signals and smoothly change lanes when it is safe to do so.

*Rationale:* Traffic checks should be made constantly including mirror checks around the vehicle. This is necessary to keep the driver alert to any changes in traffic and road conditions. Mirror checks are critical because of the vehicles large blind spots. The driver must be continually aware of conditions so that necessary adjustments in speed and position can be made. These adjustments take longer in school buses because of their large sizes, so the driver must be able to anticipate them as early as possible.

### **Expressway**

Before entering the expressway:

- Check traffic.
- Use proper signals.
- Merge smoothly into the proper lane of traffic.

### **Off Ramps/On Ramps.**

Freeway and turnpike exits can be particularly dangerous for commercial vehicles.

Off ramps and on ramps often have speed limit signs posted. Remember, these speeds may be safe for automobiles, but may not be safe for larger vehicles or heavily loaded vehicles.

Exits that go downhill and turn at the same time can be especially dangerous.

The downgrade makes it difficult to reduce speed. Braking and turning at the same time can be a dangerous practice.

Make sure you are going slow enough before you get on the curved part of an off ramp or on ramp.

### **Space Needed to Cross or Enter Traffic:**

Be aware of the size and weight of your vehicle when you cross or enter traffic. Here are some important things to keep in mind.

Because of slow acceleration and the space large vehicles require, you may need a much larger gap to enter traffic than you would in a car.

Acceleration varies with the load. Allow more room if your vehicle is heavily loaded.

Before you start across a road, make sure you can get all the way across before traffic reaches you.

Once on the expressway:

- Maintain proper lane positioning, vehicle spacing, and vehicle speed.
- Continue to check traffic thoroughly in all directions.

- When exiting the expressway:
- Make necessary traffic checks.
- Use proper signals.
- Decelerate smoothly in the exit lane.
- Once on the exit ramp, you must continue to decelerate within the lane markings and maintain adequate spacing between your vehicle and other vehicles.

### **Stop/Start:**

Rationale: These guide lines are to be used when pulling out from a stop, whether the vehicle is on a level road way or pulling out on grade.

You may be asked to pull your vehicle over to the side of the road and stop as if you were going to get out and check something on your vehicle. You must check traffic thoroughly in all directions and move to the right-most lane or shoulder of road.

Rationale: Don't roll back when you start. You may hit someone behind you. If you have a manual transmission vehicle, partly engage the clutch before you take your right foot off the brake.

As you prepare for the stop:

- Check traffic.
- Activate your right turn signal.
- Decelerate smoothly, brake evenly, change gears as necessary.
- Bring your vehicle to a full stop without coasting.
- Once stopped:
- Vehicle must be parallel to the curb or shoulder of the road and safely out of the traffic flow.
- Vehicle should not be blocking driveways, fire hydrants, intersections, signs, etc. Cancel your turn signal.
- Activate your four-way emergency flashers.
- Apply the parking brake.
- Move the gear shift to neutral or park.
- Remove your feet from the brake and clutch pedals.
- When instructed to resume:
  - a. Check traffic and your mirrors thoroughly in all directions.
  - b. Turn off your four-way flashers.
  - c. Activate the left turn signal.
  - d. When traffic permits, you should release the parking brake and pull straight ahead.
  - e. Do not turn the wheel before your vehicle moves.
  - f. Check traffic from all directions, especially to the left.
  - g. Steer and accelerate smoothly into the proper lane when safe to do so.
  - h. Once your vehicle is back into the flow of traffic, cancel your left turn signal.

### **Curve**

When approaching a curve:

- Check traffic thoroughly in all directions.
- Before entering the curve, reduce speed so further braking or shifting is not required in the curve.
- Keep vehicle in the lane.
- Continue checking traffic in all directions.

# Railroad-highway Crossings

## *Types of Crossings*

**Passive Crossings.** This type of crossing does not have any type of traffic control device. You must stop at these crossings and follow proper procedures. However, the decision to proceed rests entirely in your hands. Passive crossings require you to recognize the crossing, search for any train using the tracks and decide if there is sufficient clear space to cross safely. Passive crossings have yellow circular advance warning signs, pavement markings and cross-bucks to assist you in recognizing a crossing.

**Active Crossings.** This type of crossing has a traffic control device installed at the crossing to regulate traffic at the crossing. These active devices include flashing red lights, with or without bells and flashing red lights with bells and gates.

**Warning Signs and Devices Advance Warning Signs.** The round, black-on yellow warning sign is placed ahead of a public railroad-highway crossing. The advance warning sign tells you to stop, look and listen for the train. See Figure 10.5.



Figure 10.5



**Pavement Markings.** Pavement markings mean the same as the advance warning sign. They consist of an “X” with the letters “RR” and a no passing marking on two-lane roads.

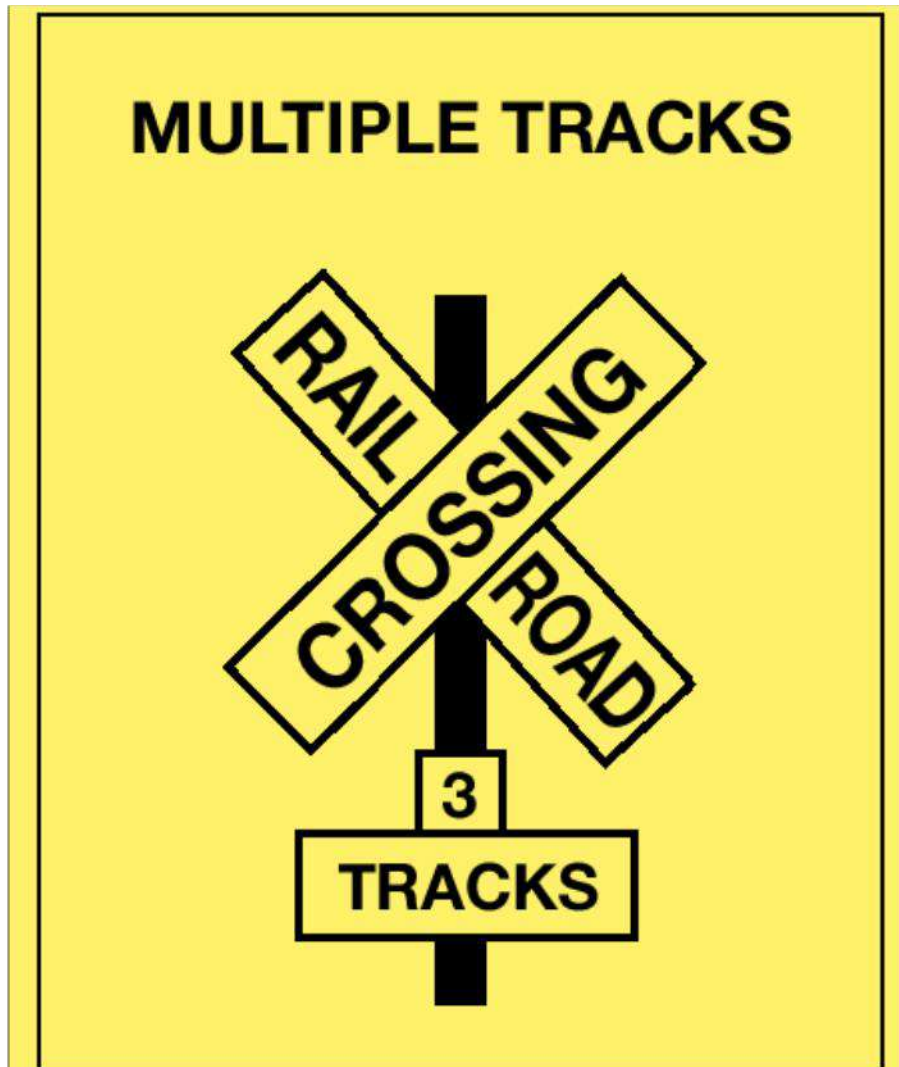
There is also a no passing zone sign on two-lane roads. There may be a white stop line painted on the pavement before the railroad tracks. The front of the school bus must remain behind this line while stopped at the crossing. See Figure 10.6.



**Figure 10.6**

**Crossbuck Signs.** This sign marks the crossing. It requires you to yield the right-of-way to the train. If there is no white line painted on the pavement, you must stop the bus before the crossbuck sign.

When the road crosses over more than one set of tracks, a sign below the crossbuck indicates the number of tracks. See Figure 10.7



**Figure 10.7**

**Flashing Red Light Signals.** At many highway rail grade crossings, the crossbuck sign has flashing red lights and bells. You are required to stop! A train is approaching. You are required to yield the right-of-way to the train. If there is more than one track, make sure all tracks are clear before crossing. If the gate stays down after the train passes, do not drive around the gate. Instead, call your dispatcher. See Figure 10.8.

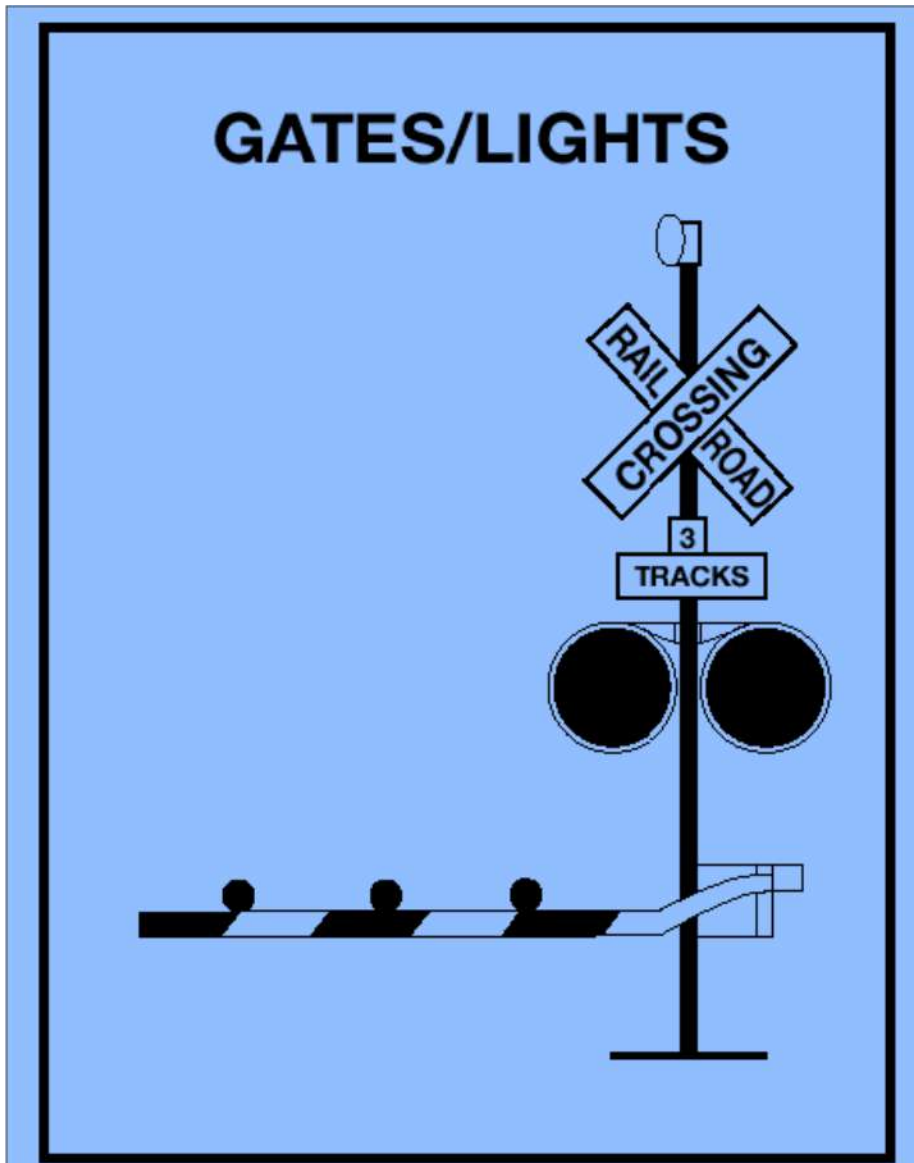


Figure 10.8

**Gates.** Many railroad-highway crossings have gates with flashing red lights and bells. Remember that buses are required to stop at all Rail Road crossing. Remain stopped until the gates go up and the lights have stopped flashing. Proceed when it is safe. If the gate stays down after the train passes, do not drive around the gate. Instead, call your dispatcher. See Figure 10.8.

***Recommended Procedures***

Each state has laws and regulations governing how school buses must operate at railroad-highway crossings.

- In general, school buses must stop at all crossings, and ensure it is safe before
- proceeding across the tracks.
- A school bus is one of the safest vehicles on the highway.
- However, a school bus does not have the slightest edge when involved in a crash with a
- train.

- Because of a train's size and weight it cannot stop quickly. A freight train with 150 cars traveling at 50 MPH would continue moving down the track for 1.5 miles before coming to a complete stop, even with full emergency braking. An emergency stop requires approximately 17 seconds for air brakes on all train cars to activate, and a train does not have an emergency escape route
- A school bus, under ideal conditions, should be able to come to a complete stop in approximately 12 seconds when following the proper procedures.
- Always assume that a train is coming, even when there is no warning given. Familiarity with rail road crossing on a route is an important aspect of safe transportation.
- Avoid becoming over confident. Remember most trains run a variable schedule and travel at different speeds.
- You can prevent school bus/train crashes by following these recommended procedures.
- Approaching the Crossing:
  - a. Slow down, including shifting to a lower gear in a manual transmission bus, and test your brakes.
  - b. Activate hazard lights approximately 200 feet before the crossing. Make sure your intentions are known.
  - c. Scan your surroundings and check for traffic behind you.
  - d. Stay to the right of the roadway if possible.
  - e. Choose an escape route in the event of a brake failure or problems behind you.
- At the Crossing:
  - a. Stop no closer than 15 feet and no farther than 50 feet from the nearest rail, where you have the best view of the tracks.
  - b. Place the transmission in Park, or if there is no Park shift point, in Neutral and press down on the service brake or set the parking brakes.
  - c. Turn off all radios and noisy equipment, and silence the passengers. Open the service door and driver's window. Look and listen for an approaching train.
- **Before crossing the tracks close your entrance door**

#### Crossing the Track:

- Check the crossing signals again before proceeding.
- **At a multiple-track crossing, stop only before the first set of tracks. When you are sure no train is approaching on any track, proceed across all of the tracks until you have completely cleared the all of the tracks.**
- Cross the tracks in a low gear. Do not change gears while crossing.
- If the gate comes down after you have started across, drive through it even if it means you will break the gate.
- After crossing the tracks and you are sure that the bus has cleared the tracks close the driver's window and turn the emergency flashers off and continue your route.

#### **Special Situations**

***If a train is in sight, or if any warning signals are activated, a loaded school bus cannot attempt to cross the tracks.***

**Bus Stalls or Trapped on Tracks.** If your bus stalls or is trapped on the tracks, **get everyone out and off the tracks immediately.** Move everyone a safe distance far from the bus at an angle away from the tracks. If a train is approaching move at angle away from the tracks and in the direction of the approaching train.

If the crossing is occupied by a train, the bus driver must **set the parking brake** and place the gear shift in the **neutral position** until the crossing is clear.

**Police Officer at the Crossing.** If a police officer is at the crossing, obey directions. If there is no police officer, and you believe the signal is malfunctioning, call your dispatcher to report the situation and ask for instructions on how to proceed.

**Obstructed View of Tracks.** Plan your route so it provides maximum sight distance at highway-rail grade crossings.

Do not attempt to cross the tracks unless you can see far enough down the track to know for certain that no trains are approaching.

Passive crossings are those that do not have any type of traffic control device. Be especially careful at “passive” crossings.

Even if there are active railroad signals that indicate the tracks are clear, you must stop look and listen to be sure it is safe to proceed.

### **Containment or Storage Areas.**

#### ***If it won't fit, don't commit!***

Know the length of your bus and the size of the containment area at highway-rail crossings on the school bus route, as well as any crossing you encounter in the course of a school activity trip.

When approaching a crossing beware of anything that would prevent the bus from completely clearing the track (S) such as a signal or stop sign on the opposite side, pay attention to the amount of room there. Be certain the bus has enough containment or storage area to completely clear the railroad tracks on the other side if there is a need to stop.

**A school bus is at most 45 feet long, and requires 15 feet of clearance in front and in back, for a total of 70 feet for the bus to safely clear the track.**

As a general rule add a minimum of **15 feet** to the length of the school bus to determine an acceptable amount of containment or storage area.

## **Danger Zones and Use of Mirrors:**

Because state and local laws and regulations regulate so much of school transportation and school bus operations, many of the procedures in this section may differ from state to state. You should be thoroughly familiar with the laws and regulations in your state and local school district.

### ***Danger Zones***

The danger zone is the area on all sides of the bus where children are in the most danger of being hit, either by another vehicle or their own bus. The danger zones may extend as much as 30 feet from the front bumper with the first 10 feet being the most dangerous, 10 feet from the left and right sides of the bus and 10 feet behind the rear bumper of the school bus. In addition, the area to the left of the bus is always considered dangerous because of passing cars. Figure 10.1 illustrates these danger zones.

# THE DANGER ZONES

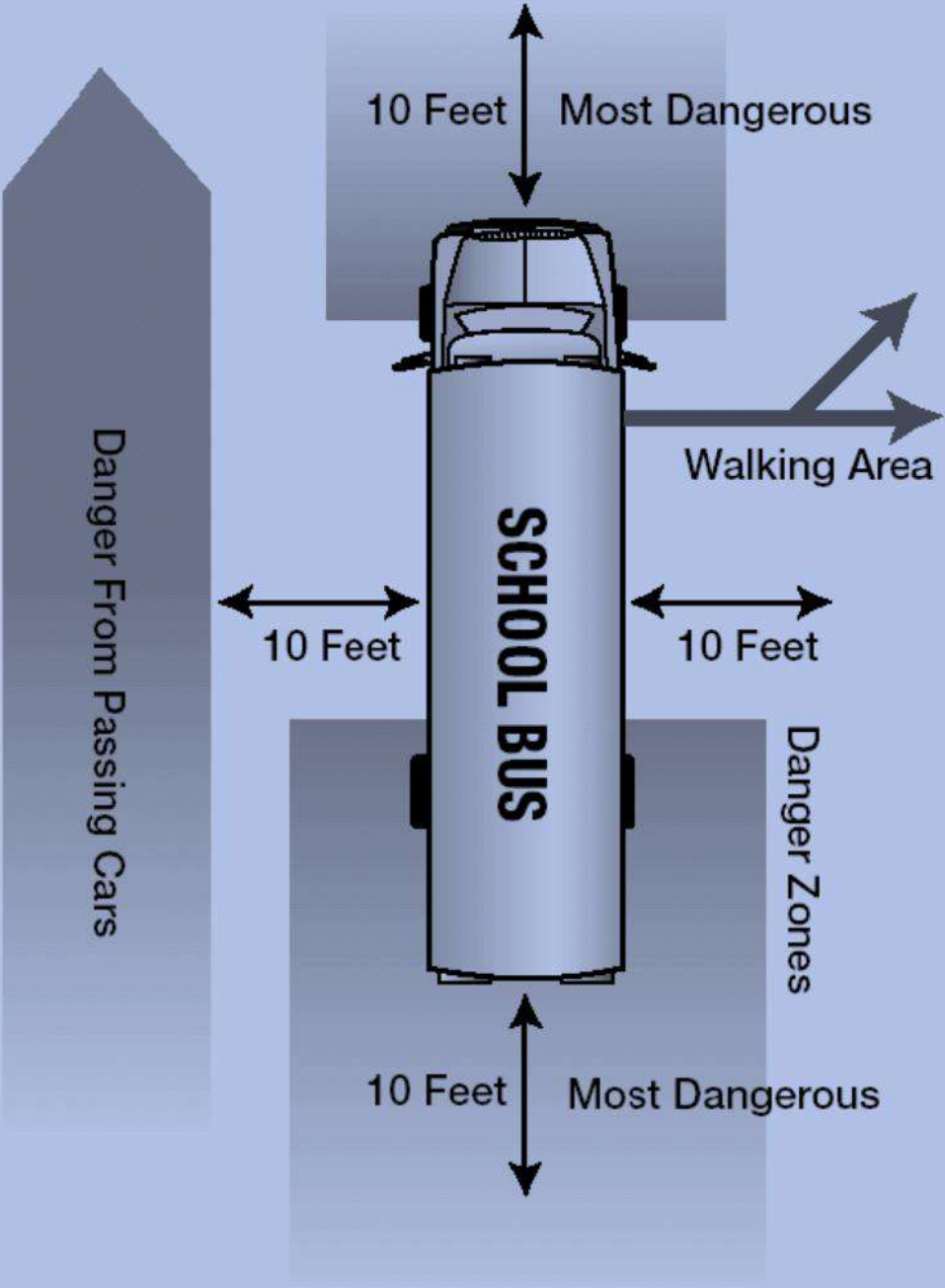


Figure 10.1

**Correct Mirror Adjustment**

Proper adjustment and use of all mirrors is vital to the safe operation of the school bus in order to observe the danger zone around the bus and look for students, traffic, and other objects in this area. You should always check each mirror before operating the school bus to obtain maximum viewing area. If necessary, have the mirrors adjusted.

**Outside Left and Right Side Flat Mirrors**

These mirrors are mounted at the left and right front corners of the bus at the side or front of the windshield. They are used to monitor traffic, check clearances and students on the sides and to the rear of the bus. There is a blind spot immediately below and in front of each mirror and directly in back of the rear bumper. The blind spot behind the bus extends 50 to 150 feet and could extend up to 400 feet depending on the length and width of the bus.

Ensure that the mirrors are properly adjusted so you can see:

- 200 feet or 4 bus lengths behind the bus.
- Along the sides of the bus.
- The rear tires touching the ground.
- Figure 10.2 shows how both the outside left and right side flat mirrors should be adjusted.

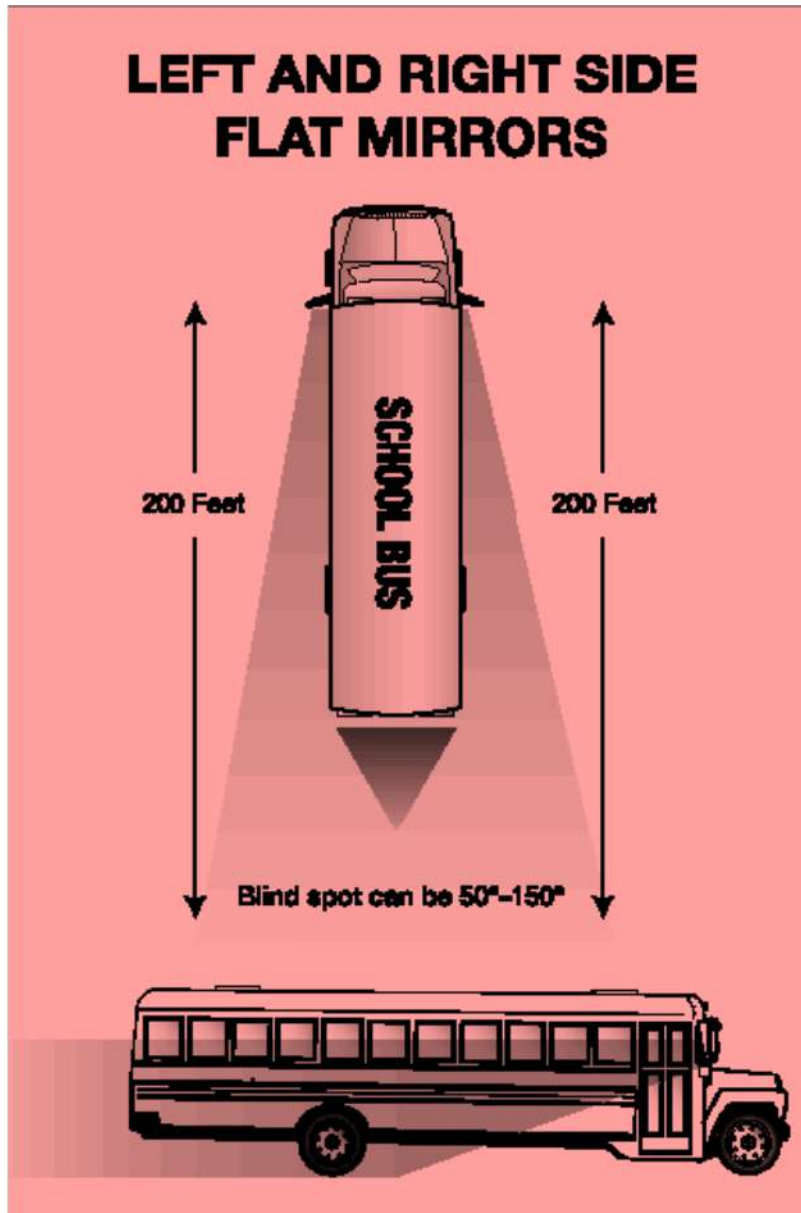


Figure 10.2

### ***Outside Left and Right Side Convex Mirrors***

The convex mirrors are located below the outside flat mirrors. They are used to monitor the left and right sides at a wide angle. They provide a view of traffic, clearances, and students at the side of the bus. These mirrors present a view of people and objects that does not accurately reflect their size and distance from the bus.

You should position these mirrors to see:

- The entire side of the bus up to the mirror mounts.
- Front of the rear tires touching the ground.
- At least one traffic lane on either side of the bus.
- Figure 10.3 shows how both the outside left and right side convex mirrors should be adjusted.



## LEFT AND RIGHT SIDE CONVEX MIRRORS

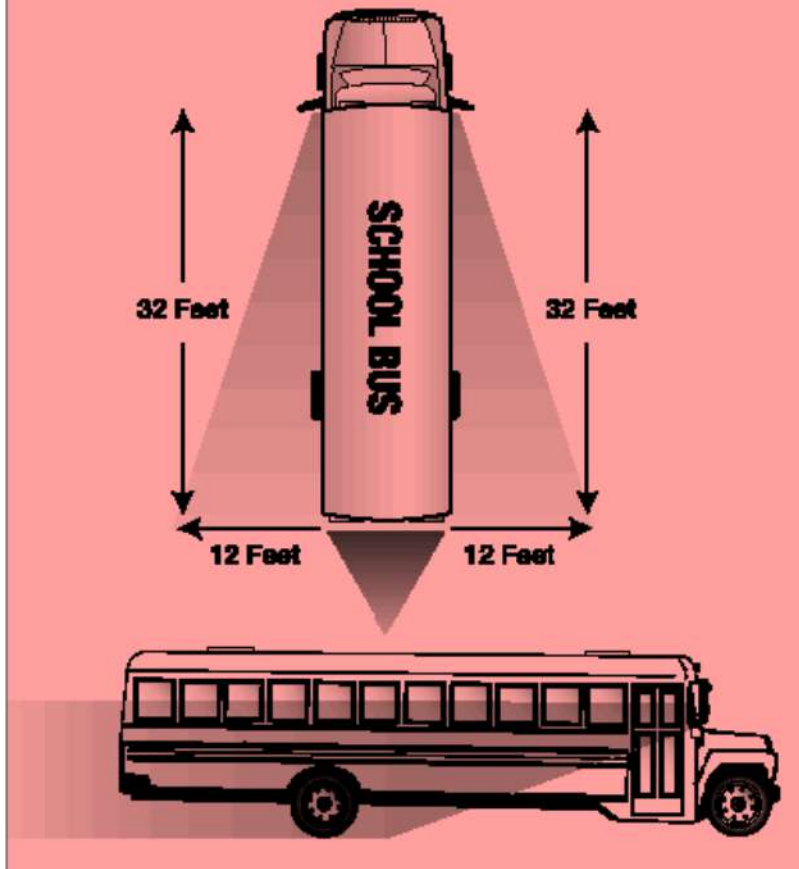


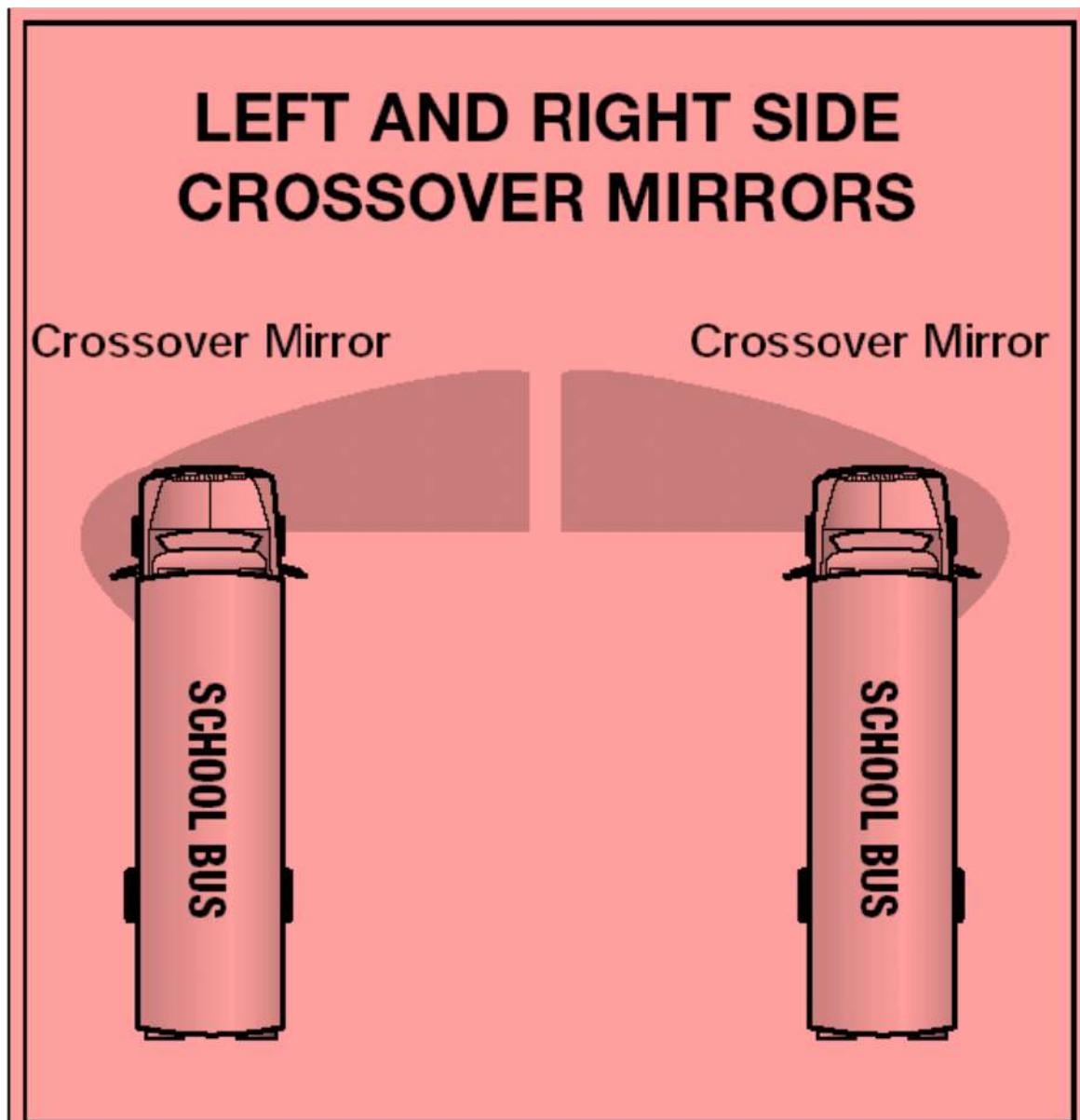
Figure 10.3

### ***Outside Left and Right Side Crossover Mirrors***

These mirrors are mounted on both left and right front corners of the bus. They are used to see the front bumper “danger zone” area directly in front of the bus that is not visible by direct vision, and to view the “danger zone” area to the left side and right side of the bus, including the service door and front wheel area. The mirror presents a view of people and objects that does not accurately reflect their size and distance from the bus. The driver must ensure that these mirrors are properly adjusted.

Ensure that the mirrors are properly adjusted so you can see:

- The entire area in front of the bus from the front bumper at ground level to a point where direct vision is possible. Direct vision and mirror view vision should overlap.
- The right and left front tires touching the ground.
- The area from the front of the bus to the service door.
- These mirrors, along with the convex and flat mirrors, should be viewed in a logical sequence to ensure that a child or object is not in any of the danger zones.
- Figure 10.4 illustrates how the left and right side crossover mirrors should be adjusted.



### ***Overhead inside Rearview Mirror***

This mirror is mounted directly above the windshield on the driver's side area of the bus. This mirror is used to monitor passenger activity inside the bus. It may provide limited visibility directly in back of the bus if the bus is equipped with a glass-bottomed rear emergency door. There is a blind spot area directly behind the driver's seat as well as a large blind spot area that begins at the rear bumper and could extend up to 400 feet or more behind the bus. You must use the exterior side mirrors to monitor traffic that approaches and enters this area.

You should position the mirror to see:

- The top of the rear window in the top of the mirror.
- All of the students, including the heads of the students right behind you.

## **Loading and Unloading**

More students are killed while getting on or off a school bus each year than are killed as passengers inside of a school bus. As a result, knowing what to do before, during, and after loading or unloading students is critical.

This section will give you specific procedures to help you avoid unsafe conditions which could result in injuries and fatalities during and after loading and unloading students.

Rationale: Some stops require different procedures, related to the use of loading lights. Depending on whether you are loading on the highway or off the highway. If you are loading off of the highway the loading light system should not be activated.

However all necessary precautions should be taken to ensure the safety of the students.

### ***On highway loading procedure***

Each school district establishes official routes and official school bus stops. All stops should be approved by the school district prior to making the stop. You should never change the location of a bus stop without written approval from the County Transportation director.

You must use extreme caution when approaching a school bus stop. You are in a very demanding situation when entering these areas.

It is critical that you understand and follow all state and local laws and regulations regarding approaching a school bus stop.

This would involve the proper use of mirrors, alternating flashing lights, stop arm, and crossing control arm.

When approaching the stop, you should:

- Approach cautiously at a slow rate of speed.
- Make a light brake application to activate brake lights so that vehicles behind you will have an indication that the bus is about to stop.
- **Activate:** alternating flashing amber warning lights at least 200 feet or approximately 5-10 seconds before the school bus stop.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.
- Continuously check all mirrors.
- Continuously check mirrors to monitor the danger zones for students, traffic, and other objects. Move as far as possible to the right on the traveled portion of the roadway.
- Bring school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop. This forces the students to walk to the bus so you have a better view of their movements.
- Place transmission in Park, or if there is no Park shift point, in Neutral and **set the parking brake at each stop.**
- Open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the school bus.
- **Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.**

### ***Loading Procedures***

- Students should wait in a designated location for the school bus, facing the bus as it approaches.
- **Students should board the bus only when signaled by the driver.**

- **Monitor all mirrors continuously.**
- Count the number of students at the bus stop and be sure all board the bus. If possible, know names of students at each stop. If there is a student missing, ask the other students where the student is.
- Have the students board the school bus slowly, in single file, and use the handrail. The dome light should be on while loading in the dark.
- **Wait until students are seated and facing forward before moving the bus.** There must be sufficient space on the school bus seat for each passenger's body to be completely contained within the seat compartment in the event of a crash or sudden driving maneuver, students who are not completely seated within the seat compartment may not benefit from the passenger crash protection system built into the school bus under federal and state regulations.
- **Check all mirrors.** Make certain no one is running to catch the bus.
- If you cannot account for a student outside, secure the bus, take the key, and check around and underneath the bus.
- When all students are accounted for, prepare to leave by:
  - a. Closing the door.
  - b. Engaging the transmission.
  - c. Releasing the parking brake.
  - d. Turning off alternating flashing red lights.
  - e. **Checking all mirrors again.**
  - f. Allowing congested traffic to disperse.
  - g. When you have determined it is safe, proceed and continue the route.

### **Off highway Loading**

**If an off Highway stop has been established and at any time the circumstances change requiring a student to cross the Highway. The County Transportation Director must be notified prior to changing the stop. Then an approved and proper procedure can be made.**

You must use extreme caution when approaching a school bus stop. You are in a very demanding situation when entering these areas. It is critical that you understand and follow all state and local laws and regulations regarding approaching a school bus stop.

**This would involve the proper use of mirrors.**

When approaching the stop, you should:

- Approach cautiously at a slow rate of speed.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.
- Turn on right turn signal indicator about 100-300 feet or approximately 3-5 seconds before pulling over.
- **Continuously check mirrors** to monitor the danger zones for students, traffic, and other objects.
- Move a safe distance from the travel portion of the roadway.
- Bring school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop. This forces the students to walk to the bus so you have a better view of their movements.
- **Place transmission in Park, or if there is no Park shift point, in Neutral and set the parking brake at each stop.**
- Make a final check and when you have determined that it is safe, open the door and signal for students to load.

### **Loading procedure at School**

- The loading procedure is essentially the same, wherever you load students, but there are slight differences. When students are loading at the school campus, you should:
- Turn off the ignition switch. Lift equipped buses may require a different procedure
- Remove key if leaving driver's compartment.
- Position yourself to supervise loading as required or recommended by your state or local regulations.

### **Unloading Procedures on Highway**

#### **To be used when there is no student crossing the highway**

- Perform a safe stop at designated unloading areas as described.
- Open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the school bus.
- **Make a final check to see that all traffic has stopped before completely opening the door**
- Have the students remain seated until told to exit.
- **Check all mirrors.**
- Tell students to exit the bus and walk at least 10 feet away from the side of the bus to a position where the driver can plainly see all students
- Count the number of students while unloading to confirm the location of all students before pulling away from the stop.
- **Check all mirrors again.** Make sure no students are around or returning to the bus.
- **If you cannot account for a student outside the bus, secure the bus, and check around and underneath the bus.**
- When all students are accounted for, prepare to leave by:
  - a. Closing the door.
  - b. Engaging transmission.
  - c. Releasing parking brake.
  - d. Turning off alternating flashing red lights.
  - e. **Checking all mirrors again.**
  - f. Allowing congested traffic to disperse.
  - g. When it is safe, move the bus, and continue the route.

While performing unloading and crossing procedures, school bus drivers should remember that they are not traffic officers. Signals given to other motorists from inside the bus could be easily misunderstood. If a driver of a motor vehicle violates the red light law (wv code 17C-12-9) or acts in any way to jeopardize the safety of bus passengers, the operator should obtain the offenders license plate number and report the office to a magistrate office.

Note. If you have missed a student's unloading stop, do not back up. Be sure to follow local procedures.

However, if backing is required at or near a school bus stop, the backing procedure should be completed prior to passenger discharge. If an adult or responsible person is available, use his/her assistance while backing.

### **Additional Procedures for Students That Must Cross the Roadway.**

You should understand what students should do when exiting a school bus and crossing the street in front of the bus. In addition, the school bus driver should understand that students might not always do what they are supposed to do.

**If a student or students must cross the roadway, they should follow these procedures:**

- Walk approximately 10 feet away from the side of the school bus to a position where you can see them.
- Walk to a location at least 10 feet in front of the right corner of the bumper, but still remaining away from the front of the school bus.
- Stop at the right edge of the roadway. You should be able to see the student's feet.
- When students reach the edge of the roadway, they should:
  - a. Stop and look in all directions, making sure the roadway is clear and is safe.
  - b. Check to see if the red flashing lights on the bus are still flashing.
  - c. Wait for your signal before crossing the roadway.
  - d. Upon your signal, the students should:
    - (1) Cross far enough in front of the school bus to be in your view.
    - (2) Stop at the left edge of the school bus.
    - (3) Look again for your signal to continue to cross the roadway
    - (4) Look for traffic in both directions, making sure roadway is clear.
    - (5) Proceed across the roadway, continuing to look in all directions.

**Unloading off highway**

If an off Highway stop has been established and at any time the circumstances change requiring a student to cross the Highway. The County Transportation Director must be notified prior to changing the stop. Then an approved and proper procedure can be made.

**Approaching the Stop**

You should never change the location of a bus stop without written approval from the County Transportation Director.

You must use extreme caution when approaching a school bus stop. You are in a very demanding situation when entering these areas. It is critical that you understand and follow all state and local laws and regulations regarding approaching a school bus stop. This would involve the proper use of mirrors.

When approaching the stop, you should:

- Approach cautiously at a slow rate of speed.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.
- Continuously check all mirrors.
- Turn on right turn signal indicator about 100-300 feet or approximately 3-5 seconds before pulling over.
- Continuously check mirrors to monitor the danger zones for students, traffic, and other objects.
- Move a safe distances from the travel portion of the roadway.
- Bring school bus to a full stop.
- Place transmission in Park, or if there is no Park shift point, in Neutral and set the parking brake at each stop.
- Have the students remain seated until told to exit.
- Check all mirrors.
- Make a final check and when you have determined that it is safe, open the door and signal for students to unload.
- Tell students to exit the bus and walk at least 10 feet away from the side of the bus to a position where the driver can plainly see all students.
- Check all mirrors again. Make sure no students are around or returning to the bus.

- Count the number of students while unloading to confirm the location of all students before When all students are accounted for, prepare to leave by:
  - a. Closing the door.
  - b. Engaging transmission.
  - c. Releasing parking brake.
  - d. Turning on left turn signal.
  - e. **Checking all mirrors again.**
  - f. Allowing congested traffic to disperse.
- When it is safe, move the bus, enter the traffic flow and continue the route.

**Note. If you have missed a student's unloading stop, do not back up. Be sure to follow local Procedures.**

### ***Unloading Procedures at School***

State and local laws and regulations regarding unloading students at schools, particularly in situations where such activities take place in the school parking lot or other location that is off the traveled roadway, are often different than unloading along the school bus route.

It is important that the school bus driver understands and obeys state and local laws and regulations. The following procedures are general guidelines.

When unloading at the school you should follow these procedures:

- Perform a safe stop at designated unloading areas and secure the bus.
- Have the students remain seated until told to exit.
- Position yourself to supervise unloading as required or recommended by your state or local regulations.
- Have students exit in orderly fashion.
- Observe students as they step from bus to see that all move promptly away from the unloading area.
- Walk through the bus and check for hiding/sleeping students and items left by students.
- **Check all mirrors.** Make certain no students are returning to the bus.
- If you cannot account for a student outside the bus and the bus is secure, check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.
- Fastening safety belt.
- Engaging the transmission.
- Releasing the parking brake.
- **Checking all Mirrors.**

### ***Special Dangers of Loading and Unloading Dropped or Forgotten Objects.***

Always focus on students as they approach the bus and watch for any who disappear from sight.

**Students may drop an object near the bus during loading and unloading. Stopping to pick up the object or returning to pick up the object may cause the student to disappear from the driver's sight at a very dangerous moment.**

Students should be told to leave any dropped object and move to a point of safety out of the danger zones and attempt to get the driver's attention to retrieve the object.



### **Handrail Hang-ups**

Students have been injured or killed when clothing, accessories, or even parts of their body get caught in the handrail or door as they exited the bus.

You should closely observe all students exiting the bus to confirm that they are in a safe location. **Prior to moving the bus continue to monitor all mirrors.**

Any problems or special situations should be reported immediately to your supervisor or school authorities.

**This concludes the On the Road Driver Training Manual.**



# Special Needs (Minimum 6 hours)

## RECOMMENDED PRACTICES FOR LOADING AND UNLOADING OF NON-AMBULATORY WHEELCHAIR PASSENGERS

### OBJECTIVES

1. To provide instruction to each school bus driver trainee and aide as to the best recommended practices for loading and unloading non-ambulatory wheelchair passengers.
2. To provide training and instruction as to the best recommended practices for working alone or with assistance from a bus aide when loading or unloading non-ambulatory wheelchair passengers.

### IMPORTANT INSTRUCTORS NOTE

Care is needed at all times to keep ambulatory children on the bus when non-ambulatory children are being loaded or unloaded. A child, who must use special equipment such as a wheelchair, braces, crutches, etc., has problems during the loading and unloading process, and it is your responsibility to learn these problems and know how to correct them. Remember, care and protection are two (2) things which the parents and children expect from a driver. Usually, you will follow the same loading and unloading procedures for controlling the bus as you would when transporting regular passengers.

### TOPICS

1. Introduction
2. Proper securement of vehicle while loading or unloading wheelchair passengers.
3. Preparing lift (with aide).
4. Preparing lift (without aide).
5. Position wheelchair on bus.
6. Attaching rear securement.
7. Attaching front securement.
8. Attaching lap belt.
9. Attaching shoulder belt.
10. Resuming route.

### INTRODUCTION

There are over 2,500 different makes and models of wheelchairs. In addition, students come in all shapes and sizes. Each student has needs unique only unto themselves. Disabilities may range from very mild to very severe and profound. Some students may be both mentally and physically challenged. There may be some physical body distortion that requires an extremely large wheelchair to accommodate that particular student's needs for transportation. To sum it up, wheelchairs and students come in all shapes and sizes – with each student having very individualized needs. However, best recommended practices indicate that there are several essential items that must be on each wheelchair. The required items for both manually and electrically operated wheelchairs are as follows:

1. Safety lap belt (automobile style with male/female interlocking device) in working condition (no Velcro)
2. Working hand brakes for manually operated wheelchairs
3. Electric wheelchairs must have working manual hand brakes or automatic brake activation when wheelchair power is disengaged
4. Properly inflated tires
5. Properly positioned headrests
6. Footrests
7. Anti-tilting devices

**NOTE: If the student's medical condition and/or Individual Education Program (IEP) requires additional equipment that is to be used during transport of that student, then said additional equipment is to be used each and every time that student is to be transported on the school bus whether transport is to and from home/school/activities.**

Several things need to happen before you actually begin your curbside pick up of any non-ambulatory wheelchair students. Best recommended practices suggest the following:

1. To make a home visit to determine the size and type of wheelchair
2. Wheelchair should be WC 19 compliant(should have a designation on chair) NOTE: Some wheelchairs are not transportable. If uncertain contact wheelchair manufacturer
3. To also determine the proper securement points. If unable to determine, contact your supervisor, manufacturer and/or Safety & Training staff immediately for assistance.
4. At all times to have a copy of directions for both AM & PM routes – commonly referred to as a set of “Rights and Lefts” – each AM & PM route directions should indicate complete directions from the bus parking location to the first stop and each subsequent stop thereafter to include the directions to the school(s). Also, the time and location of each stop to be made; the name of the student; the school student attends; and any other pertinent information a sub-driver should know about each student (update as necessary).
5. At all times to have a copy of each student's information sheet and medical card on bus (update as necessary)
6. At all times to have emergency drop off information for each student indicating the name and phone number of the responsible party; and the address of the emergency drop off location (update as necessary)
7. Driver and aide are to familiarize themselves on operation of lift (to include emergency operating instructions in the event of a power failure) and securement devices. While all lifts are similar in operation, some have specific operating characteristics. The same is true of securement devices.

Best recommended practices suggest the following criteria to be used when determining the proper securement points on wheelchair:

1. The strongest part of any wheelchair is the mainframe. This the L-shaped portion of the wheelchair.
2. The seat portion of the wheelchair supports the total body weight of the student. This base is usually the strongest part of the wheelchair.
3. Therefore, the bars located directly under the seat should be used (in most cases) as the points of securement.
4. Contact wheelchair manufacturer if uncertain of securement points  
Electric wheelchairs will sometimes vary. There may be heavy formed plastic covers that do not allow the normal access to the desired points of securement. If you cannot determine the proper points of securement, please be certain to check with your supervisor and/or Safety and Training to determine the proper points of securement before you attempt to transport a student in an electric wheelchair.

#### **POSITIONING AND SECURING BUS FOR LOADING/UNLOADING WHEELCHAIR PASSENGER**

- a. Stop bus at curbside with lift door opening at the center of loading/unloading zone. Every effort should be taken to load/unload in a safe off highway location.
- b. Set parking brake.
- c. Place bus in neutral.
- d. Turn off engine and remove key (EXCEPTION: 2005 and newer buses equipped with FMVSS 403 compliant safety interlock may be left running).

- e. If you have a bus aide, driver remains inside bus at the lift platform area waiting to receive student from lift platform.

#### **PREPARING LIFT FOR LOADING/UNLOADING WHEELCHAIR PASSENGER (WITH AIDE)**

1. Bus aide to exit bus and open and secure the lift door(s) to exterior wall of bus.
2. Before operating the lift, make certain the lift area is clear underneath (feet, children, pets, your feet, etc.)
3. Make sure seat belt on lift platform is fastened.
4. Press “up” on control box to raise lift to full upright position.
5. Press “unfold” on control box to open platform.
6. Unfold platform until you hear a “Bur-r-r-r” sound, or clicking sound. This sound indicates that the “unfold” cycle is complete. Newer model lifts make little or no noise.
7. Press “down” to lower the lift platform to floor level of the bus. Older model lifts require that you release “down button” to stop the platform. Newer model lifts automatically stop at the floor level when the unfold cycle is complete.
8. Press “down” until platform reaches ground level. Older lift models have manually operated wheel guards; newer models will open automatically.
9. If you have a bus aide, they will greet student and parent/guardian and place student on lift with his/her body facing outward away from the side of bus.
10. Check to make certain student’s lap belt is properly secured.
11. Apply hand brakes (ALWAYS USE GOOD BODY MECHANICS).
12. Inform student you are ready to go “up”.
13. Place one hand on armrest of wheelchair and press “up” until platform reaches floor level. Older lift models must be stopped manually; newer lift models will stop automatically.
14. If you have a bus aide, driver meets students at lift platform opening and will pull wheelchair into bus and place into position to begin the four-point securement process.
15. Bus aide will raise, fold and secure lift platform.
16. Bus aide will close and secure lift door.

To assist with four-point securement process, bus aide will re-enter bus through the main entry door closing the door. NOTE: IF STOP IS ON HIGHWAY, DOOR MUST NOT BE CLOSED AS TO DEACTIVATE 8-WAY WARNING LIGHT SYSTEM UNTIL STUDENT(S) AND WHEELCHAIR ARE PROPERLY SECURED AND READY TO RESUME ROUTE. Students are safe inside the bus while the four-point securement process is being completed.

#### **PREPARING LIFT FOR LOADING/UNLOADING WHEELCHAIR PASSENGER (WITHOUT AIDE)**

1. Stop bus at curbside with lift door opening at the center of loading/unloading zone. Every effort should be taken to load/unload in a safe off highway location.
2. Set parking brake.
3. Place bus in neutral.
4. Turn off engine and remove key (EXCEPTION: 2005 and newer buses equipped with FMVSS 403 compliant safety interlock may be left running).
5. Driver to exit bus and open and secure the lift door(s) to exterior wall of bus.
6. Before operating the lift, make certain the lift area is clear underneath (feet, children, pets, your feet, etc.)
7. If applicable, make sure seat belt on lift platform is fastened.
8. Press “up” on control box to raise lift to full upright position.
9. Press “unfold” on control box to open platform. Unfold platform until you hear a “Bur-r-r-r” sound, or clicking sound. This sound indicates that the “unfold” cycle is complete. Newer model lifts make little or no noise.
10. Press “down” to lower the lift platform to floor level of the bus. Older model lifts require that you release “down button” to stop the platform. Newer model lifts automatically stop at floor

level when the unfold cycle is complete. Press “down” until platform reaches ground level. Older lift models have manually operated wheel guards; newer models will open automatically.

11. Great student and parent/guardian and place student on lift with his/her body facing outward away from side of bus.
12. Check to make certain student’s lap belt is properly secured.
13. Apply hand brakes (ALWAYS USE GOOD BODY MECHANICS).
14. Inform student you are ready to go “up”. Stand behind wheelchair and press “up” until platform reaches floor level. Older lift models must be stopped manually; newer lift models will stop automatically.
15. Using good body mechanics, unlock wheelchair hand brakes.
16. Pull wheelchair into bus and place in position to begin four-point securement system.
17. Lock wheelchair handbrakes.
18. Apply one rear securement strap.
19. Exit bus.
20. Raise lift platform, fold and secure.
21. Close lift door and re-enter bus through main entry door closing door.

NOTE: IF STOP IS ON HIGHWAY, DOOR MUST NOT BE CLOSED AS TO DEACTIVATE 8-WAY WARNING LIGHT SYSTEM UNTIL STUDENT(S) AND WHEELCHAIR ARE PROPERLY SECURED AND READY TO RESUME ROUTE. Students are safe inside the bus while the four-point securement process is being completed

#### **POSITIONING OF WHEELCHAIR ON SCHOOL BUS**

- a. Place wheelchair in Forward Facing position.
- b. Center wheelchair between parallel floor-tracking system. (Leave 1 to 2 inches between curve of rear wheel and rear securement buckle when in locked position. This allows room to operate the securement buckle freely).
- c. Lock the hand brakes using good body mechanics.
- d. Remove lap tray and properly secure.
- e. Properly secure any other type of equipment that is to be transported in accordance with the student’s Individual Education Program (IEP)
- f. Leave enough room between wheelchairs for you to maneuver (space may be limited due to number of wheelchairs assigned to your bus).
- g. Place students name above their designated wheelchair position. Place students in seating order so as to accommodate an emergency evacuation situation should the need arise.

#### **ATTACHING THE TWO REAR SECUREMENT STRAPS**

- a. Position both rear securement strap fittings into the floor tracking 3 to 8 inches from the rear tires of the wheelchair.
- b. Loop hook end of each securement strap around mainframe of the wheelchair – Corner of Buttocks.
- c. Clip hook into “O” ring of each securement strap.
- d. With buckle open, pull each loose strap (tail-end) snug, keeping loose end of strap within the buckle guide.
- e. Left and right straps should be hooked at same position on each side of the wheelchair at a minimum of 45 to maximum 90 degree angle with no twist in the belts and evenly distributed pressure.

**Caution: Over-tightening may cause damage to wheelchairs. Also too much tension may cause the handle to snap forward. Hold buckle firmly and carefully rotate up to release tension. Re-lock buckle. Never attach straps to any detachable part of the wheelchair.**

#### **ATTACHING THE TWO FRONT SECUREMENT STRAPS**

- a. Position both front securement strap fittings in the floor tracking 3 to 8 inches from the front tires on the wheelchair.

- b. Loop hook end of each securement strap around mainframe of the wheelchair—Bend or Fold of Knee.
- c. Clip hook into “O” ring of each securement strap.
- d. With buckle open, pull each loose strap (tail end) snug, keeping loose end of strap within the buckle guide.
- e. Left and right straps should be hooked at the same position one each side of the wheelchair at a minimum of 45 to 90 maximum degree angle with no twist in the belts and evenly distributed pressure.

**Caution: Over-tightening may cause damage to wheelchairs. Also too much tension may cause the handle to snap forward. Hold buckle firmly and carefully rotate up to release tension. Re-lock buckle. Never attach straps to any detachable part of the wheelchair.**

#### **ATTACHING THE LAP BELT**

- a. Lap belt track fitting should be secured to the floor track fitting at the rear of the wheelchair.
- b. Female receiver should be placed to the inside aisle of the bus.
- c. Male connector should be placed to the wall-side of the bus.
- d. Advise student that you are bringing lap belt through armrest across student’s bony pelvic area.
- e. Fasten and pull strap to take up the slack. Do not over tighten lap belt.

**NOTE: If not possible to actually bring lap belt across student’s bony pelvic area, bring lap belt across top of armrest and fasten.**

#### **ATTACHING SHOULDER BELT**

- a. Shoulder belt track fitting should be placed in the appropriate level on wall mounted tracking with the release button facing the front of the bus. This keeps Velcro away from student’s body.
- b. Advise student you are bringing shoulder belt over the shoulder and all the way across the chest of the student.
- c. Make certain the shoulder belt fastener is in the correct position (Smooth “L”). Attach fastener to the lap belt button and adjust for tightness.
- d. To check for proper tightness of shoulder belt, three fingers placed together at an angle should fit between the shoulder belt and the student’s body.
- e. Shoulder belt position should not interfere with any medical equipment on student. Use shirt or jacket collar to aid in more comfortable use of shoulder belt.

#### **RESUMING ROUTE**

- a. After wheelchair and student are properly secured, safely resume route.

Additional Resources for Special Needs Transportation:

Q-Straint ([http://www.gstraint.com/en\\_na/](http://www.gstraint.com/en_na/))

Sure-Lok (<http://www.sure-lok.com/>)

Besi (<http://www.besi-inc.com/>)

Ricon Lifts (<http://www.riconcorp.com/default.asp>)

Braun Lifts (<http://www.braunability.com/>)

IMMI (<http://www.imminet.com/>)

## **Behind the Wheel/Skills (Minimum 12 Hours Total Training)**

### **NOTE: MUST HAVE CDL**

- Behind the Wheel Instruction Manual (page 115 of this manual)
- Night time driving (2 hours)
- Basic skills (1 hour)
- Basic controls (1 hour)
- Basic maneuvering (2 hours)
- Rural driving (1 hour)
- Urban driving (1 hour)
- Expressway (1 hour)
- Loading and unloading (2 hours)
- Railroad crossing (1 hour)
- Classroom Verification Form(attached)
- Behind The Wheel Verification Form(attached)
- Pre-trip exam form
- Physical performance exam form and instructions
- Certification Check sheet
- WVDE On-Road Verification Form
- Verification of Online Bus Operator Certification Test Score

Student's Name \_\_\_\_\_

**West Virginia Department of Education**  
**Class Room Verification Form for Classroom Training Or**  
**Smart Horizons School Training Solutions On Line Program**

Training Required	Minimum Credit Hours	Trainer's Initials	Applicant's Initials	Date completed
Accidents & Emergencies Sect. F	2 Hours			
Blind Spots/Danger zones & Mirrors	1 Hour			
Controlling the School Buses Sect. C	2 Hours			
Detecting Hazards Sect. D	1 Hour			
Emergency Driving Techniques	1 Hour			
Field Trips Sect. H	1 Hour			
Loading Unloading Procedures	1 Hour			
Passenger Control Sect. G	1 Hour			
Pretrip Air Brake Inspection Sect. B	1 Hour			
Railroad Highway Crossing	1 Hour			
School Bus Operation Sect. B	2 Hours			
School Operator Roles Responsibilities Sect. A	1 Hour			
School Bus Transportation Policies & Procedures	2 Hours			
Transportation Exceptional Students Sect. I	1 Hour			
Certification Test	1 Hour			
Special needs Per Policy 4336	6 Hours			
First Aid in class or First aid on line	3.5 2			
CPR	3.5			
Policies 2421 4373				

<b>5902</b>				
<b>County Policies &amp; Procedures</b>				

**Additional Relevant Training to meet the Minimum Requirement of 40 Hours of Class Room Training**

<b>Chain Installation</b>				

**Minimum 40 hours**

**Total Hours \_\_\_\_\_**

**I the trainer certify that the applicant had received the training described above.**

---

**I the applicant certify that I have received the training described above.**

---

**Sign and Print Name**



## West Virginia Department of Education Behind the Wheel Verification Training Form

These procedures are to be covered Prior to The Applicant starting the on road driving

Training Required	Required Credit hours	Content	Trainer Initials	Applicant Initials	Date Completed
<b>Basic controls</b>	1 hour	Cover controls Of buses In fleet			
<b>Basic skills</b>	1 hour	Straight line Backing Serpentine backing Alley Dock			
<b>Basic Maneuvering</b>	2 hours	Starting, Stopping And Turning			

### On Road Minimum Training

*The on road driving shall consist of but is not limited to the following*

<b>Rural</b>	1 hour	Starting, Stopping Accelerating, Passing Intersections Descending Grades Curves & Turning			
<b>Urban</b>	1 Hour	Starting, Stopping Accelerating, Passing Intersections Changing Lanes Descending Grades Curves			
<b>Expressway</b>	1 Hour	Starting, Stopping Accelerating, Passing Intersections Changing Lanes Descending Grades Curves, on and off Ramps			
<b>Unloading/ Loading</b>	2 Hours	Student pickup/discharge			
<b>Railroad crossing</b>	1 Hours	Crossing procedures			
<b>Night Time Driving</b>	2 Hours				

Required 12 Hrs.\_\_\_\_

Total Hrs. \_\_\_\_

I the Trainer certify that the applicant has received the training described above.

---

I the applicant certify that I have received the training described above.

---

Sign Name

---

Print Name

## Verbal instructions for pre-trip:

- Introduce Yourself as the examiner
- Check applicant's driver's licenses
- Check all documentation thoroughly

Inform the applicant of the following :

- He/she is allowed to miss up to 23 items, with the exception of the 3 items listed below that are automatic fails.
- Failure to operate the loading lights as designed is an automatic fail.
- Exiting of the bus with the engine running at any time during the exam is an automatic fail.
- Failure to chock the wheels before the start of the air brake test is an automatic fail.
- It is not necessary to know the name of the component, but you must be specific about what you are checking the component for by pointing to or touching the component. Do not generalize. (I.e. "Tire looks good.")
- Applicant may ask questions at any time, but once the exam has begun, the examiner may not be able to answer them.
- Applicant is required to have and use tire air pressure gauge and flash light

Revised 6-17-13

**PRE TRIP Exam Form: 90 % required to Pass \_\_\_\_\_ (24 items missed fails \_\_\_\_\_)**

Applicants NAME: \_\_\_\_\_

County \_\_\_\_\_

DATE: \_\_\_\_\_

**Vehicle Overview**

- Parking Brake Set, Wheels Chocked
- General Condition
- Damage Vandalism
- Leaning
- Leaks Under Bus
- Objects Under Bus
- Area Around Bus
- Fuel Tank & Cap
- Battery Box

**Front of Bus/cond.**

- Windshield
- Loading lights
- Clearance Lights
- Left & right Turn Signal, Cowl & Fender
- Head Lights & Parking Lights
- Crossing Gate Boot & Cable
- Bumper/tow hooks
- Cross view mirrors

**Engine Compartment**

- Hood Safety Latch and Cable
- Excessive Oiliness
- Missing or Loose Parts/ fan etc.
- Engine Oil Level
- Hoses/wiring /air lines
- Belts
- Coolant Level,
- Water Pump
- Air Compressor Belt or Gear Driven
- Transmission Fluid
- Washer Fluid
- Alternator
- Power steering pump
- Power Steering Fluid
- Steering shaft
- Steering Box
- Pitman Arm
- Drag Link
- Steering Arm

**L-R**

- Tie Rod
- Frame
- Springs and Mounts
- Shock Absorber, Bushings & Leaks
- Brake Hoses
- Brake Chambers
- Slack Adjusters
- Brake Drums
- Brake Linings
- Tires, Wear/cond./ Tread Depth
- Valve Stems & Caps/ Inflation
- Rims
- Lug Nuts
- Seal inner/outer
- Mud Flap

**Outside Check - Right Side/left**

- left/right side signal
- Clearance Lights, Reflect. Emer. Window /Identif.
- Mirrors

- Frame
- Drive Shaft, U Joints, Safety Loops
- Chains, Straps & Wire
- Tires Inner & Outer, Wear & Tread depth
- Inflation /Valve Stems & Caps
- Rims
- lug nuts
- axle seal inside /out
- spacer if equipped
- Brake hoses
- Brake chambers
- Slack adjusters
- Brake drums
- Brake lining
- Spring/Mounts
- Shocks
- Exhaust System
- Stop sign Lights, Boot & Cable
- Mud flaps

**Rear of bus/cond.**

- Clearance Lights
- Loading Lights
- Tail Lights/Brake
- Reflectors
- License Plate & Lights
- Left/right Turn Signal
- Emergency Door and Instructions
- Operation of Door & prop
- Look For Foreign Objects Under Seats
- Automatic Chains
- Frame/bumper
- Air Bags
- Differential for Leaks
- Back up lights

**Entrance Area**

- Hand Rail Secure
- Stepwell Light
- Steps and Tread
- Door /Glass

**Driver Area Check**

- Fire Extinguisher
- Reflective Triangles
- First Aid/body fluid kit
- Seat Belt Cutter
- seat belt
- Spare Fuses
- Video System , Secure and Lights
- Windshield, Cracks, Obstructions
- DMV Sticker/ Dept. of Educ.
- Schedule/rules/Code/paper wk
- Check & Adjust Seat
- Check & Adjust Mirrors
- Sun Visor/Over head mirror
- Washers and Wipers high & low
- Heaters/Defrosters high & low
- Dome Lights
- Check Steering/Horn
- Check operation of service door/controls

**Engine Start**

- Depress Clutch/check free play
- Check Gearshift Travel and Pattern
- Unusual Noises

**Check Gauges**

- Oil Pressure/alerts
- Ammeter/Volt Meter
- Fuel enough for trip
- ABS
- Water temp.
- Air pressure

**Passenger area check**

- Check Seat Frames, Bottoms & Front of Seat Backs
- Vandal Lock
- Child minder
- Emergency Door, Instruction, Buzzer
- Check the back of Seats
- Emergency Windows Instructions & Buzzer
- Roof Hatches Instructions & Buzzers
- Look For Loose Objects

**Light Function Check**

- Head lights high/low/indicator
- R. signal fender/cowl/side/rear/ind.
- L. signal fender/cowl/side/rear/ind
- 4Way hazards
- Park Lts. L./R./F/R
- Clearance Lts
- Amber Loading F/R/Ind.
- Red Loading F/R/Ind
- Brake lights
- Backup Lts/Alarm
- Strobe Lt/Ind.
- Step well Lt. I/O
- Dash/Panel Lts.
- License Plate Lt.

**\*Automatic Failures**

Failure to operate Loading Light system correctly  
 Exiting of the bus with engine running  
 Failure to chock wheels before Air Brake Test

**Air Brake Check**

- Air Build up to 120 to 125 PSI
- If tank not full pump down to make build air Leak Rate in One Minute
- 2PSI loss Foot off Brake
- 3 PSI loss With Service Brake Applied
- Low Warning Buzzer and Light Comes on by 60 PSI
- Park Brake Applies between 20 to 45 PSI Start Engine
- Warning Light and Buzzer off at 60 PSI
- Build From 85 to 100 PSI within 45 Seconds at Engine Idle
- Governor Cut-Out at 120 to 125 PSI
- Governor Cuts-In at 90 PSI
- Pull Against Parking Brake
- Test Service brake - noting any pulling to one side

\*Failure to perform any of the above steps in the air brake test except notifying the examiner of the warning light & buzzer cut off is an automatic failure of the air brake test.  
 5-16-12

WVDE 6/1/05 \_\_\_\_\_ Annual \_\_\_\_\_ New Driver \_\_\_\_\_ Return to Duty

## Certification of School Bus Operator Check List

1. Physical must be checked for the Following
  - a. \_\_\_ Completely filled out and signed \_\_\_
  - b. \_\_\_ Date (not more than 6 months) \_\_\_
  - c. \_\_\_ Name (correct spelling) \_\_\_
  - d. \_\_\_ Blood Pressure(not to exceed140/90) \_\_\_
  - e. \_\_\_ Medical Condition(s)/Medication (s) (for restrictions) \_\_\_
  - f. \_\_\_ Eye Sight (must have 20-40 or better) \_\_\_
  - g. \_\_\_ Hearing (as described on the physical) \_\_\_
2. Drug Test
  - a. \_\_\_ Name (correct spelling) \_\_\_
  - b. \_\_\_ Date (not more than 6 months) \_\_\_
  - c. \_\_\_ Must reflect negative results \_\_\_
  - d. \_\_\_ Must state Pre-Employment \_\_\_
3. Alcohol Test
  - a. \_\_\_ Name (correct spelling) \_\_\_
  - b. \_\_\_ Date (not more than 6 months) \_\_\_
  - c. \_\_\_ Must reflect negative results \_\_\_
  - d. \_\_\_ Must state Pre-Employment \_\_\_
4. DMV Records Check
  - a. \_\_\_ Name(correct spelling) \_\_\_
  - b. \_\_\_ Date(not more than 6 months) \_\_\_
  - c. \_\_\_ Not to exceed 5 points \_\_\_
  - d. \_\_\_ Must designate a 5 year (verify by issue date) \_\_\_
  - e. \_\_\_ License must be valid \_\_\_
5. CIB/FBI
  - a. \_\_\_ Name (correct Spelling) \_\_\_
  - b. \_\_\_ Date (not more than 6 months) \_\_\_
  - c. \_\_\_ Any criminal record disclosed must be cleared by the DEPT. Of ED. \_\_\_  
(Before the test can be administered.)
6. First/CPR
  - a. \_\_\_ Name (correct spelling) \_\_\_
  - b. \_\_\_ Date must be valid \_\_\_
7. Copy of CDL Licenses
  - a. \_\_\_ Name (correct spelling) \_\_\_
  - b. \_\_\_ Date (must be valid) \_\_\_
  - c. \_\_\_ Class( B or Better) \_\_\_
  - d. \_\_\_ Endorsements (P & S) \_\_\_
8. Certificate of completion of online certification
  - a. \_\_\_ Name (correct spelling) \_\_\_
  - b. \_\_\_ Correct date (not more than 6 months) \_\_\_
9. Forms verifying all required training time (Class room/Behind the wheel)
  - a. \_\_\_ Name (spelled correctly) \_\_\_
  - b. \_\_\_ Initials and signature (Applicant & Trainer) \_\_\_
10. Certification Form (yellow WVDE 43-10-03)
  - a. \_\_\_ Required signatures \_\_\_

Revision date 5-16-12

**West Virginia Department of Education**  
**SCHOOL BUS OPERATOR EXAMINATION FOR CERTIFICATION**

COUNTY \_\_\_\_\_

DATE (1st) _____	DATE (2nd) _____
Pass ___ Fail ___	Pass ___ Fail ___

Name \_\_\_\_\_  

(Last)
(First)
(Middle)

**The signature of Trainer and RESA Coordinator are required before the examination can be administered**

Trainers signature certifies that the applicant has been given all training required to have the certification test administered.

Name \_\_\_\_\_ Date \_\_\_\_\_

RESA Coordinator signature certifies that the applicant has been given all training required to have the certification test administered.

Name \_\_\_\_\_ Date \_\_\_\_\_

Driver shall be given two attempts to certify within 1 year (drivers Initials) \_\_\_\_\_

(Test will be stopped at point of failure) Applicant must wait a minimum of 7 days before re-testing

**Additional training required before performance of 2nd Administration**

SIGNATURE OF TRAINER \_\_\_\_\_

DATE ADDITIONAL TRAINING COMPLETED \_\_\_\_\_

1st ADMINISTRATION			2nd ADMINISTRATION		
<b>PRE-TRIP</b>	Pass ___	Fail ___	<b>PRE-TRIP</b>	Pass ___	Fail ___
Basic Driving Skills	Pass ___	Fail ___	Basic Driving Skills	Pass ___	Fail ___
Student Loading	Pass ___	Fail ___	Student Loading	Pass ___	Fail ___
Student Unloading	Pass ___	Fail ___	Student Unloading	Pass ___	Fail ___
Railroad Crossing	Pass ___	Fail ___	Railroad Crossing	Pass ___	Fail ___
<b>DRIVING EXAM</b>	Pass ___	Fail ___	<b>DRIVING EXAM</b>	Pass ___	Fail ___
<b>PHYSICAL PERFORMANCE</b>	Pass ___	Fail ___	<b>PHYSICAL PERFORMANCE</b>	Pass ___	Fail ___

TYPE OF BUS - Class C \_\_\_ D \_\_\_ Other \_\_\_ (explain in remarks)

REMARKS \_\_\_\_\_  
 \_\_\_\_\_

SIGNATURE OF APPLICANT -1st Admn. \_\_\_\_\_

2nd Admn. \_\_\_\_\_

SIGNATURE OF EXAMINER - 1st Admn. \_\_\_\_\_

2nd Admn. \_\_\_\_\_

## SCHOOL BUS DRIVER PHYSICAL PERFORMANCE EXAM

DRIVER'S LAST NAME	FIRST NAME	M.I.	DRIVER'S SIGNATURE	
STREET ADDRESS			VEHICLE TYPE	
CITY	STATE	COUNTY	ZIP	
Enter time for timed standards. If a timed test is not completed enter "DNC" (Did Not Complete.)				
STANDARD #1	Emergency Exit	Time _____ (Driver seat and out exit in 20 seconds)	PASS	FAIL
STANDARD #2	Installing Tire Chain	Time _____ (10 minutes unassisted)	PASS	FAIL
STANDARD #3	Bus Steps	Time _____ ( 3 trips up & down in 30 seconds)	PASS	FAIL
STANDARD #4	Door	(Manually open and close entrance door 3 times)	PASS	FAIL
STANDARD #5	Throttle to Brake	Time _____ (10 Throttle to brake cycles in 10 seconds)	PASS	FAIL
STANDARD #6	Brake/Clutch	(Hold brake 3 seconds 5 times/Hold clutch throughout)	PASS	FAIL
STANDARD #7	Hand Controls	(Enter name of control for each segment of this standard)		
RIGHT SIDE CONTROL #1	CONTROL NAME:	Time _____ (Wheel to Control to Wheel in 8 seconds)	PASS	FAIL
RIGHT SIDE CONTROL #2	CONTROL NAME:	Time _____ (Wheel to Control to Wheel in 8 seconds)	PASS	FAIL
LEFT SIDE CONTROL #1	CONTROL NAME:	Time _____ (Wheel to Control to Wheel in 8 seconds)	PASS	FAIL
LEFT SIDE CONTROL #2	CONTROL NAME:	Time _____ (Wheel to Control to Wheel in 8 seconds)	PASS	FAIL
STANDARD #8	Roof Hatch		PASS	FAIL
<p>In accordance with Policy 4336, WV School Bus Transportation Policy and Procedures Manual, and with knowledge of his/her duties, I certify that the above named driver (check one):</p> <p style="padding-left: 40px;">( ) has passed all 8 standards and <b>IS QUALIFIED</b> by the physical performance standards.</p> <p style="padding-left: 40px;">( ) <b>IS NOT QUALIFIED</b> by the physical performance standards.</p>				
PRINT NAME		SIGNATURE	DATE	
<p>Copy #1 should be placed in the driver's file. Copy #2 for the should be sent to WV Department of Education, 1900 Kanawha Blvd. Bldg. 6 Room 215, Charleston, WV 25305. Copy #3 should be given to the tested driver.</p>				

## Instruction for Road Skills Test

1. Remember to give clear and Precise Instructions at all times.
2. Make sure the Applicant understands the Instructions.
3. Inform the Applicant that all procedures are simulations (pretend) and If at all possible should be performed on a Parking lot. If this not possible at least on a street with very little traffic.
  - a. Make sure that the Applicant understands and recognizes the land markers so there is as little confusion as possible as to where the procedure is to be performed.
4. Remember to Inform the applicant to be very verbal and give good details as to what they are doing as they perform the procedure.
5. They also need to provide good details as to what they would have the children performing.
  - The first Procedure is a Student Pick up on highway with the student's coming across the roadway from the left hand side of the roadway.( Remember to remind the applicant of this ) The Students are crossing the road way in front of possible traffic.
  - The Second Procedure is the Rail Road crossing. Inform the applicant that they are to perform a proper Rail Road Crossing and again they must be verbal and explain what they are performing.
  - The Third Procedure is the Student drop off on highway with the students crossing the road way to the left again. (Remember to remind the applicant of this, that the students are crossing the road way in front of possible traffic.)

NOTE: Once the applicant is on the road driving, any instructions given the applicant informing them to make any maneuvers should always contain the verbiage "when safe to do so."

NOTE: The applicant is to maintain the vehicle in a safe manner at all times. Just a few examples are maintaining proper starts, stops, following distances, and speed.

NOTE: Advise the applicant that he/she cannot legally transport students until they receive their CERTIFICATION CARD from the WVDE.

Revised 5-16-12

## WVDE Behind the Wheel Exam Form

### Basic Skills

Backing Pass \_\_\_\_\_ Fail \_\_\_\_\_

Parking Pass \_\_\_\_\_ Fail \_\_\_\_\_

Comment \_\_\_\_\_

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### General Driving Skills On Highway

Starting Pass \_\_\_\_\_ Fail \_\_\_\_\_ Stopping Pass \_\_\_ Fail \_\_\_\_

Accelerating Pass \_\_\_\_\_ Fail \_\_\_\_\_ Changing Lanes Pass \_\_\_ Fail \_\_\_\_

Intersections Pass \_\_\_\_\_ Fail \_\_\_\_\_ Merging Pass \_\_\_ Fail \_\_\_\_

Comment \_\_\_\_\_

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### Student Loading Procedure/ On Highway

Activates Loading Lights Properly Pass \_\_\_ Fail \_\_\_\_ Monitors traffic/Mirrors Pass \_\_\_ Fail \_\_\_\_

Sets Park brake Pass \_\_\_ Fail \_\_\_\_ Shifts to Neutral Pass \_\_\_ Fail \_\_\_\_

Signals Students Properly Pass \_\_\_ Fail \_\_\_\_ Counts Students Pass \_\_\_ Fail \_\_\_\_

Comments \_\_\_\_\_

---

### Rail Road Crossing Procedure

Activates 4 ways properly Pass \_\_\_\_\_ Fail \_\_\_\_ Stops at Proper distance Pass \_\_\_ Fail \_\_\_\_

Turns off all noise Pass \_\_\_ Fail \_\_\_\_ Shifts to Neutral Pass \_\_\_ Fail \_\_\_\_

Applies Brake Properly Pass \_\_\_ Fail \_\_\_\_ Opens driver's window Pass \_\_\_ Fail \_\_\_\_

Opens entrance door Pass \_\_\_ Fail \_\_\_\_ Checks for Train properly Pass \_\_\_ Fail \_\_\_\_

Closes Entrance Door Pass \_\_\_ Fail \_\_\_\_ Shift to lower gear Pass \_\_\_ Fail \_\_\_\_

Cancels 4 ways Properly Pass \_\_\_ Fail \_\_\_\_

Comments \_\_\_\_\_

---

### Student Unloading Procedure/On Highway

Activates loading Lights properly Pass \_\_\_ Fail \_\_\_\_ Monitors traffic/Mirrors Pass \_\_\_ Fail \_\_\_\_

Sets Park brake Pass \_\_\_ Fail \_\_\_\_ Shifts to Neutral Pass \_\_\_ Fail \_\_\_\_

Stops students at right corner Pass \_\_\_ Fail \_\_\_\_ Stops Students at Left Corner Pass \_\_\_ Fail \_\_\_\_

Counts Students Pass \_\_\_ Fail \_\_\_\_

Comments \_\_\_\_\_

---

**Post Trip** Pass \_\_\_\_\_ Fail \_\_\_\_\_

**NOTE:** Any items missed during the Student Loading, Unloading & RR Crossing procedures are automatic failures. Applicant must demonstrate safe control of vehicle at all times.  
Revised 5-16-12



## Bus Operator Trainer Certification

Bus operator trainer certification consists of **20 hours of classroom training** from Smart Horizons, School Training Solutions online training course and the WV School Bus Operator Instructional Program and is to include the following:

- Accidents and emergencies
- Blind spots/danger zones and mirrors
- Controlling the school bus
- Detecting hazards
- Emergency driving techniques
- Field trips
- Loading/unloading procedures
- Passenger control
- Pre-trip and air brake inspection
- Railroad/highway crossing
- School bus operation
- School operator roles and responsibilities
- Transportation of exceptional students
- Special needs
- Written examination to be provided by the WVDE

Bus operator trainer certification also consists of 12 hours of skills training to include:

- Loading and unloading procedures
- Railroad crossing procedures
- Special needs procedures including lift operation, wheelchair securement devices and installation of CSRs (Child Safety Restraint)
- Pre-trip and air brake inspection
- Skills examination(form attached)

The skills training will consist of performing the above procedures.

## WVDE Trainer Skills Examination Form

### Student Loading Procedure/ On Highway

Activates loading Lights Properly	Pass ___ Fail ___	Monitors traffic/Mirrors	Pass ___ Fail ___
Sets Park brake	Pass ___ Fail ___	Shifts to Neutral	Pass ___ Fail ___
Signals Students Properly	Pass ___ Fail ___	Counts Students	Pass ___ Fail ___

### Rail Road Crossing Procedure

Activates 4 ways properly	Pass ___ Fail ___	Stops at Proper distance	Pass ___ Fail ___
Turns off all noise	Pass ___ Fail ___	Shifts to Neutral	Pass ___ Fail ___
Applies Brake Properly	Pass ___ Fail ___	Opens driver's window	Pass ___ Fail ___
Opens entrance door	Pass ___ Fail ___	Checks for Train properly	Pass ___ Fail ___
Closes Entrance Door	Pass ___ Fail ___	Shift to lower gear	Pass ___ Fail ___
Cancels 4 ways Properly	Pass ___ Fail ___		

### Student Unloading Procedure/On Highway

Activates loading lights properly	Pass ___ Fail ___	Monitors traffic/Mirrors	Pass ___ Fail ___
Sets Park brake	Pass ___ Fail ___	Shifts to Neutral	Pass ___ Fail ___
Stops students at right corner	Pass ___ Fail ___	Stops Students at Lt Corner	Pass ___ Fail ___
Counts Students	Pass ___ Fail ___		

**Post Trip**                      Pass \_\_\_ Fail \_\_\_

### Air Brake Check

Air Build up to 120 to 125 PSI If tank not full pump down to make build air

#### Leak Rate in One Minute

- 2PSI loss Foot off Brake
- 3 PSI loss With Service Brake Applied
- Low Warning Buzzer and Light Comes on by 60 PSI
- Park Brake Applies between 20 to 45 PSI

#### Start Engine

- Warning Light and Buzzer off at 60 PSI
- Build From 85 to 100 PSI within 45 Seconds at Engine Idle
- Governor Cut-Out at 120 to 125 PSI
- Governor Cuts-In at 90 PSI
- Pull Against Parking Brake
- Test Service brake - noting any pulling to one side

Pass \_\_\_ Fail \_\_\_

**\*Any items performed incorrectly during the Student Loading, Unloading, RR Crossing procedures and Air Brake Test are automatic failures, except notifying the examiner of the warning light & buzzer cut off. Applicant must demonstrate safe control of vehicle at all times.**

# School Bus Operator Examiner Certification

## Pre-requisite(Currently a Certified Bus Operator Trainer)

Bus operator examiner certification consists of 8 hours of classroom/skills training to include the following:

- Review of pre-trip verbal instructions on page 158 of this manual.
- Review of pre-trip exam form on page 159 of this manual.
- Review of physical performance verbal instructions
- Review of physical performance examination form on page 162 of this manual.
- Review of Instructions for Road Skills Test (verbal instructions) on page 167 of this manual
- Review of road skills examination form (“WVDE Behind the Wheel Exam Form”) on page 163 in this manual.
- Conducting a mock examination
- The examiner trainee observes a certified examiner administer an examination to a bus operator applicant
- A certifying examiner monitors the examiner trainee administer an examination to a bus operator applicant
- The examiner trainee must be able to give clear and concise instructions to the bus operator trainee
- The examiner trainee must be able to recognize mistakes made by the bus operator trainee
- Additional observations of examiner trainee administering an exam may be required.

**\*Note:** 1) An unsuccessful examination does not count toward the examiner certification.  
2) Examiner shall not test an applicant who he/she has trained or who has been trained in examiner’s home County

**TITLE 126  
PROCEDURAL RULE  
BOARD OF EDUCATION**

**SERIES 28  
WEST VIRGINIA'S UNIVERSAL ACCESS TO A QUALITY EARLY EDUCATION SYSTEM  
(2525)**

**§126-28-1. General.**

1.1. Scope. -- This procedural rule establishes the criteria for approving and operating programs for four-year-old children and three-year-old children as mandated under federal law and herein after is referred to as WV Pre-K (hereinafter WV Pre-K).

1.2. Authority. -- W. Va. Constitution, Article XII, §2 and W. Va. Code §§16-3-4, 18-2-5, 18-2E-1 et seq., 18-5-17, 18-5-18c, and 18-5-44. All requirements of this policy are mandated components unless otherwise noted.

1.3. Filing Date. -- July 13, 2012.

1.4. Effective Date. -- August 13, 2012.

1.4.1. Unless specified otherwise within the policy.

1.5. Repeal of former rule. -- This rule repeals and replaces W. Va. 126CSR28, West Virginia Board of Education (hereinafter WVBE) Policy 2525, West Virginia's Universal Access to Early Education System (hereinafter Policy 2525), filed June 13, 2011 and effective July 14, 2011.

**§126-28-2. Guidelines.**

2.1. WV Pre-K classrooms shall:

2.1.a. be voluntary;

2.1.b. be readiness programs designed to meet the needs of all eligible children through a holistic approach, including key developmental domains of health and physical development, social and emotional development, language development and communication, cognition and general knowledge, and a child's individual approaches to learning;

2.1.c. maximize existing community, state and federal resources;

2.1.d. be inclusive of all children;

2.1.e. incorporate meaningful ways of communicating with and involving parents/guardians;

2.1.f. be an integral part of a comprehensive West Virginia birth to kindergarten system of education and care;

2.1.g. take place in safe and healthy environments;

2.1.h. establish staffing requirements and class size according to recommended guidelines;

2.1.i. deliver content through the chosen approved curricular framework and the West Virginia Early Learning Standards Framework W. Va. 126CSR440, WVBE Policy 2520.15, Early Learning Standards Framework Content Standards and Learning Criteria for West Virginia Pre-Kindergarten (hereinafter the WVELSF);

2.1.j. utilize state approved curricular frameworks and assessments to inform and individualize instruction;

2.1.k. build on what children already know in order to consolidate their learning and foster acquisition of new concepts and skills through hands-on active exploration of their learning environment, problem solving, communication, creativity, and use of their imaginations;

2.1.l. view children within the context of their family;

2.1.m. employ staff with strong professional education preparation in child development and early childhood education; and

2.1.n. evaluate program success by analyzing county Early Childhood Environment Rating Scale-Revised (hereinafter ECERS-R) data, along with other observational measurements, to develop a continuous quality improvement plan.

### **§126-28-3. School Readiness.**

3.1. West Virginia defines school readiness as a stage of transition that encompasses the child's various learning experiences and general knowledge, physical well-being, social and emotional development, and familiarity and ease with expressing themselves and understanding language. Children develop holistically and at individual rates which are largely impacted by previous experiences beginning at birth. As a result, children enter school with varied levels of skill and learning experiences. These variances are further impacted by the resources children have access to prior to entering school including home, family and community supports.

3.2. Each child's degree of readiness differs and is highly individualized, school readiness also entails the capacity of schools to be prepared to serve all children effectively regardless of a child's individual developmental level in each of the five key developmental domains, resulting in a holistic view and approach to school readiness. The key developmental domains include health and physical development, social and emotional development, language and communication, cognition and general knowledge, and a child's individual approaches to learning.

### **§126-28-4. County Collaborative Early Childhood Team.**

4.1. Each county must establish a county collaborative early childhood team, which includes a core team with, at a minimum, representation from the county school system preschool program, the county school system preschool special needs program, a licensed community childcare program in that county not operated by the county school system, the Head Start program in that county, a representative from the local department of health and human resources and/or resource and referral agency, and a parent/guardian of a preschool

child. The licensed childcare programs in the county will elect a representative to serve on the county collaborative early childhood core team.

4.2. The county collaborative early childhood core team shall annually assess the composition of the full county collaborative early childhood team, which should include representative(s) from the West Virginia Birth to Three System Regional Administrative Unit, childcare resource and referral agencies, classroom teachers, Family Resource Networks, Parent Education Resource Center, Starting Points, faith based early childhood program providers, and/or other community organizations and persons interested in, knowledgeable of, or who provide support or education to young children and their families. Due to the nature of childcare, every licensed childcare program in the county must be extended an invitation to participate on the collaborative team. The county must keep on file a list of invitees.

4.3. Each county early childhood collaborative team shall meet regularly throughout the year to ensure that the following outcomes are met:

4.3.a. Joint decisions are made about the location of WV Pre-K classrooms including Preschool Special Education classes;

4.3.b. Joint decisions are made about responsibilities for sharing resources and information for each classroom, including but not limited to staffing, facilities, food service and transportation;

4.3.c. Joint decisions are made concerning program availability, including hours of instruction per day, days of operation per week and school calendars. Each classroom must operate a minimum of 12 hours per week during the school year calendar. Beginning 2013-14, each preschool classroom must operate a minimum of 14 hours per week during the school year calendar. Each preschool classroom must be offered no less than 128 instructional days per school year. Up to six of those 128 days may be used for home visits/parent conferences;

4.3.d. Joint decisions are made to establish a county wide universal enrollment process and attendance guidelines;

4.3.e. Services for children with identified special needs are provided in a least restrictive environment according to the requirements of that child's Individualized Education Program (hereinafter IEP);

4.3.f. Joint decisions are made concerning adoption and implementation of a WV Approved Pre-K Curricular Framework and, if applicable, selection and use of supplemental materials/curricula enhancement;

4.3.g. Joint decisions are made to design and implement a plan for school readiness and transitions;

4.3.h. Joint decisions are made to establish a program monitoring system and complete a continuous quality improvement plan; and

4.3.i. All approved participating programs are included or represented.

4.4. Any member of the county collaborative early childhood team who will provide services to eligible children in that county must follow all rules and regulations as outlined in this policy. The contract/agreement between the collaborating agencies must address how the collaborative

partner will assure compliance with all applicable regulations and standards. It is the responsibility of the collaborative partners to ensure that the staff and administrators receive professional development related to the policies and regulations of all the collaborative partners.

4.4.a. In collaborative classrooms where community partners have regulations such as the Head Start Performance Standards or West Virginia Department of Health and Human Resources (hereinafter WVDHHR) Childcare Center Licensing, these regulations shall apply in addition to WVBE Policy 2525.

4.4.b. Part-day community programs that are exempt from childcare center licensing under W.Va. Code §49-2B-3(e)(1) must be licensed in order to participate in WV Pre-K unless they are located in an approved LEA site.

4.5. Through joint planning with community partners, each county board of education must have an approved county plan on file at the West Virginia Department of Education (hereinafter WVDE), which has been approved by the Secretary of WVDHHR and WVBE that reflects meaningful involvement of the county collaborative early childhood team and implementation of the Universal Pre-K program prior to 2012-13.

4.6. All changes of substance to the approved county collaborative plan or approved universal pre-k program structure after 2012-13 must be submitted as an addendum to the WVDE with signatures of all the required county collaborative early childhood core team members for review and approval 30 days prior to the implementation of the changes. Changes of substance refer to program changes including, but not limited to classroom locations, operation, curriculum, staffing and resources. Failure to do so may result in the non-approval of the change.

4.6.a. The WVDE, in collaboration with the WVDHHR, has the responsibility of convening a committee to review the quality and content of the changes. This committee, designated as the WV Pre-K Steering Team, is comprised of representatives from the WVDE, WVDHHR, and the Head Start State Collaboration Office. State collaborative participation on the committee will ensure the maximization of resources as related to (1) federal and other available funds, and (2) Head Start programs and other public and private programs approved by the State Superintendent of Schools.

4.7. Collaborative settings support the maximization of resources as required by W. Va. Code §18-5-44. Counties must maximize early childhood resources by collaborating with existing programs within the county before opening new classrooms operated solely by the LEA, unless those collaborative partners do not exist, or choose not to participate. An approved county collaborative plan will reflect the documentation to support maximization of resources, as well as reflect how this plan identifies both potential resources and the efficient use of existing resources.

4.7.a. To support counties in the effort to maximize existing resources for full implementation, no less than 50% of the classrooms for eligible children must be provided through contractual agreements with community programs, including but not limited to Head Start and childcare, unless the county collaborative early childhood team can document that those programs do not exist in that county, cannot meet the mandates of this policy, or choose not to participate.

4.7.b. The ratio of community to public school providers can only be decreased with an addendum to the approved county plan or approved universal pre-k program structure. In an

instance when the LEA is the Head Start grantee, those settings are considered part of the mandate for collaboration; however, the collaboration does not fulfill these requirements for collaboration with community partners if those partners are available.

#### **§126-28-5. Eligibility and Enrollment.**

5.1. WV Pre-K shall be a voluntary program. Eligible child shall mean any child, regardless of ability, who is four years old prior to September 1 of the year he/she is to enroll.

5.1.a. Three year old children can be enrolled in the WV Pre-K System if they have an IEP. Three year olds without IEPs may be present in the collaborative classroom if they qualify under the community program's enrollment guidelines. Children may not be excluded based on developmental delays.

5.1.b. Children who are five years old prior to September 1 shall be enrolled in kindergarten, instead of WV Pre-K, unless assessment data can determine that kindergarten placement for that child is not in the child's best interest. The WV Pre-K Child Assessment System data can be utilized for five year old children previously enrolled in WV Pre-K; alternative assessment data will be necessary for five year old children who are new enterers.

5.1.c. A five year old with special needs may be placed in a WV Pre-K classroom if the IEP committee deems the setting as the best placement for the child. A child may remain in the WV Pre-K classroom for longer than one year if the decision is in the best interest of the child and based on child assessment data.

5.2. Programs will be designed to minimize the number of settings in which a child receives education and care services. Parent/guardian should be given options to enroll their child in a program that meets the needs of the family and supports consistency and continuity for the child. Placement shall not be limited to the local school district in which the child lives if openings are available in participating programs within that county that better meet the child and family's needs.

5.3. A county wide universal enrollment process must be established that includes:

5.3.a. a universal application that includes the necessary information to identify eligibility, services, and family need for Head Start, childcare, and other community programs, including but not limited to income identification, residency, childcare needs, and family characteristics;

5.3.b. a universal system for collection and review of universal applications; and

5.3.c. selection criteria and placement processes that are transparent and available to the public.

5.4. All children entering an approved participating WV Pre-K classroom must have age appropriate immunizations upon enrollment as defined by the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP) and recommended by WVDHHR, located at [http://www.dhhr.wv.gov/oeps/immunization/requirements/Documents/Revised-2012\\_Minimum\\_Guidelines\\_for\\_PreK\\_8-1-08\\_foot4.pdf](http://www.dhhr.wv.gov/oeps/immunization/requirements/Documents/Revised-2012_Minimum_Guidelines_for_PreK_8-1-08_foot4.pdf). Children who are not fully immunized may be provisionally enrolled providing a plan has been developed to assure full immunization,



but may not enter WV Pre-K classrooms until they have received the first dose of each required vaccine.

5.5. A WV Pre-K classroom should have on file within 45 days of enrollment or prior to the first day of school attendance a record of a HealthCheck screening, or other comprehensive health screening comparable to the HealthCheck protocol. All screening forms shall be signed and dated by the child's licensed health care provider and completed within the past 12 calendar months. Counties can retain the right to conduct follow-up screening.

5.6. W.Va. Code §16-3D-3 requires tuberculosis screening test for students transferring from an out-of-state school or enrolling for the first time from outside the state.

#### **§126-28-6. Attendance.**

6.1. Enrollment in an approved participating WV Pre-K program is voluntary; however, once the child is enrolled, attendance must follow W. Va. Code §18-8-1, et seq., which allows the program administrator (i.e. principal, director, executive director), teacher and parent/guardian to pursue disenrollment of the child if they concur that requiring further attendance for that school year is not in the best interest of the child. Once a child is dis-enrolled, re-enrollment is not guaranteed.

6.2. Each county must establish and implement procedures to ensure that the parent/guardian and other family members, as appropriate, understand the availability of services, the attendance policy and the benefits of childhood education.

6.3. Each county must establish and implement a provision for working with families whose children are chronically absent and/or tardy that does not penalize the family for acting in the best interest of the child.

#### **§126-28-7. Transportation.**

7.1. For programs participating in the county collaborative plan, transportation is considered a support, not a mandated service, unless it is a related service for children with disabilities in accordance with state and federal requirements. When transportation is provided:

7.1.a. bus drivers are trained in the supervision of young children (in addition to any other staff development received);

7.1.b. children transported by a school bus who attend a pre-k classroom and are not yet enrolled in kindergarten will sit in a segregated area of the vehicle with other pre-k children;

7.1.c. staff shall be available to assist children on and off buses at the WV Pre-K site. If a parent/guardian is unable to meet the bus, there shall be a person designated by the parent/guardian to assist the child;

7.1.d. bus drivers must inspect the bus at all final drop off points to assure that no children are left on the bus and these inspections must be charted. A log of daily inspections shall be maintained on file with the supervisor; and

7.1.e. at each pre-k site where bus transportation is provided, a designated person must follow-up with the family of any child who is not present or accounted for each day.

### **§126-28-8. Inclusive Settings.**

8.1. County plans will outline the county's process for providing fully inclusive early childhood classrooms with appropriate supports for children with identified special education needs. Proximity does not guarantee inclusion.

8.2. Children with identified special needs must be served in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K.

8.3. Socioeconomic level, ability, and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

8.4. The IEP placement determination identifies the setting where the IEP will be implemented. Placement decisions must be made consistent with 34 CFR §300.552 that requires:

8.4.a. the student's placement decision to be made by the student's IEP Committee;

8.4.b. the placement be in the least restrictive environment based on and consistent with the IEP; and

8.4.c. that unless the student's IEP requires some other setting, the child be educated in the early childhood setting where the child would have received services if he/she had not been disabled and as close as possible to his/her home school.

8.5. Placement in separate settings designed for students with disabilities should only be used when a child's IEP cannot be implemented in a less restrictive environment as determined by the IEP team and documented through multiple formal and informal assessment processes.

### **§126-28-9. Family Engagement.**

9.1. WV Pre-K classrooms must incorporate meaningful ways of communicating with and involving parent(s)/guardian(s) that includes at a minimum:

9.1.a. opportunities for parents/guardians to participate in decision making about their child's education through a minimum of two documented face to face conferences annually with each child's parent(s)/guardian(s). Home visits are recommended for these conferences;

9.1.b. documented methods of communicating with parents/guardians such as newsletters, child activity reports, phone calls, home visits, e-mail and conferences;

9.1.c. services to children and their families necessary to support the child in his/her transition into, participation in, and transition out of the program;

9.1.d. services for children who come from homes where languages other than English are spoken, support services including communication that is comprehensible and supportive of both the native language and English language development are provided;

9.1.e. support services pursuant to WV 126CSR16, WVBE Policy 2419 - Regulations for the Education of Exceptional Students with Exceptionalities (hereinafter Policy 2419) provided in accordance with the needs specified in the child's IEP for preschool children with disabilities

who are integrated into the program; and

9.1.f. classrooms that are open to parents/guardians and where parents/guardians are encouraged to participate in classroom activities.

#### **§126-28-10. Transitions.**

10.1. Each county collaborative early childhood team must have a written plan for transitioning children into WV Pre-K and out of WV Pre-K into kindergarten. At a minimum the plan will include:

10.1.a. an opportunity for the child and his/her family to visit the setting into which the child is transitioning;

10.1.b. the provision of written information to parent/guardian as appropriate about pre-k or kindergarten registration and what to expect in pre-k or kindergarten;

10.1.c. an opportunity for teachers/providers in the WV Pre-K system and the kindergarten program in that county to meet at least annually to discuss how to facilitate successful transition and support the reciprocity of readiness practices;

10.1.d. a county system for transferring assessment data, including but not limited to the WV Pre-K Child Assessment System Kindergarten Transition Report, for each child who has participated in an eligible program to the kindergarten teacher to assist the kindergarten teacher in identifying areas of development and areas for growth to meet the individual needs of each child; and

10.1.e. policies and procedures for the transition of children with IEPs into and out of the WV Pre-K to ensure compliance with state and federal requirements.

10.2. County collaborative early childhood team transition plans shall utilize best practices for successful transitions, including the *WV Kindergarten Transition Tool Kit* and the *West Virginia Childhood Transition Checklist* (<http://wvde.state.wv.us/osr/schoolreadiness.php>).

#### **§126-28-11. Meals.**

11.1. For children enrolled in a WV Pre-K classroom, at least one meal (breakfast and/or lunch) must be provided. Any meal provided during the pre-k hours must be in accordance with the nutrition guidelines set forth in the WVDE National School Lunch Program.

11.1.a. Meals shall be served in a setting that encourages socialization and self-help skills, where the children and staff members are seated together when eating, and classroom staff members provide supervision and encourage positive eating habits and conversation.

11.1.b. Breakfast and lunch must meet the USDA meal pattern or nutrient standard menu planning requirements. These meals are to be claimed under the National School Lunch Program and School Breakfast Program by the county to which the child is enrolled.

11.1.c. The meal(s) served are dependent upon the time the child is attending the program. It may not be feasible or necessary for students enrolled in a half day program to receive both a breakfast and a lunch.

11.1.d. WV Pre-K programs may choose to serve a snack during the pre-k day. This decision should be based on the needs of the child and the number of hours the child is enrolled in the program. Collaborative pre-k programs that participate in the Child and Adult Care Food Program may claim this snack for federal reimbursement if it meets the requirements of the Program.

11.1.e. Special dietary needs shall be provided in accordance with federal guidelines as defined by the WVDE-Office of Child Nutrition and in W.Va. 126CSR25A, WVBE Policy 2422.7 Standards for Basic and Specialized Health Care Procedures under oral feeding of student.

## **§126-28-12. Health and Safety.**

12.1. Recognizing that all children within the WV Pre-K System shall be in safe and healthy environments, and that all of the collaborative partners within the WV Pre-K System have rules and regulations governing various aspects of their programming, this policy sets forth a core set of common health and safety standards that must be followed in addition to any existing rules and regulations based on funding sources for individual programs.

12.2. WV Pre-K classrooms shall limit class size to no more than twenty children per classroom with no less than two adults, one of whom is a teacher. When children with IEPs are enrolled in the WV Pre-K classroom, ratios shall be met as set forth in WVBE Policy 2419. Caseloads for teachers of classrooms with children who have IEPs shall meet the requirements of WVBE Policy 2419.

12.2.a. WV Pre-K classrooms shall limit class size to no more than twenty children per classroom, provided there is 35 square feet of useable space per child.

12.3. The children shall have adequate supervision at all times. When children are on the premises, a WV Pre-K participating program shall ensure that two adults are present with children. The county shall establish policies and procedures for ensuring adequate supervision and safety of children.

12.4. A WV Pre-K classroom shall provide appropriate daily opportunities for the children in care to have supervised practice of brushing teeth while maintaining proper oral health hygiene procedures with special consideration to technique, replacement of toothbrushes, cross contamination and proper storage.

12.5. A WV Pre-K classroom shall provide the opportunity for children to rest. If the program operates for more than four hours per day, a regular rest period shall be scheduled and utilized when the child desires or exhibits the need to rest. Programs operating for less than four hours daily shall assure that children have access to rest areas as necessary.

12.5.a. The rest area shall be set up to reduce distraction or disturbances from other activities. Appropriate sleeping equipment shall be provided by the program. Children are not permitted to sleep on the floor, in a sleeping bag, or on linens without mats or cots.

12.6. The education and monitoring of communicable diseases during the school year are necessary to keep students healthy and learning. W.Va. 126CSR51, WVBE Policy 2423 Communicable Disease Control, establishes standards that must be in place for addressing issues and educating staff, students and families on communicable diseases. The knowledge of standard/universal precautions, transmission, prevention and treatment of communicable diseases will enhance health education, prevention, and equality for all.

12.6.a. Children in WV Pre-K classrooms shall be observed by staff daily for changes that may indicate injury, infestation, fever, or illness. Staff should record any observed changes in the child's file and notify the family.

12.7. Basic health care procedures, such as toileting, oral feeding, mobility and etc. should be requested and noted by the parent. Specialized health care procedures shall be prescribed by a medical provider with parent/guardian permission to be performed under the delegation and management of the certified school nurse based on W.Va. 126CSR25A, WVBE Policy 2422.7 Standards for Basic and Specialized Health Care Procedures and W.Va. 126CSR27, WVBE Policy 2422.8 Medication Administration. This information should be provided to the WV Pre-K classroom staff through the HealthCheck screening form or other school health care procedure forms and shared with the school nurse to ensure training, clarification of medical orders, individualized health care plan development, and coordination of health care in the universal pre-k program.

12.8. Staff members shall utilize universal precautions when exposed to blood and body fluids that might contain blood, as specified in W.Va.126CSR51, WVBE Policy 2423, Communicable Disease Control.

12.9. Staff members and children shall follow best hand washing practices incorporated throughout the day, including washing with soap and warm, running water for at least 20 seconds. All WV Pre-K classrooms must incorporate best practices for hand washing and disease prevention measures, as specified in W.Va.126CSR51, WVBE Policy 2423, Communicable Disease Control.

12.10. Because of allergies and the potential dangers associated with having animals in the classroom, animals can only be in the pre-k classroom with prior parent awareness and approval. A WV Pre-K classroom shall not have on the premises ferrets, birds, reptiles, including snakes, lizards and turtles, or any wild or dangerous animals.

12.11. A WV Pre-K classroom shall ensure that products containing potentially hazardous chemicals, such as identified poisons, medications, certain cleaning supplies, and non toxic art supplies are properly handled and stored. These items should be stored in a locked cabinet away from food and in their original containers. These chemicals shall be used according to manufacturers' instructions, and in a manner that will not contaminate play surfaces or articles.

12.12. A WV Pre-K classroom shall ensure potentially hazardous materials to young children, such as plastic bags, Styrofoam, or balloons, be stored out of reach of children and utilized with adequate supervision.

12.13. Student information related to all health and medical conditions and documented on HealthCheck form or any other comparable information must be treated as confidential information and be maintained according to The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C.§1232g; 34 CFR Part 99) and in such a manner that no one could view these records without proper authorization as specified in W.Va.126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data. Failure of school personnel to comply with the above rules shall result in personnel disciplinary actions based on W.Va.126CSR142, WVBE Policy 5310, Performance Evaluation of School Personnel W. Va. 126CSR, and WVBE Policy 5902, Employee Code of Conduct.

12.14. A WV Pre-K program shall develop, implement, and maintain policies and procedures for the reporting of child abuse and neglect that include:

12.14.a. the definition of child abuse and neglect; and

12.14.b. the requirement to report immediately, in accordance with W. Va. Code § 49-6A-1 et seq., any suspected incident of child abuse and neglect to Child Protective Services, or when the staff member believes that the designated person-in-charge would not or has failed to report the suspected incident, as outlined at [http://www.wvdhhr.org/bcf/children\\_adult/cps/report.asp](http://www.wvdhhr.org/bcf/children_adult/cps/report.asp) (Child Abuse and Neglect Hotline – 1.800.352.6513)

### **§126-28-13. Environmental Design.**

13.1. Each WV Pre-K classroom shall provide a minimum of 35 square feet per child of usable classroom space. A WV Pre-K program shall not provide activity space in a basement area unless the basement area is approved by the State Fire Marshal.

13.2. The WV Pre-K program shall provide one flush toilet and one lavatory per 15 children, excluding children in diapers who are not receiving toilet training. Toilets will be easily accessible to the children and provisions must be made so that pre-k children have adequate supervision during toileting.

13.3. A WV Pre-K classroom shall be designed and equipped as a learning environment that supports the curricular framework and allows children of all abilities to make choices, to discover, to explore, and to solve problems; while

13.3.a. assuring children's health and safety;

13.3.b. clearly defining learning centers and incorporating them into the classroom;

13.3.c. organizing and labeling materials and equipment and making them accessible to all children;

13.3.d. incorporating non-stereotypical images in all elements of the environment;

13.3.e. supplying a sufficient quantity and variety of appropriate materials;

13.3.f. rotating the availability of materials;

13.3.g. supporting a child's needs for privacy and a safe place to be alone; and

13.3.h. introducing children to the unfamiliar.

13.4. A WV Pre-K classroom shall provide equipment and materials for indoor activities that are clearly organized within activity areas that support programming goals and allow for adequate supervision. Program components must include learning centers, incorporated within the classroom, designed to support literacy, early numeracy, and language, such as blocks and construction, books, manipulative materials, science and nature, writing materials, dramatic play and role playing, physical activity, art, and music.

13.5. A WV Pre-K program shall provide an outdoor activity area that includes a minimum of 75 square feet of space per child, or if the outdoor play area has less than that a WV Pre-K program shall establish an outdoor play schedule for rotating groups of children to meet the minimum space requirement and to ensure that each child has an opportunity to play outdoors each day, weather permitting.

13.6. Outdoor activity shall be considered an extension of the classroom. Daily outdoor activity shall support the implementation of the approved WV Pre-K curriculum and the WVVELSF. A WV Pre-K classroom operating more than four hours per day shall provide a minimum of one hour of outdoor activity daily as a part of the curriculum, weather permitting. Programs operating less than four hours per day must provide a minimum of 30 minutes of daily outdoor activity, weather permitting. A combination of indoor and outdoor time may be utilized when weather conditions are conducive.

13.7. A WV Pre-K program shall ensure that the outdoor play area for a child under school age:

13.7.a. is enclosed on all sides by a natural barrier or secure fence that is at least four feet high with a bottom edge that is less than three and one-half inches from the ground;

13.7.b. if it has a fence, the fence has no openings greater than three and one-half inches;

13.7.c. if it has a natural barrier, the barrier has the strength and density to prevent humans and animals from entering or exiting the playground;

13.7.d. if it is attached to a building, the barrier or fence provides at least two exits from the play area, including one exit that is at a distance from the building;

13.7.e. when it has an exit that does not lead directly indoors, it is protected by a gate equipped with a closure mechanism that is out of the reach of a small child and prevents the child from leaving the play area, but can be easily opened by an adult; and

13.7.f. has age appropriate equipment to support the curriculum and the children's development.

#### **§126-28-14. Child Guidance.**

14.1. Staff shall ensure that all guidance, behavior management, and discipline practices are constructive and educational in nature, appropriate to each child's age and circumstances, and in keeping with the WV Pre-K program's policies and procedures;

14.2. At all times, staff members are responsible for providing positive guidance that is appropriate to each child's age, understanding, and circumstances. When a behavior problem arises, qualified staff members shall:

14.2.a. redirect the child to alternative behavior or other activities;

14.2.b. encourage the child to control his or her own behavior, cooperate with others, and solve problems by talking through the issues;

14.2.c. speak so the child understands that feelings are acceptable, but inappropriate behaviors and actions are not; and/or

14.2.d. take action that relates to inappropriate behavior and ensure that any action that is taken is without bias and in proportion to the child's act.

14.3. Staff members and other adults in a WV Pre-K classroom shall not handle behavior problems by:

14.3.a. subjecting a child to physical punishment of any kind;

14.3.b. putting anything in or on a child's mouth as punishment;

14.3.c. restraining a child physically or by placing the child in confining equipment or using any other restrictive means such as straps or ties. A staff person may, in extreme circumstances to protect the child or other persons around him or her, use a gentle method of physically holding the child. The staff person must be an experienced staff member who is known to the child and shall only restrain the child for as long as is necessary for the child to regain control;

14.3.d. subjecting a child to psychological punishment of any kind, including but not limited to, shaming, ridicule, humiliation, or negative remarks about the child or the child's family, including remarks about race, gender, religion, or cultural background;

14.3.e. using harsh or profane language, yelling, screaming, or actual or implied threats of physical punishment;

14.3.f. punishing or threatening a child in association with food, rest, or toilet training;

14.3.g. isolating a child without supervision or placing the child in a dark area;

14.3.h. permitting a child to discipline other children;

14.3.i. punishing an entire group for the actions of one child or a few children;

14.3.j. seeking or accepting parental permission to use physical punishment or other actions prohibited by this rule; or

14.3.k. use of any other practice that is not appropriate for the ages/stages of the children or is harmful psychologically or physically.

#### **§126-28-15. Curriculum and Assessment.**

15.1. Curriculum will be a part of the inter-related approach of using curriculum, assessment, and content standards and objectives to facilitate the individualization and direction of classroom programming.

15.2. The WV Pre-K classroom must implement the West Virginia Early Learning Standards Framework (WVELSF), which is aligned with Head Start Child Development and Early Learning Framework and the Next Generation kindergarten content standards and objectives. The content standards and objectives for programs serving eligible children are written to reflect a



developmental continuum that enhances successful transitions into kindergarten. Children shall be assessed on their individual developmental progress along the developmental continuum.

15.3. Only comprehensive curricula systems and comprehensive assessment systems that are included on the approved list shall be used by WV Pre-K classrooms, including classrooms that serve children with identified special needs. The West Virginia Pre-K Child Assessment System, utilizing the Early Learning Scale, is a performance-based, authentic assessment system which will be implemented with all children enrolled in WV Pre-K programs, as per WVBE Policy 2520.15.

15.4. Selection and use of supplemental materials/curricula enhancement, that address core content areas such as language and literacy acquisition or numeracy, must be based on scientifically based research and support the philosophy and techniques of the comprehensive curriculum and the requirements of this section. Guidance provided by the WVDE will provide assistance to county collaborative early childhood teams regarding the collaborative, local decision making processes pertaining to supplemental materials/curricula enhancement.

15.4.a. Instructional practices such as worksheets, extended periods of sitting, seat work at desks or tables, flashcards, prescribed sequence of content, content areas taught in isolation, requiring all children to be working on the same skill, lack of individualization, or a high level of teacher directed instruction are not allowed as a part of the supplemental curricula.

15.5. Comprehensive curricula systems will be approved following a process similar to the process established by the WVDE, including preschool special education, for adoption of instructional materials. The approval process will include review and recommendations from local early childhood stakeholders across systems and the WVDE Pre-K Continuous Quality Improvement Advisory Council.

15.6. A comprehensive curricula system must meet the following standards:

15.6.a. include a philosophy, goals, and objectives based on current knowledge of child development and learning styles and reflect an understanding of how children learn and develop by:

15.6.a.1. addressing the developmental needs of eligible children through practices that are consistent with current, nationally recognized, most effective practice;

15.6.a.2. valuing exploration, creativity, and construction as the child's primary learning approaches;

15.6.a.3. engaging children actively in the learning process and providing them with opportunities to make meaningful choices;

15.6.a.4. responding to individual children's interest, strengths, and needs based on ongoing observation and assessment; and

15.6.a.5. supporting children so they view themselves as part of a larger community.

15.6.b. be balanced and designed to achieve the long-range goals for social, emotional, physical, cognitive, and academic (early literacy, early numeracy, and language) achievement by:

15.6.b.1. incorporating a wide variety of learning experiences, materials and equipment, and instructional strategies that are responsive to the differences in prior learning experiences, maturation rates, and learning styles young children bring to the classroom;

15.6.b.2. supporting a balance of large and fine motor activities, quiet and active times, individual and small and large group activities, child-initiated and adult-initiated activities, planned and spontaneous activities, and indoor and outdoor opportunities; and

15.6.b.3. addressing the development of knowledge and understanding, processes and skills, dispositions, and attitudes.

15.6.c. integrate development of all domains, abilities, and content that are relevant, engaging, and meaningful to young children; by:

15.6.c.1. meeting the developmental continuum contained in the content standards and objectives for eligible children as prescribed by the WVBE ;

15.6.c.2. building on what children already know in order to consolidate their learning and foster the acquisition of new concepts and skills;

15.6.c.3. reflecting the needs and interest of individual children in the group by including the immediate environment and world with which the children are acquainted;

15.6.c.4. supporting integration of curriculum content through use of a planning organizer (such as themes, projects, key experiences, or webs); and

15.6.c.5. including materials and activities that reflect a variety of cultures, languages, ages, abilities, and beliefs.

15.6.d. emphasize the development of thinking, reasoning and problem-solving skills through strategies such as open-ended questions, investigation, imaginative and dramatic play, and peer interactions;

15.6.e. promote flexibility and adaptation to unique needs of children and families where ongoing observation and assessment are used to determine appropriate planning and adaptations for varied learning styles, temperaments, abilities, and languages or modes of communication; by:

15.6.e.1. integrating curriculum and assessment that benefits the child; and

15.6.e.2. making opportunities for all children, regardless of ability, to participate in all activities through appropriate adaptations or modifications of activities, assistive technology, materials and/or learning environments.

15.6.f. support the importance of learning during routine times of the day and meeting the physiological needs of children; by:

15.6.f.1. promoting consistency in schedules and routines and facilitating smooth transitions;

15.6.f.2. supporting continuity between home and school;

15.6.f.3. encouraging children's participation in routines to develop responsibility and independence;

15.6.f.4. recognizing the integral role of adults during routine times;

15.6.f.5. allowing for flexibility and adaptations for individual children;

15.6.f.6. supporting positive health and nutrition practices; and

15.6.f.7. providing daily opportunities for children to rest in an area set up to reduce distraction or disturbance from other activities.

15.6.g. promote, through a variety of strategies, the essential role of families as partners in planning and implementing their child's care and education;

15.6.h. emphasize the value of social interaction to learning in all domains and promote frequent, responsive, respectful interactions between children, staff and children, and staff and families;

15.6.i. recognize the role of children's psychological safety in learning and include guidance techniques that support children;

15.6.j. promote the use of developmentally appropriate curriculum and assessment principles to determine how technology is incorporated into the classroom environment as a complement to, not substitute for, effective teaching or quality curriculum.

15.7. When a WV Pre-K classroom plans an activity that involves active media, the center shall ensure that:

15.7.a. the active media supplements but does not replace traditional early childhood materials;

15.7.b. a child has a choice of other activities and materials;

15.7.c. staff members are available to support the activity by discussing the use of the active media with the child;

15.7.d. the computer software chosen is developmentally appropriate and supports creative play and learning.

15.8. If passive media is used, a WV Pre-K classroom shall ensure that:

15.8.a. passive media is not routinely part of the daily schedule;

15.8.b. that staff members are available to support the use of it by discussing what is viewed with the child; and

15.8.c. the contents of passive media are developmentally appropriate and designed to benefit the child, with limited viewing time and the child who does not wish to watch has a choice of other activities.

15.9. The West Virginia Pre-K Child Assessment System is a performance-based, authentic assessment system which will be implemented with all children enrolled in WV Pre-K programs, as per WVBE Policy 2520.15. Comprehensive curricular assessment systems approved as part of the approved comprehensive curricula systems may also be utilized in addition to the WV Pre-K Child Assessment System. The assessment system is designed to inform classroom instruction, assist with integration of personalized learning, and to ensure the interactions, competencies, experiences, and skills of children participating in WV Pre-K programs are assessed using appropriate measures. Comprehensive assessment systems must address how the curriculum:

15.9.a. supports the whole child across multiple learning domains as he or she progresses developmentally;

15.9.b. supports family engagement and relationships with their children's educational experiences;

15.9.c. demonstrates the child's overall strengths and progress;

15.9.d. encourages self-evaluation by the child;

15.9.e. relies on demonstrated performance of real, not contrived, activities;

15.9.f. utilizes a variety of tools and processes;

15.9.g. allows for differences in learning style and rate; and

15.9.h. provides a comprehensive reporting system on individual children's accomplishments, as well as aggregated data to inform classroom, site or district decision making.

15.10. Time shall be set aside for joint planning by the teacher, co-teacher and/or other personnel working with the children.

#### **§126-28-16. Personnel.**

16.1. Teachers employed in a WV Pre-K classroom and hired by the LEA must hold an appropriate license issued by the WVDE.

16.2. To fully maximize resources, community partners may choose to hire their own personnel for the WV Pre-K collaborative classroom. Teachers employed in a WV Pre-K classroom operated by a community program may hold a Professional Teaching Certificate endorsed in Early Education, Preschool Education, or Preschool Special Needs; OR

16.3. When no fully certified teacher is available within or for hire by the community program, the person employed by a community program shall hold the minimum of a bachelor's degree and meet the requirements specified in W. Va. 126CSR136, WVBE Policy 5202, Minimum Qualifications for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (hereinafter Policy 5202), Section 11.7, for the Permanent Authorization, endorsed for Community Programs; OR

16.4. When no fully certified teacher or an individual eligible for the Permanent Authorization endorsed for Community Programs is available within or for hire by the community

program, the person employed by the community program must be eligible for a Temporary Authorization for Community Programs.

16.4.a. General Criteria for the Permanent Authorization for Community Programs issued prior to August 1, 2013: The Permanent Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of an associate's degree through an accredited institution of higher education as defined in Policy 5202, §126-136-4.5; 2) the general requirements specified in Policy 5202, §126-136-9.1.; 3) the minimum GPA specified in Policy 5202 §126-136-9.8; and the conditions for issuance specified in §126-28-16.3.

16.4.b. Conditions for issuance: The applicant for the Permanent Authorization for Community Programs must submit evidence of the following:

16.4.b.1. College/University Coursework: The minimum of an associate's degree in child development, early childhood, or occupational development with an emphasis in child development/early childhood; AND

16.4.b.2. Specialized Training: Verification of coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement; AND

16.4.b.3. Experience. – Verification of at least one year of early education teaching experience.

16.4.b.4. Verification of employment- Signature of contracted community program director.

16.4.c. Validity Period. – The Permanent Authorization for Community Programs shall continue to be valid unless surrendered, suspended, or revoked for just cause.

16.5. General Criteria for the Permanent Authorization for Community Programs issued after August 1, 2013.

16.5.a. General Criteria for the Permanent Authorization for Community Programs issued after August 1, 2013: The Permanent Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of a bachelor's degree through an accredited institution of higher education as defined in Policy 5202, §126-136-4.5; 2) the general requirements specified in Policy 5202, §126-136-9.1; 3) the minimum GPA of 2.5 specified in Policy 5202 §126-136-9.8; and the conditions for issuance specified in §126-28-7.3.

16.5.b. Conditions for Issuance: The applicant for the Permanent Authorization for Community Programs must submit evidence of the following:

16.5.b.1. College/University Coursework: The minimum of a bachelor's degree in early childhood, preschool, child development and family studies, early childhood special education or an early education field; AND

16.5.b.2. Specialized Training: Verification of coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child

development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement; AND

16.5.b.3. Experience: Verification of at least one year of early education teaching experience.

16.5.b.4. Verification of Employment: Signature of contracted community program director.

16.5.c. Validity Period: The Permanent Authorization for Community Programs shall continue to be valid unless surrendered, suspended, or revoked for just cause.

16.6. When no individual who is eligible for the Permanent Authorization for Community Programs is available within or for hire by the community program, the person employed by the community program must be eligible for a Temporary Authorization for Community Programs.

16.6.a. General Criteria for the Temporary Authorization for Community Programs issued prior to August 1, 2013 – The Temporary Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of an associate's degree through an accredited institution of higher education as defined Policy 5202, Section 5.4; 2) the general requirements specified in Policy 5202, Section 9.1.1; 3) the minimum GPA specified in Policy 5202, Section 9.8; and the conditions for issuance specified in Section 16.4.

16.6.b. Conditions for Issuance. - The applicant for the Temporary Authorization for Community Programs must submit evidence of the following:

16.6.b.1. College/University Coursework. - The minimum of an associate's degree in child development, early childhood, or occupational development with an emphasis in child development/early childhood; AND

16.6.b.2. Experience. – Verification of at least one year of early education teaching experience.

16.6.b.3. Commitment. – Submission of Professional Commitment verifying the applicant's agreement to complete coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement.

16.6.c. Validity Period. – The Temporary Authorization for Community Programs shall be valid for one school year and shall expire on June 30. An educator employed on or after January 1 may be issued a Temporary Authorization valid until June 30 of the following school year.

16.6.d. Three Year Limit. - All requirements for the Permanent Authorization for Community Programs must be completed within three years of the original issuance of the Temporary Authorization for Community Programs.

16.7. Renewal of the Temporary Authorization for Community Programs.

16.7.a. Conditions of Issuance. – The holder of the Temporary Authorization for Community Programs who continues to be employed by a community program must submit evidence of satisfying the following:

16.7.a.1. College/University Coursework. – Completion of credit approved by the WVDE through either six semester hours of coursework reflecting the minimum 3.0 GPA; AND

16.7.a.2. Commitment. – Submission of Professional Commitment verifying the applicant's agreement to complete coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement OR coursework leading to teacher licensure in Early Education, Preschool Education, or Preschool Special Needs.

16.8. When no individual who is eligible for the Permanent Authorization for Community Programs is available within or for hire by the community program, the person employed by the community program must be eligible for a Temporary Authorization for Community Programs.

16.8.a. General Criteria for the Temporary Authorization for Community Programs issued after August 1, 2013. - The Temporary Authorization for Community Programs may be issued to an individual employed by a community program who has completed 1) the minimum of a bachelor's degree through an accredited institution of higher education as defined in Policy 5202, Section 5.4; 2) the general requirements specified in Policy 5202, Section 9.1.1; 3) the minimum GPA of 2.5 as specified in Policy 5202, Section 9.8; and the conditions for issuance specified in Section 16.4.

16.8.b. Conditions for Issuance. - The applicant for the Temporary Authorization for Community Programs must submit evidence of the following:

16.8.b.1. College/University Coursework. - The minimum of a bachelor's degree; AND

16.8.b.2. Experience. – Verification of at least one year of early education teaching experience.

16.8.b.3. Commitment. – Submission of Professional Commitment verifying the applicant's agreement to complete coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement.

16.8.c. Validity Period. – The Temporary Authorization for Community Programs shall be valid for one school year and shall expire on June 30. An educator employed on or after January 1 may be issued a Temporary Authorization valid until June 30 of the following school year.

16.8.d. Three Year Limit. - All requirements for the Permanent Authorization for Community Programs must be completed within three years of the original issuance of the Temporary Authorization for Community Programs OR

16.8.e. Five Year Limit. - All requirements for the Professional Teaching Certificate endorsed for Early Education, Preschool Education, or Preschool Special Needs must be

completed within five years of the original issuance of the Temporary Authorization for Community Programs.

#### 16.9. Renewal of the Temporary Authorization for Community Programs.

16.9.a. Conditions of Issuance. – The holder of the Temporary Authorization for Community Programs who continues to be employed by a community program must submit evidence of satisfying the following:

16.9.a.1. College/University Coursework. – Completion of credit approved by the WVDE through either six semester hours of coursework reflecting the minimum 3.0 GPA; AND

16.9.a.2. Commitment. – Submission of Professional Commitment verifying the applicant's agreement to complete coursework and/or professional development, approved by the WVDE, in the areas of preschool special education, child development, preschool curriculum, early language and literacy, assessment of young children, and family and community involvement **OR** coursework leading to teacher licensure in Early Education, Preschool Education, or Preschool Special Needs.

16.10. Individuals who were issued either a Permanent Authorization endorsed for Community Programs according to Section 16.4 or a Temporary Authorization endorsed for Community Programs in accordance to Section 16.6 continue to be properly credentialed after August 1, 2013.

16.11. Persons who are employed to meet the staff/child ratios but are not certified teachers such as aides, assistants, or paraprofessionals must meet the criteria set forth in the WV STARS career pathway level II. Level II is defined as persons who are at least 18 years old with a high school diploma or equivalent and one year of experience and possess the ability to understand and practice the core knowledge/core competencies with direction and instruction or through sponsorship of a professional organization or qualified mentor.

#### **§126-28-17. Staff Training.**

17.1. Prior to or during the first week of employment in a WV Pre-K classroom, an orientation for new staff will be provided that includes a review of: WVBE Policies 2525 and 2520.15; classroom operational requirements; policies and procedures for confidentiality and information disclosure; behavior management; reporting child abuse and neglect and emergencies; policies and procedures for basic sanitation and infection control; policies and procedures for safety; including prevention of injury both indoors and outdoors; and fire safety; including the use of fire extinguishers; and training in abuse recognition and prevention. Existing staff members shall be knowledgeable of the above policies and procedures.

17.1.a. Staff, volunteers and student teachers shall follow the required communicable disease educational in-services, tuberculosis skin testing for new employees and W.Va. 64CSR7, WVDHHR Reportable Disease, Events and Conditions Rule.

17.2. All county pre-k staff, including teachers and teacher assistants/aides/paraprofessionals, shall participate in 15 hours of staff development, which will include a minimum of six hours of education on issues related to young children with special needs. The county collaborative early childhood team should utilize county program assessment data, along with other professional development needs assessment data and the WV Core Knowledge and Competencies for Early Care and Education Professionals when developing pre-k staff development plans.



17.3. Professional development information shall be made available to collaborative partners to facilitate the registration of training sessions on the West Virginia State Training and Registry System (WV STARS) for collaborative program staff.

#### **§126-28-18. Program Assessment and Continuous Quality Improvement.**

18.1. County collaborative early childhood teams will develop an ongoing monitoring system to ensure annual observational measurements are utilized to assess continuous quality improvement. The county collaborative early childhood team will analyze county ECERS-R data, along with other observational measurements, to develop a continuous quality improvement plan. Observational measurement tools, including the ECERS-R, are used to inform, guide, and plan for program quality improvement.

18.1.a. The ECERS-R will be completed a minimum of one time within a three year period in each WV Pre-K classroom. The results from completed ECERS-R observations will be electronically submitted to the WVDE annually by May 1. During the alternate years, other observational measurement tools are to be utilized as data sources for continuous quality improvement. Guidance is provided by the WVDE to assist in the selection and use of additional observational measurements.

18.1.b. Observational measurement tools, including the ECERS-R, shall be administered by a minimum of a two person team designated by the county collaborative early childhood team. ECERS-R observations must be conducted with at least one team member listed as a "WV Experienced ECERS-R Observer". Observational measurement tools, including the ECERS-R, should not be completed by individuals with direct supervision responsibilities for the classroom or by the teacher of that classroom. Observational measurement tools are not an evaluation of the teacher for performance purposes, or an assessment of the development of individual students, but rather an assessment of the program. Public school teachers shall continue to be evaluated according to W. Va. 120CSR142, WVBE Policy 5310, Performance Evaluation of School Personnel.

18.1.c. The county collaborative early childhood team will develop a continuous quality improvement plan, which includes program assessment data, analysis of results, and recommendations for quality improvement. The county collaborative early childhood team will then develop and submit the Continuous Quality Improvement Report to the county strategic planning team, which identifies recommendations and objectives for the County Strategic Plan.

18.2. The county board of education is required to submit WV Universal Pre-K reports to the WVDE annually by August 1<sup>st</sup>. The WVDE will compile the information and provide a summary report to the Secretary of WVDHHR and the State Superintendent of Schools. The WV Universal Pre-K reports include:

18.2.a. a comprehensive universal pre-k fiscal report;

18.2.b. verification of the annual collaborative contracts and budgets signed and filed at the local county board of education, noting collaborative universal pre-k classrooms for the upcoming school year to continue to document maximization of resources through the collaborative model;

18.2.c. a summary of any changes to the approved universal pre-k program;

18.2.d. submission of the continuous quality improvement report; and

18.2.e. other information as required by the WVDE.

18.3. The WVDE, in collaboration with the WVDHHR and Head Start State Collaboration Office, will conduct a WV Universal Pre-K Program Review at a minimum of once every three years. The program review will consist of a desk top audit, site-visits and county collaborative team interviews. The purpose of the program review is to ensure counties continue to implement WV Universal Pre-K programs in alignment to policy and assist with continuous quality improvement with the comprehensive collaborative model. The program review will provide individualized technical assistance to county collaborative early childhood teams. The WVDE will provide guidance and procedures for completion of the program review.

18.4. The WVDE shall develop and institute a system of longitudinal, scientifically based research to track learner outcomes, family satisfaction, program continuity and related variables in order to evaluate program impact, as funds become available. The system shall be designed in such a way to be of benefit on both the county and state level and improve the quality of programming available for eligible children.

#### **§126-28-19. Finance.**

19.1. Commencing with the school year beginning on July 1, 2012, and thereafter, no county board may increase the total number classrooms in the county early childhood program unless approved by the county collaborative early childhood core team and submitted for review and approval to the WV Pre-K Steering Team.

19.2. Each LEA shall enroll pre-k children in community classrooms and generate funding through the school aid funding formula according to the process and criteria established in the May 28, 2008 WV State Superintendent's Guidance document. Funding generated through community classrooms should be invested in providing quality early education services and local infrastructure to support WV Pre-K classrooms.

19.3. The LEA shall provide sufficient assistance/funding to a collaborative community partner to enable the partner to offer services that meet this policy at no cost to parents and at no deficit to the program. In calculating costs and resources, the county collaborative team should consider a number of issues and costs, such as personnel, facilities, materials and equipment, curriculum, needed improvements, and professional development.

19.4. WV Pre-K classrooms that provide services to eligible children who can be counted in the school aid funding formula, must provide those services at no cost to the parent/guardian of the children. Support for community programs to offer free public education shall be a part of the contract between the community partner and LEA.

19.4.a. In childcare, pre-k is an enhancement to the regular program during the designated pre-k hours. Since pre-k under this policy is part of a free public education, parents/guardians shall only be charged for those hours outside the pre-k designated time.

19.5. In addition to the resources provided to a pre-k collaborative program, community programs participating as partners shall continue using federal and state funding available for these services such as Head Start and Childcare Development Fund monies supporting eligible children.

## **§126-28-20. Program Oversight.**

20.1. LEAs have direct responsibility for the public school classrooms in their county. Local program oversight for contracted community programs must be defined in the contracts between the community program and the LEA including, but not limited to, staff evaluation and discipline, will be specified within the resulting collaborative agreements of each participating program in the county plan.

20.2. Classrooms in public schools will be monitored as a part of the Office of Education Performance Audit auditing process in addition to daily supervision by county and school level administrators to assure all health and safety requirements are met. Collaborative Head Start classrooms will also be monitored for compliance with the Head Start Performance Standards in partnership with local and federal Head Start personnel. Classrooms operated by or in collaboration with licensed childcare will be licensed under W.Va.§78CSR1, Childcare Center Licensing.

20.3. The WVBE or its designee and the Secretary of the WVDHHR or his/her designee will maintain state oversight.

## **§126-28-21. Glossary.**

21.1. *Active media* means materials that the child can control while participating in an activity such as taking pictures with cameras, making audio or video tapes, playing video games or working on a computer.

21.2. *Adequate supervision* means the observation, oversight, and guidance of the individual child or groups of children by the staff member taking responsibility for the ongoing activity of each child so that the staff member is close enough to intervene, if necessary, to protect the child from harm. Adequate supervision requires the staff member's physical presence with the children, knowledge of the child's program of activities, individual needs, habits, interests and special problems, if any, and the acceptance of accountability for the child's or groups of children's care.

21.3. *Approved funding sources* means any funds used directly to support WV Pre-K classrooms for eligible children including West Virginia State Aid Funding Formula, Head Start funds, Temporary Assistance to Needy Families, Childcare Development Funds, funds under the Elementary and Secondary Education Act (No Child Left Behind), funds provided by the School Building Authority of West Virginia, funds under the Public Law 108-446, Individuals with Disabilities Education Improvement Act of 2004, and any other private or public funds.

21.4. *Approved WV Pre-K participating programs* includes public school preschool, including preschool special education, and any community provider that contracts with the Local Education Agency (hereinafter LEA) including, but not limited to, childcare, private preschool, Head Start, and community-based programs that meet or exceed all of the requirements of this policy and are a part of a county's collaborative plan. Children participating in approved WV Pre-K participating programs can be counted in the school aid funding formula and the participating programs are eligible to receive funds through contractual agreements with or direct administration by the county school system.

21.5. *Collaborative setting* means a classroom of WV Pre-K children operated by a community program with resource support from the state through the Local Education Agency (LEA) or a classroom operated jointly by a community program and LEA.

21.6. *Contracted community program* shall mean any provider of early childhood services that meets all of the requirements of this policy and has a contractual agreement with the county school system to operate a WV Pre-K classroom.

21.7. *Core knowledge and core competencies for early care and education professionals* shall mean the sets of skills and knowledge that represent common standards of satisfactory practice in the early childhood field as defined in West Virginia State Training And Registry System (hereinafter WV STARS) Core Knowledge and Core Competencies for Early Care and Education Professionals.

21.8. *County collaborative plan* means the plan each county school board, in cooperation with the county collaborative team, submitted annually in preparation for universal pre-k implementation. The plan includes an analysis of facility and personnel needs, an analysis of demographics of the county related to the early childhood program implementation, financial requirements for implementation and potential sources of funding to assist implementation, details of how the county board will cooperate and collaborate with other early childhood programs, specific timelines for implementation, and any other requirements of this policy. Each approved county collaborative plan is amended as needed after 2012-13.

21.9. *Developmentally appropriate* means early childhood programming, curricula, and activities that address the stages of each child's cognitive, physical, social/emotional, and cultural development and utilizes a balanced approach of both child initiated and teacher directed instruction. Children should be actively engaged in hands-on, interactive activities for learning for a substantial portion of the day.

21.10. *Direct supervision* means that a qualified staff member is physically present in the same room, area, or vehicle with the child or group of children, visually monitoring the interactions of the children.

21.11. *Experienced Early Childhood Environmental Rating Scale – Revised (hereinafter ECERS-R) Observer* is a person who has successfully completed modules I, II, and III of the West Virginia Experienced ECERS-R Observer Training.

21.12. *Local Education Agency (hereinafter LEA) Pre-K County Contact* is the person responsible for implementation of the West Virginia Pre-k System at the local education agency.

21.13. *LEA* means the county school system as the administrative entity for each county.

21.14. *HealthCheck* is the screening/surveillance protocol recommended for the licensed health care providers to be used for all children entering WV Pre-K. HealthCheck meets the requirements for vision, hearing, developmental, including speech and language, and oral health. The HealthCheck screening form is the preferred documentation method of licensed health care providers to record screenings.

21.15. *Passive media* means materials the child cannot control while participating in an activity such as watching television, films or DVDs.

21.16. *Staff: child ratio* means a relationship which describes the number of children qualified staff members or substitutes are permitted to supervise.

21.17. *Staff member* means any paid personnel, including substitutes, and student teachers.

21.18. *Teacher caseloads* means the total number of children a teacher in a WV Pre-K classroom is responsible for teaching and assessing each year.

21.19. *Universal access* shall mean that every eligible child in the county has access to a high quality WV Pre-K classroom that meets or exceeds all of the requirements of this policy.

21.20. *Universal application* means an enrollment form that must be used for all classrooms identified as part of the county's universal pre-k system to determine placement and enrollment of eligible children.

21.21. *Universal precautions* means procedures to be followed for infection control in all situations to prevent the transmission of blood borne germs that may be spread through blood or body fluids that might contain blood.

21.22. *West Virginia Community Program Permanent Authorization* is a credential requiring teachers in early childhood community programs to have earned an Associate's degree in early childhood, child development, or occupational development with an emphasis in early childhood/child development and 18 hours of prescribed college or college equivalent early childhood coursework.

**§126-28-22. Severability.**

22.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 92  
WEST VIRGINIA SCHOOL BUS TRANSPORTATION POLICY AND PROCEDURES  
MANUAL (4336)**

**' 126-92-1. General.**

- 1.1. Scope. - This legislative rule provides regulations for school transportation.
- 1.2. Authority. W. Va. Const., Art. XII, '2, W.Va. Code ' '17C-12-3, 17C-14-12, 18-2-5, 18-5-13, 18-8-1, and Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U. S. C. 11431 et seq.).
- 1.3. Filing Date. - September 12, 2008
- 1.4. Effective Date. – October 14, 2008
- 1.5. Repeal of former rule - This legislative rule repeals and replaces W. Va. ' 126CSR92 AWest Virginia Transportation Policy and Procedures Manual (4336)@ filed April 19, 2004 and effective May 20, 2004, with the exception of appendices that consist of other legislative rules.

**' 126-92-2. Incorporation by Reference.**

- 2.1. A copy of the West Virginia School Bus Transportation Policy and Procedures Manual is attached. Copies may be obtained in the Office of the Secretary of State and in the West Virginia Department of Education, Division of Student Support Services.
- 2.2. These regulations shall be read in conjunction with §126CSR99, West Virginia Board of Education Policy 4373, Student Code of Conduct (Appendix J) and W. Va. §126CSR162, Policy 5902, Employee Code of Conduct, (Appendix D).

**' 126-92-3. Severability.**

- 3.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

# WEST VIRGINIA SCHOOL BUS TRANSPORTATION POLICY AND PROCEDURES MANUAL

## 1. Introduction

1.1 West Virginia Motor Vehicle Code, '17C-14-12 (a), School Bus Regulations, provides that, AThe West Virginia Board of Education by and with the advice of the motor vehicle commissioner shall adopt and enforce rules.....to govern the design and operation of all school buses....@

1.2 The Executive Director of the Office of School Transportation (hereinafter, "State Director"), West Virginia Department of Education (hereinafter, "State Department") serves as the liaison with county school systems in the implementation of this policy.

1.3 The object of this manual is to provide guidelines to county school bus transportation systems to insure safe, high quality programs for the students transported to the public schools in West Virginia.

## 2. Inspection and Maintenance of School Buses

2.1 Pursuant to W.Va. Code '16C-16-2, AInspection of Vehicles,@ a member of the West Virginia State Police may stop and inspect a school bus at any time.

2.2 Qualified bus inspectors employed by the State Department may also inspect a school bus at any time.

2.3 All school buses transporting students to school and/or school related events shall be inspected two (2) times annually by a qualified inspector employed by the State Department.

2.4 The State Director shall supervise the scheduling of the school bus inspections.

2.5 Vehicle Inspection

2.5.1 School bus operators shall present to the inspector a valid commercial drivers license, a first aid certificate and a State of West Virginia certification card when requested.

2.5.2 All school buses transporting students shall be inspected and display the inspection certificate.

2.5.3 The State Director may require additional inspections of school buses.

2.5.4 All school buses used to transport students shall be inspected by West Virginia Department of Education bus inspectors and approved for use after a major repair or accident which would include damage to any steering component, front axle, or frame.

2.5.5 Any school bus used to transport students which is declared unsafe is to be marked with the appropriate rejection sticker.

## 2.6 New Vehicle Inspection

2.6.1 All new school buses shall be inspected to validate that they meet all state and federal requirements.

2.6.2 A West Virginia Division of Motor Vehicles (hereinafter, "DMV") inspection sticker shall be displayed on all vehicles.

## 2.7 County School Bus Maintenance

2.7.1 The county school system shall establish a school bus maintenance program. It may be delivered by the county school system or through a private contractor.

2.7.2 The maintenance program shall employ mechanics and service employees skilled in bus maintenance.

2.7.3 The county school system shall insure that the maintenance staff members are annually trained to ensure quality maintenance.

2.7.4 An inventory of the bus vehicle parts shall be completed annually and made available at the county maintenance center.

2.7.5 Maintenance records for buses shall be current and made available at the center.

2.7.6 Preventative maintenance shall be performed on all school buses every two months during the school year, and a maintenance schedule for each school bus shall be posted in the service center.

## 3. School Bus Passenger Regulations

3.1 The school bus operator shall be in charge of any passengers riding the bus. The school bus operator shall follow the W. Va. §126CSR99, West Virginia Board of Education Policy 4373, [AStudent Code of Conduct](#) (hereinafter, "Policy 4373") to provide discipline on school buses.

3.2 County boards of education will provide training on Policy 4373 to bus operators.

3.3 Enrolling or enrolled students, employees or persons approved previously by a county board of education are the only passengers to be transported by the county school transportation system.



3.4 All students living greater than two miles from their assigned school or nearest bus route will be eligible for school transportation services.

3.5 Twice annually, students will participate in emergency evacuation drills. The first drill is to be completed by October 31 and the second by April 30 of each year.

#### **4. Regulations for Students Transported on School Buses**

4.1 Responsibilities of parents. Parents shall:

4.1.1 Provide written guidance regarding any special care a student may need while riding the bus.

4.1.2 Provide supervision at all bus stops until the bus arrives for both pickup and delivery.

4.2 Responsibilities of students. Students shall:

4.2.1 Walk on the left side of the road facing traffic.

4.2.2 Wait on the bus at the designed stop in an orderly manner.

4.2.3 Board the bus in an orderly manner.

4.2.4 Follow the school bus operator=s/aide=s instructions at all times.

4.2.5 Comply with Policy 4373 (Appendix J)

4.2.6 Be responsible for vandalism that occurs on a seat in which they ride.

4.2.7 Not eat, drink, or place objects in their mouth that may cause a choking hazard while on the bus except for medically necessary foods or medications according to W. Va. §126CSR27 WVBE Policy 2422.8 – “Medication Administration” (Appendix L).

4.2.8 Change seats only with permission of the school bus operator when the bus is not in motion.

4.2.9 Avoid unnecessary conversation with the school bus operator.

4.2.10 Keep heads and arms inside bus windows at all times.

4.2.11 Report any open exit or released hatch to the school bus operator immediately.

4.2.12 Provide enrollment information to the school bus operator.

Students shall not:

4.2.13 Ride in stepwell or forward of front row seats.

4.2.14 Stand while bus is in motion, at any time a seat is available.

4.2.15 Throw, or pass, any object of any nature into or from the bus through a door or window.

4.2.16 Use profane or obscene language.

4.2.17 Open emergency exits, except during emergencies, unless directed by the school bus operator.

## **5. Regulations for Transporting Students with Disabilities Requiring Special Transportation**

5.1 Students with disabilities Individualized Education Plan (hereinafter, "IEP"), individualized health care plans, and 504 Plans shall specify the bus modifications and support required for transporting the student when appropriate.

5.2 When transportation of a student with disabilities necessitates a transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the county school system.

5.3 Vehicle requirements for use in transporting students with disabilities shall be guided by W.Va. '126CSR89, WVBE Policy 4334, AMinimum Requirements for Design and Equipment of School Buses for West Virginia.@

5.4 The county school system may terminate bus transportation service if the parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.

5.5 The school bus operator and/or the bus aide, when appropriate, shall:

5.5.1 Assist and supervise students with disabilities.

5.5.2 Complete first aid and Cardio Pulmonary Resuscitation (hereinafter, "CPR") training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section 1 of the AWest Virginia School Bus Operators Training Manual.@

5.5.3 All school bus operators shall receive six (6) hours initial and one (1) hour of refresher training annually for the transportation of students with special health care needs including the requirements of W. Va. §126CSR25A WVBE Policy 2422.7 – "Standards for Basic Health Care Procedures" (Appendix K).

5.6 The special education director designee and/or school nurse shall provide the following information to the transportation director or designee as specified in Policy 2422.7 – "Standards for Basic Health Care Procedures" (Appendix K).

5.6.1 Student=s name and address.

5.6.2 Parent=s name, address, home and work telephone numbers.

- 5.6.3 Emergency health care plan information and/or individualized health care plan.

5.7 When the IEP, individualized health care plan or 504 Plan requires that medicine is to be provided to a student with disabilities while being transported, the procedures shall be in accordance with the Administration of Medication Policy.

5.7.1 Aides shall be delegated to and receive training by the school nurse in medication administration or in the delivery of medication and other basic or specialized health care procedures as specified in Policy 2422.7.

5.8 Parents/guardians of students with disabilities shall assist in the transportation of their child by:

5.8.1 Providing documentation on the special care needed.

5.8.2 Bringing the student to the bus stop and providing the necessary supervision.

5.8.3 Picking up the student at the designated time at the designated bus stop.

5.8.4 Contacting the school bus operator if the child is to be absent.

5.9 The school transportation system shall implement Policy 4373 in conjunction with W.Va. 126CSR16, WVBE Policy 2419, <sup>A</sup>Regulations for the Education of Students with Exceptionalities.<sup>@</sup>

## **6. Regulations for Transporting Homeless Students**

6.1 County boards of education shall ensure compliance with Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the local education agency (hereinafter, "LEA") in which the school of origin is located, that LEA shall provide or arrange for the child=s or youth=s transportation to and from the school of origin.

6.2 If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

## **7. Procedures for Disciplining Students Transported by School Buses**

7.1 The school bus operator shall immediately notify the school principal when any transported student has violated Policy 4373. Written notification shall be completed by the school bus operator as soon as possible.

7.1.1 The student to be excluded from the bus shall be notified by the school bus operator. The parents/guardians of the student shall be notified by the school principal/designee.

7.1.2 All students shall be transported until the parent/guardian has been properly notified about the exclusion.

7.1.3 An excluded student shall be readmitted to the bus only after the principal/ designee notifies the school bus operator that the student may be readmitted. Parents/guardians will also be notified by the school principal/designee when their son/daughter may resume riding the bus.

7.1.4 If a student has been disciplined three times in one year by the school bus operator, a conference to discuss the student=s disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present with the school bus operator and the principal/designee. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

## **8. Student Conduct on School Buses**

8.1 The school bus operator shall display the following major concepts of Policy 4373 in his/her school bus.

8.1.1 All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.

8.1.2 Students shall help create an atmosphere free from bullying, intimidation, harassment or any other inappropriate behavior.

8.1.3 Students shall demonstrate honesty and trustworthiness.

8.1.4 Students shall treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.

8.1.5 Students shall demonstrate responsibility, use self-control and be self-disciplined.

8.1.6 Students shall demonstrate fairness, play by the rules, and will not take advantage of others.

8.1.7 Students shall demonstrate compassion and caring.

8.1.8 Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

8.1.9 Students shall have proper approval to exit the school bus other than their regularly assigned bus stop.

## 9. Medical Exclusion of Students from a School Bus

9.1 The school nurse or administrator, as per W. Va. §126CSR51, WVBE Policy 2423—“Communicable Disease Control” (Appendix N) and W. Va. Code §18A-5-1 and §18-5-22) shall notify the bus operator when a student shall be excluded from the school bus due to an infectious disease.

9.2 The student will be returned to the bus transportation program when the appropriate medical official has given the student a written statement signifying that the student may again be transported with other students.

## 10. School Bus Stop Locations

10.1 Ideally, bus stops should be located out of the traffic stream at least .20 miles apart.

10.2 For bus stop locations near a railroad crossing, consideration should be given to the traffic flow in the area and to assure that adequate distance is allowed for traffic to clear the railroad tracks. The safety of the general motorists should be taken in consideration.

10.3 With irregular terrain, the highest priority in establishing a bus location should be the safety of the students. Every effort should be made by county school officials to select a safe bus stop with ample waiting areas for students.

10.4 The minimum sight distance should be related to the approved speed of traffic. The approved speed is the posted speed limit, advisory speed limit or a value judged to most accurately represent the prevailing speed at a specific location.

10.5 Sight distance needed on a level grade for essential speeds is as follows:

Speed (mph)	Recommended	Minimum
	Sight Distance	Sight Distance
25	300 feet	139 feet
30	360 feet	176 feet
35	420 feet	219 feet
40	480 feet	263 feet
45	540 feet	314 feet
50	600 feet	369 feet
55	660 feet	432 feet

10.6 The West Virginia Division of Transportation (hereinafter, “DOT”) and District Traffic Engineers will provide assistance in the selection and the use of school bus STOP signs which warn motorists of the presence of students at a bus stop. The county shall request the DOT for assistance if needed.

10.7 Bus stops should be located to minimize students walking along unsafe highways.

10.8 A school bus operator shall contact the county transportation director when a bus stop is determined to be unsafe. The county transportation director shall evaluate and take action to relocate the stop to a safer place, if necessary.

10.9 School bus operators are to pick up and discharge students only at the designated locations.

10.10 When possible, a bus stop shall be 200 feet from the crest of a hill or a curve, if the view of approaching traffic is obstructed.

## **11. Loading and Unloading of Student Passengers**

### **11.1 Approaching the Stop**

11.1.1 Do not change the location of a bus stop without written approval from the appropriate school district official.

11.1.2 When approaching the stop, you should:

11.1.2.a Approach cautiously at a slow rate of speed. Look for pedestrians, traffic, or other objects before, during, and after coming to a stop. Continuously check all mirrors.

11.1.2.b Activate alternating flashing amber warning lights at least 200 feet or approximately 5-10 seconds before the school bus stop or in accordance with state law.

11.1.2.c Continuously check mirrors to monitor the danger zones for students, traffic, and other objects.

11.1.2.d Move as far as possible to the right on the traveled portion of the roadway.

11.1.2.e Bring school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop. This forces the students to walk to the bus so you have a better view of their movements.

11.1.2.f Place transmission in Park, or if there is no Park shift point, in Neutral and set the parking brake at each stop.

11.1.2.g Open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the school bus.

11.1.2.h Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.

### **11.2 Loading Procedures**

11.2.1 Perform a safe stop as described in subsection. Students should wait in a designated location for the school bus, facing the bus as it approaches.

11.2.2 Students should board the bus only when signaled by the driver. Monitor all mirrors continuously.

11.2.3. Count the number of students at the bus stop and be sure all students board the bus. If possible, know names of students at each stop.

11.2.4. If there is a student missing, ask the other students where the student is.

11.2.5. Have the students board the school bus slowly, in single file and use the handrail.

11.2.6. The dome light should be on while loading in the dark.

11.2.7. Wait until students are seated and facing forward before moving the bus.

11.2.8. Check all mirrors. Make certain no one is running to catch the bus. If you cannot account for a student outside, secure the bus, take the key, and check around and underneath the bus.

11.2.9. When all students are accounted for, prepare to leave by:

11.2.9.a. Closing the door.

11.2.9.b. Engaging the transmission.

11.2.9.c. Releasing the parking brake.

11.2.9.d. Turning off alternating flashing red lights.

11.2.9.e. Checking all mirrors again.

11.2.9.f. Allowing congested traffic to disperse.

11.2.10. When it is safe, move the bus to enter traffic flow and continue the route.

11.2.11. The loading procedure is essentially the same wherever you load students, but there are slight differences. When students are loading at the school campus, you should:

11.2.11.a. Turn off the ignition switch.

11.2.11.b. Remove key if leaving driver's compartment.

11.2.11.c. Position yourself to supervise loading as required or recommended by your local regulations.

### **11.3 Unloading Procedures on the Route**

11.3.1 Perform a safe stop at designated unloading areas as described in subsection 11.1.2.

11.3.2. Have the students remain seated until told to exit.

11.3.3. Check all mirrors.

11.3.4. Count the number of students while unloading to confirm the location of all students before pulling away from the stop.

11.3.5. Assure that all exiting students are at his/her authorized stop. Tell students to exit the bus and walk at least 10 feet away from the side of the bus to a position where the driver can plainly see all students.

11.3.6. Check all mirrors again. Make sure no students are around or returning to the bus.

11.3.7. If you cannot account for a student outside the bus, secure the bus and check around and underneath the bus.

11.3.8. When all students are accounted for, prepare to leave by:

11.3.8.a Closing the door.

11.3.8.b Engaging transmission.

11.3.8.c Releasing parking brake.

11.3.8.d Turning off alternating flashing red lights.

11.3.8.e Checking all mirrors again.

11.3.8.f Allowing congested traffic to disperse.

11.3.9. When it is safe, move the bus, enter the traffic flow and continue the route.

11.3.9.a. If you have missed a student's unloading stop, do not back up. Be sure to follow local procedures.

#### **11.4 Additional Procedures for Students That Must Cross the Roadway.**

11.4.1 If a student or students must cross the roadway, they should follow these procedures:

11.4.1.a. Students shall walk approximately 10 feet away from the side of the school bus to a position where you can see them.

11.4.1.b. Walk to a location at least 10 feet in front of the right corner of the bumper, but still remaining away from the front of the school bus.

11.4.1.c. Stop at the right edge of the roadway. The school bus operator should be able to see the student's feet.

11.4.1.d. When students reach the edge of the roadway, they should:



- 11.4.1.d.1 Stop and look in all directions, making sure the roadway is clear and is safe.
- 11.4.1.d.2 Check to see if the red flashing lights on the bus are still flashing.
- 11.4.1.d.3 Wait for the driver's signal before crossing the roadway.
- 11.4.1.d.4 Upon your signal, the students shall: Cross far enough in front of the school bus to be in your view.
- 11.4.1.d.5 Stop at the left edge of the school bus, stop, and look again for the driver's signal to continue to cross the roadway.
- 11.4.1.d.6 Look for traffic in both directions, making sure roadway is clear.
- 11.4.1.d.7 Proceed across the roadway, continuing to look in all directions.

## **11.5 Unloading Procedures at School**

11.5.a. When unloading at the school you should follow these procedures:

- 11.5.a.1. Perform a safe stop at designated unloading areas as described in subsection 10.
- 11.5.a.2. Secure the bus by:
  - 11.5.a.2.A. Turning off the ignition switch.
  - 11.5.a.2.B. Removing key if leaving driver's compartment.
  - 11.5.a.2.C. Have the students remain seated until told to exit.
  - 11.5.a.2.D. Position yourself to supervise unloading as required or recommended by your state or local regulations.
  - 11.5.a.2.E. Have students exit in orderly fashion.
  - 11.5.a.2.F. Observe students as they step from bus to see that all move promptly away from the unloading area.
  - 11.5.a.2.G. Walk through the bus and check for hiding/sleeping students and items left by students.
  - 11.5.a.2.H. Check all mirrors.
  - 11.5.a.2.I. Make certain no students are returning to the bus.

11.5.a.2.J. If you cannot account for a student outside the bus and the bus is secure, check around and underneath the bus.

11.5.a.3. When all students are accounted for, prepare to leave by:

11.5.a.3.A. Closing the door.

11.5.a.3.B. Fastening safety belt.

11.5.a.3.C. Starting engine.

11.5.a.3.D. Engaging the transmission.

11.5.a.3.E. Releasing the parking brake.

11.5.a.3.F. Turning off alternating flashing red lights.

11.5.a.3.G. Turning on left turn signal.

11.5.a.3.H. Checking all mirrors again.

11.5.a.3.I. Allowing congested traffic to disperse.

11.5.a.4. When it is safe, pull away from the unloading area.

## **11.6 Special Dangers of Loading and Unloading**

### **11.6.1 Dropped or Forgotten Objects**

Always focus on students as they approach the bus and watch for any who disappear from sight.

### **11.6.2 Handrail Hang-ups**

Clothing, accessories or even parts of students' bodies can get caught in the handrail or door as they exit the bus. Closely observe all students exiting the bus to confirm that they are in a safe location prior to moving the bus.

## **11.7 Railroad-highway Crossing Procedures**

11.7.1. Approaching the Crossing:

11.7.1.a. Slow down, including shifting to a lower gear in a manual transmission bus, and test your brakes.

11.7.1.b. Activate hazard lights approximately 200 feet before the crossing. Make sure your intentions are known.

11.7.1.c. Scan your surroundings and check for traffic behind you.

11.7.1.d. Stay to the right of the roadway if possible.

11.7.1.e. Choose an escape route in the event of a brake failure or problems behind you.

#### 11.7.2. At the Crossing:

11.7.2.a. Stop no closer than 15 feet and no farther than 50 feet from the nearest rail, where you have the best view of the tracks.

11.7.2.b. Place the transmission in Park, or if there is no Park shift point, in Neutral and press down on the service brake or set the parking brakes.

11.7.2.c. Turn off all radios and noisy equipment and silence the passengers.

11.7.2.d. Open the service door and driver's window. Look and listen for an approaching train.

#### 11.7.3. Crossing the Track:

11.7.3.a. Check the crossing signals again before proceeding. Close the entrance door.

11.7.3.b. At a multiple-track crossing, stop only before the first set of tracks. When you are sure no train is approaching on any track, proceed across all of the tracks until you have completely cleared them. Close the driver's window and turn the emergency flashers off and continue your route.

11.7.3.c. Cross the tracks in a low gear. Do not change gears while crossing.

11.7.3.d. If the gate comes down after you have started across, drive through it even if it means you will break the gate.

#### 11.7.4 Special Situations

11.7.4.a. **Bus Stalls or Trapped on Tracks.** If your bus stalls or is trapped on the tracks, get everyone out and off the tracks immediately. Move everyone far from the bus at an angle, which is both away from the tracks and toward the train.

11.7.4.b. **Police Officer at the Crossing.** If a police officer is at the crossing, obey directions. If there is no police officer and you believe the signal is malfunctioning, call your dispatcher to report the situation and ask for instructions on how to proceed.

11.7.4.c. **Obstructed View of Tracks.**  
Do not attempt to cross the tracks unless you can see far enough down the track to know for certain that no trains are approaching. Passive crossings are those that do not have any type of traffic control device. Be especially careful at "passive" crossings. Even if there are active railroad signals that indicate the tracks are clear, you must look and listen to be sure it is safe to proceed.

11.7.4.d. **Containment or Storage Areas.**  
If it won't fit, don't commit! Know the length of your bus and the size of the containment area at highway-rail crossings on the school bus route, as well as any crossing you encounter in the

course of a school activity trip. When approaching a crossing with a signal or stop sign on the opposite side, pay attention to the amount of room there. Be certain the bus has enough containment or storage area to completely clear the railroad tracks on the other side if there is a need to stop. Add 15 feet to the length of the school bus to determine an acceptable amount of containment or storage area.

11.8 In accordance with W.Va. Code '17C-12-7 and '17C-12-9, the school bus operator may report to the appropriate law enforcement official any motorist who violates the state law regarding the stopping of motor vehicles when a school bus is loading and unloading.

11.9 Counties shall formulate a policy to assure that a young child's guardian be at the bus stop for pickup and delivery of his/her child.

## **12. Idling of School Buses**

12.1 In normal weather, a school bus operator shall not idle the bus while waiting for or loading students.

12.2 Buses will be allowed to idle when the temperature is 40 degrees Fahrenheit or colder, when the driving windows need to be defrosted, when the safety and comfort of the students is in question, or when emergency dictates.

12.3 School bus operators are prohibited from idling the buses for more than 10 minutes unless defrosting of windows is needed: in this case idling shall be limited to thirty minutes.

## **13. General Operating Procedures**

13.1 The school bus operator shall wear a seat belt as specified.

13.2 The school bus operator shall not knowingly operate an unsafe bus.

13.3 The school bus operator shall possess, in the operator=s compartment, a copy of this manual developed by the State Director and a current school bus schedule (by the end of the first month).

13.4 The school bus operator shall not permit any unauthorized person to occupy the driver=s seat or tamper with the bus.

13.5 The school bus operator shall observe all speed limits. Truck speed limits apply to school buses. Adverse weather conditions require reduced speeds.

13.6 School bus operators shall use proper signals as required by law when operating a school bus.

13.7 The school bus operator shall not leave the bus when it is running unless the bus is equipped with a lift and with safety interlocks for FMVSS 403 and 404 lift equipment and the driver is assisting the loading or unloading of a student with the lift.

13.8 When the school bus operator leaves the bus, the keys shall be in possession of the operator and the emergency brake engaged with the exception referred to in 13.7.

13.9 The school bus operator shall not drive the bus in reverse while at the school or while loading or unloading students except in an emergency. The school bus operator shall use the assistance of a school official or another adult when the situation requires such a movement.

13.10 The school bus operator shall use the route as specified by the County Director/Supervisor of Transportation, unless an emergency authorized by county administrators necessitates a change. The County Director/Supervisor shall conduct a "Potential Hazard Audit" annually prior to the first day of school. (See appendix L)

13.11 All bus schedule changes, made by the County Director/Supervisor of Transportation, shall be communicated to the parents and students as quickly as possible.

13.12 In case of an accident or a mechanical failure while students are being transported, the school bus operator shall provide for the safety of the students and request assistance as soon as possible.

13.13 The school bus operator should only disengage the clutch while making a complete stop or shifting gears.

13.14 The school bus operator shall conduct and supervise emergency exit drills at least twice a year (three times for Pre-K students) (Federal Highway Safety Standard No. 17). Copies of these standards are available through the Office of the State Director. The procedures are as follows:

13.14.1 Drills are to be conducted in a safe place.

13.14.2 School officials shall assist in the drills as the need arises.

13.14.3 The drills shall include exiting through the front and rear door, the use of exist windows, roof hatches and other instruments used to assist with emergencies.

13.14.4 Upon completion, the date of the drills shall be reported to the County Director/Supervisor of Transportation.

13.15 Signage including but not limited to advertisements, banners, photos, stickers, posters, are not permitted to be displayed in or on the school buses except those approved by the State Department=s Division of Student Support Services, Office of School Transportation.

13.16 Students transported with baggage, freight or merchandise shall use the following procedures.

13.16.1 Animals are not permitted on a school bus unless it is a certified service animal.

13.16.2 Only property of students, county property or school property may be transported.

13.16.3 Items too large to be stored on a student=s lap or between his/her feet shall be secured in a safe location on the bus. All aisles shall be free of any objects.

13.16.4 Highly flammable materials, firearms, explosives and all deadly or dangerous weapons including aerosol cans are prohibited. Aerosol cans such as windshield de-icer shall be stored in an outside storage box on the school bus.

### 13.17 Bus Safety Equipment

13.17.1 Approved bus directional triangles shall be carried on each bus and used as a warning device during emergencies. (W.Va. Code ' 17C-15-39 and ' 17C-15-40.)

13.17.2 Bus flashing lights (4-way) should also be used in emergencies.

13.17.3 Link-type bus tire chains shall be used when emergency weather conditions dictate or when directed by the County Director / Supervisor of Transportation. School bus operators shall be trained in the installation and use of chains. Automatic chains cannot take the place of regular chains as per manufacturer's specifications.

13.17.4 Fire extinguishers shall be charged and available for use in all school buses.

13.17.5 First aid/body fluid cleanup kits and web cutters shall be readily available in the school bus.

### 13.18 General Reports

13.18.1 Drivers shall be monitored annually for driver performance by a "state certified" trainer or the county director/supervisor.

13.18.2 School bus operators are to compile monthly reports and submit them to the County Director/Supervisor of Transportation.

13.18.3 The County Director/Supervisor of Transportation shall submit, state reports through the West Virginia Education Information System (hereinafter, "WVEIS") no later than 10 working days following the last day of the school month.

13.18.4 The Bus Fleet Report shall be submitted through WVEIS by June 30 of each year.

13.18.5 All students transported to and from school shall have their transit times entered into WVEIS by the end of the second month of school and updated as necessary.

13.18.6 Road hazards are to be reported immediately to the County Director/Supervisor of Transportation.

### 13.19 Accident Reports

13.19.1 A school bus accident is to be reported when the bus bumps or touches another vehicle, person or object and causes damage.

13.19.2 A verbal report is to be given as soon as possible and a written report provided on the next business day to the County Director/Supervisor of Transportation. Bodily injuries should be reported as per county procedure or policy.

13.19.3 All bus accidents involving bodily injury, a fatality, extensive property damage or structural damage to a school bus shall be reported immediately via phone to the State Director. A written report is to follow to the State Director within one week. All other accidents shall be reported monthly to the State Director.

#### 13.20 Cellular Phones

13.20.1 The use of cellular phones or other portable electronic devices – even those equipped with hands-free devices – while driving is prohibited

13.20.2 The use of cellular phones while supervising the loading and unloading of students is prohibited.

13.20.3 If communication with the Transportation Department is necessary, the bus must be stopped.

### 14. School Bus Operator Assignments

14.1 Any person accepting employment as a school bus operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited, or interfered with, by any commitment as a result of any other employment.

14.2 Any person who performs responsibilities as a school bus operator shall not be eligible to operate a school bus without a minimum of six (6) consecutive hours of off duty time, for proper rest between the conclusion of the previous day=s regularly scheduled afternoon run and immediately prior to the beginning of the next day=s regularly scheduled morning run. Also:

14.2.a. More than 10 hours following 8 consecutive hours off duty; or

14.2.b. For any period after having been on duty 15 hours following 8 consecutive hours off duty.

14.2.c. No school bus operator shall drive a passenger-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after:

14.2.c.1. Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

14.2.c.2. Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

## 15. Criteria for the Certification of School Bus Operators

15.1 All school bus operator candidates shall be initially certified by the State Superintendent of Schools (hereinafter "State Superintendent") at the request of the county or the public institution seeking to regularly employ them. All school bus operators' certification shall be renewed on an annual basis at the request of their current or intended employer for the upcoming school year.

15.1.a. Professional personnel hired to drive board owned, rented or leased vehicles with less than 10 passenger capacity shall have a valid driver's license and need not be certified by the State Superintendent.

15.2 The school bus operator candidate shall meet the following criteria to be certified:

15.2.1 The candidate shall be at least 21 years of age.

15.2.2 The candidate shall have a high school diploma or a General Equivalent Diploma (hereinafter, "GED").

15.2.3 The candidate shall have at least three years of driving experience as a licensed operator of any vehicle and be eligible to obtain a valid commercial driver's license permit. A permit will allow the candidate to take the required on-road training.

15.2.3.a. The candidate shall complete a form granting the employing county permission to obtain his or her driving record from the West Virginia Department of Motor Vehicles (hereinafter, "DMV") of the appropriate state(s). Appendix E contains a sample permission form to be used for the West Virginia DMV and a sample cover letter to accompany the executed form.

15.2.4 The candidate shall submit to the county or institution seeking to employ him or her a certification application completed on the State Department form, attached as Appendix H in addition to a set of fingerprints for analysis as set forth in Section 15.2.10 below. The county shall forward the application form and fingerprint card(s) to the State Department.

15.2.5 All candidates for initial school bus operator certification shall be fingerprinted by the West Virginia State Police or its designee. The fingerprints shall be analyzed by the state police for a state criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation for a national criminal history record check.

15.2.5.a. Information contained in either the central abuse registry record or the Federal Bureau of Investigation record may form the basis for the denial of a certificate for cause in accordance with W.Va. Code §18A-3-2a and §18A-3-10.

15.2.5.b. State Analysis for Employment within Ninety Days. - Upon written consent to the State Department by the candidate and within ninety days of the state fingerprint analysis, the results of a state analysis may be provided to a county board or institution with which the candidate is applying for employment without further cost to the candidate.



15.2.5.c. Disclosure Provisions. - Information maintained by the State Department or a county board which was obtained for the purposes of W.Va. Code §18A-3-10 is exempt from disclosure as provided by W.Va. Code §29B-1-4. Disclosure or publication of information in a statistical or other form that does not identify the individuals involved or provide personal information is not prohibited.

15.2.6. The candidate shall successfully complete a minimum of 40 hours of non-driving instruction provided by the county or institution seeking to employ the candidate from the West Virginia School Bus Operators Instruction Manual, including Policy 5902, Policy 4373 and Policy 2421.

15.2.7 The candidate shall successfully complete a minimum of twelve hours on-the-road training including 2 hours of night driving by the county or institution in the operation of school bus with a certified school bus operator instructor on board and no student passengers.

15.2.8 The candidate shall receive appropriate training by the county or institution in the transportation of special education students. (See Section 5 of this manual.)

15.2.9 The candidate shall have first aid and CPR certification from a program approved by the State Director.

15.2.10. The candidate shall pass a physical examination from a Medical Examiner, defined by the Federal Motor Carrier Safety Administration (hereinafter "FMCSA") regulations to be doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses and doctors of chiropractic (hereinafter "Medical Examiner"). The medical examiner shall meet all requirements and regulations set forth by the FMCSA.

15.2.10.a. The examination shall be conducted not earlier than six months prior to taking the State Department certification tests.

15.2.10.b Physical examinations shall be recorded on the State Department Medical Examination Report form by the Medical Examiner as found in Appendix G.

15.2.10.c. The examination required by the Department of Transportation for a commercial driving license may be used if within the six month time frame.

15.2.10.d. The physical examination shall cover all health issues set forth in section 17 below. Prior to employment, the examination must also demonstrate that the applicant is free of tuberculosis by a tuberculin skin test, chest x-ray or physician's certification.

15.2.11. The candidate shall be subject to pre-employment drug testing for the use of certain controlled substances and alcohol as per all regulations of the U. S. Department of Transportation, the Omnibus Transportation Employment Testing Act (hereinafter, "OTETA").

15.2.12. Prior to the candidate taking any examination or test provided by or administered by the State Department, the candidate shall obtain a commercial driver's license (hereinafter, "CDL") with appropriate endorsements.

15.2.13. The candidate shall pass a written examination provided by the State Department online and administered by the county seeking to employ him or her.

15.2.13.a. The candidate who fails the online examination may retake it three times if necessary during a twelve month period at the discretion of the county or institution seeking to employ him or her.

15.2.14. Upon successful completion of the online examination, the candidate shall pass additional tests on skills and performance administered at the request of the county or institution seeking to employ the candidate by a qualified bus inspector employed by the State Department using vehicles owned or leased by the county.

15.2.14.a. Should a candidate fail any portion of the skills or performance tests, the remainder of the test(s) shall not be administered.

15.2.14.b. The skills and performance tests shall be administered to a candidate no more than two times annually or three after consultation with the test examiner. Retesting will be done only at the request of the county or institution seeking to employ the candidate.

15.3 The State Superintendent may refuse to certify a candidate for school bus operator who is not of good moral character and physically, mentally and emotionally qualified to perform the duties of school bus operator safely and efficiently. Conduct supporting a refusal to certify includes the following reasons.

15.3.1 Failure to complete and pass any of the following:

15.3.1.a. Physical examination

15.3.1.b. Training provided by the county or public institution

15.3.1.c. Online examination developed by the West Virginia Department of Education

15.3.1.d. Skills and performance tests administered by The West Virginia State Department of Education

15.3.1.e. Drug and alcohol screen

15.3.1.f. Accumulation of six or more points on the candidate's driving record from any state DMV. Points that have been removed by the operation of law shall not be considered.

15.3.1.g. Conviction of one drug/alcohol related driving offense within the last two years. Conviction of two or more drug/alcohol related driving offenses shall permanently bar a candidate from receiving certification.

15.3.1.h. Use or possession of any illegal controlled substance or any controlled substance that is a prescribed medication without a valid prescription, within the last five years as demonstrated by a preponderance of evidence.

15.3.1.i. Pattern of abuse of alcohol within the last five years regardless of the candidate's driving record, as demonstrated by a preponderance of evidence.

15.3.1.j. A criminal background history that otherwise demonstrates a lack of good moral character.

15.3.1.k. Conduct constituting sexual abuse or assault of a minor whether or not criminally charged, as demonstrated by a preponderance of evidence.

15.4 When the State Director recommends to the State Superintendent that a candidate be denied certification for any reasons set forth in Sections 15.3.1.g through 15.3.1.k, the candidate will receive notice of the recommended denial and afford him or her the opportunity for a hearing in accordance with W.Va. §126CSR94, WVBE Policy 1340, Rules of Procedure for Administrative Hearings and Appeals.

## **16. Physical Qualifications for School Bus Operators**

16.1 The school bus operator shall have no mental, nervous, organic or functional disease or psychiatric disorder and take no medication likely to interfere with his or her ability to operate the bus safely. See Appendix F (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability. Any questions regarding this matter will be decided by the school transportation certification advisory board as set forth in paragraph 17.4 below.

16.2 The duties to be performed by a school bus operator include the following:

16.2.1 Walk from the operator's seat to the rear of the bus.

16.2.2 Open all emergency exits.

16.2.3 Install snow chains on a bus.

16.2.4 Raise the hood of a conventional school bus and check oil levels and antifreeze levels.

16.2.5 Remove obstructions from wind shield and under wiper blades.

16.2.6 Adjust all outside mirrors.

16.2.7 Secure a wheelchair.

## **17. Physical Examination for School Bus Operators**

17.1 The school bus operator shall pass a physical examination from a Medical Examiner. This examination shall be conducted no earlier than April 1 to receive certification for the following school term.

17.2 The County Superintendent of Schools (hereinafter "County Superintendent") shall maintain the original of the physical examination of each school bus operator.

17.2.1 The original of the physical examination of designated Head Start school bus operators is to be sent to the State Director. A copy shall also be filed in the Head Start personnel office.

17.2.2 Physical examinations shall be recorded on the State Department Medical Examination Report form by a Medical Examiner as found in Appendix G.

17.3 The physical examination for all school bus operators shall insure that:

17.3.1 There is no past or present history of convulsive seizures.

17.3.2 There is no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control unless the West Virginia Department of Transportation provides an interstate waiver.

17.3.3 There is no loss of use of joints of either hand that interferes with prehension or power grasping such that the applicant cannot receive or would not be able to renew a CDL with the appropriate endorsements.

17.3.4 Hearing loss in the better ear of the school bus operator shall not be greater than 40 decibels at 500 Hz, 1000 Hz, and 2000 Hz. When needed, an approved hearing aid with back up batteries shall be used by the school bus operator.

17.3.5 There is no current clinical diagnosis of:

17.3.5.a Myocardial infarction

17.3.5.b Angina pectoris

17.3.5.c Coronary insufficiency

17.3.5.d Thrombosis.

17.3.6 There is no cardiovascular disease of a variety that is accompanied by:

17.3.6.a Syncope

17.3.6.b Dyspnea

17.3.6.c Collapse

17.3.6.d Congestive cardiac failure.

17.3.7 Blood pressure is less than 140 systolic and 90 diastolic or current

CDL requirements. If blood pressure equals or exceeds 140/90, the bus operator/applicant shall meet the requirements outlined in FMCSA regulation 49 CFR 391.41 Physical Qualifications for Drivers. If the employee fails the initial blood pressure test, the employee shall provide medical evidence of three separate blood

pressure readings below the above levels on three different days within a seven day period prior to certification. These readings shall be certified by a Medical Examiner. When a school bus operator is required to use a pacemaker, his/her return to work shall be approved by a panel of three cardiologists.

17.3.8 While performing school bus operator duties, the school bus operator shall wear a truss for any small hernia. Large hernias shall be surgically repaired.

17.3.9 There is no medical history or clinical diagnosis of the following which interferes with the ability to operate a bus safely:

17.3.9.a Rheumatic disease

17.3.9.b Arthritic disease

17.3.9.c Muscular disease

17.3.9.d Neuromuscular disease

17.3.9.e Vascular disease.

17.3.10 Both eyes are functional and the school bus operator:

17.3.10.a Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses.

17.3.10.b Does not have monocular vision.

17.3.10.c Has a field of vision no less than 70 degrees in the horizontal meridian of each eye.

17.3.10.d Is able to identify the colors red, green, amber, and blue.

17.3.10.e Wears corrective lenses, if necessary, while operating a bus.

17.3.11 The school bus operator shall have no mental, nervous, organic or functional disease or psychiatric disorder and take no medication likely to interfere with his or her ability to operate the bus safely. See Appendix I (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability. Any questions regarding this matter will be decided by the school transportation certification advisory board as set forth in paragraph 17.4 below.

17.3.12 All school bus operators shall be subject to pre-employment, random, post accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per all regulations of OTETA. County boards of education shall provide the State Department, by certified mail, the name and Social Security number of employees who hold safety sensitive positions as described by the OTETA, and who test

positive for the tested substances. The State Department shall maintain the positive test records for two years.

17.3.13 The "Medical Examiner" has PRINTED his/her name in the designated area as well as providing his/her signature on the physical form.

17.4 A school transportation certification advisory board shall be convened by the State Superintendent to advise on medical criteria relevant to the certification of school bus drivers.

17.4.1 The school transportation advisory board will consist of health care professionals.

17.4.2 If the school transportation certification advisory board determines a bus driver to have a condition described in paragraph 17.3.10 above, the bus driver may be required to furnish the advisory board with a complete medical report. After receiving the medical report, the advisory board considers the information and advises the State Superintendent as to whether the bus driver should be certified. The final decision will rest with the State Superintendent.

## **18. Responsibilities of Certified School Bus Operators and Renewal of Certification.**

18.1 The school bus operator shall notify the county transportation supervisor and Medical Examiner of any illness or the use of any controlled and/or over-the-counter substance that may interfere with the safe operation of a school bus. See Appendix F (Prescription and Over the Counter Medication) as examples of drugs that may interfere with that ability.

18.2 The County Superintendent has the right to require a physical and/or psychological examination from a designated health care provider when he or she has any reasonable questions regarding the ability of a school bus operator and the safety of students or the sufficiency of an annual physical examination.

18.3 All school bus operators shall be subject to random, post accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per all regulations of the OTETA.

18.3.1 County boards of education or institutions shall provide the State Department, by certified mail, the name and Social Security number of any school bus operator who tests positive for the tested substances or who engages in conduct warranting action being taken against certification as set forth in Section 19.

18.4 All school bus operators shall receive at least twelve hours of professional development in transportation related subjects annually as part of the staff development program for job related training for service personnel as set forth in W. Va. §126 CSR 150A, WVBE Policy 5500.02, "County Service Personnel Staff Development Councils."

18.5 All school bus operators shall pass an online examination developed by the State Department and administered by the county or public institution on line.

18.5.1 For a bus operator with regular employee status and continuing contract status who has been employed less than five consecutive years, the test is administered bi-annually and may not be administered more frequently;

18.5.2 For a bus operator with regular employee status and continuing contract status who has been employed at least five consecutive years, the test is administered every third year and may not be administered more frequently; and

18.5.3 For a substitute bus operator or for a bus operator with regular employee status but on a probationary contract, the test is administered annually.

18.5.4 The school bus operator who fails the online examination may retake it.

18.6 The county or public institution currently employing the school bus operator shall submit a request for renewal of certification for the following school term to the State Director showing:

18.6.a Results of the physical examination;

18.6.b Passage of the online examination;

18.6.c Completion of 12 hours of transportation related professional development;

18.6.d Results of an annual report of the operator's DMV record;

18.6.e Current first-aid and CPR certification; and

18.6.f Current CDL and appropriate endorsements.

## **19. Reasons for Suspension, Revocation or Non-renewal of Certification of School Bus Operators**

19.1 The State Superintendent may suspend, revoke or refuse to renew the certification or impose any condition upon the certification of any school bus operator upon evidence that the school bus operator is not otherwise qualified to perform the duties of school bus operator as set forth below. For purposes of this section, a conviction includes any plea of guilty, conditional pleas or pleas of no contest.

19.1.1 Failure to meet the physical and mental/emotional requirements set forth in Sections 16 and 17 above, as indicated from the results of any physical or psychological examination.

19.1.2 Failure to pass the annual online examination.

19.1.3 . Failure to complete the annual minimum 12 hours of transportation related professional development.

19.1.4 Accumulation of ten or more points on DMV driving record following initial certification or conviction of reckless driving, as defined by W. Va. Code § 17C-5-3 or conviction for leaving the scene of an accident involving physical injury or death, as

defined by W. Va. Code §17C-4-1, or conviction for obstructing an officer or fleeing an officer as defined by W. VA. Code §61-5-17.

#### 19.1.5 Conviction of a felony.

19.1.6 Conviction of and/or DMV suspension or revocation of license, on a charge of operating a motor vehicle while under the influence of alcohol or controlled substances, or preponderance of evidence presented, such as positive breath or blood test, of operating a motor vehicle under the influence of same. The applicant/employee shall not be certified to operate a school bus for at least two years subsequent to a first offense for such conviction or suspension/revocation. For a second offense certification shall be revoked and refused permanently.

19.1.7 Failure of any drug or alcohol test administered by the school bus operator's employer or submission of an adulterated specimen. The school bus operator shall not be certified to operate a school bus for at least two years subsequent to a positive or adulterated test result. For a second positive test result or adulteration, certification shall be revoked and refused permanently.

19.1.8 Demonstration of a preponderance of evidence or by conviction that the school bus operator is an abuser of alcohol, or lawfully prescribed controlled substances or a user of illegal controlled substances or controlled substances not lawfully prescribed.

19.1.9 Conviction of any sexual assault or abuse charge. The school bus operator may also have certification renewal refused or certification suspended or revoked when it is shown by a preponderance of evidence that he/she has sexually assaulted or sexually abused any person, or engaged in a consensual sexual or amorous relationship with a student.

19.1.10 Demonstrations by a preponderance of evidence of frequent violations of traffic laws, sound safety practices, regulations or ordinances, or any single violation that threatened the safety of student passengers, or other users of streets or highways.

19.1.11 Violation of Policy 5902, "Employee Code of [Conduct](#)" that has a rational nexus or relationship to the performance of a school bus operator's duties.

## **20. Procedures for Due Process on the Recall of School Bus Operator's Certification**

20.1 When the State Superintendent receives information concerning any of the violations set forth in Section 18, or any other conduct that would justify the recall, refusal or suspension or the imposition of any condition upon the certification of any school bus operator, the certification holder shall be notified of the pending action against him/her and afforded the opportunity for a hearing in accordance with W.Va. '126CSR94, West Virginia Board of Education Policy 1340, [Rules of Procedure for Administrative Hearings and Appeals](#).

## **21. Guidelines for Curricular and Extracurricular Trips**

21.1 County boards of education providing transportation for students participating in curricular and extracurricular activities shall require participating school officials to submit a planned schedule to the County Superintendent or his/her designee for approval. Procedure shall be as follows:



21.1.1 The County Director/Supervisor of Transportation shall receive a copy of the approved schedule far enough in advance to arrange safe and adequate transportation.

21.1.2 Schedules for approved trips shall not interfere with the regular transportation schedule.

21.1.3 Only school bus operators employed by the county board of education shall operate type A1, A2, B, C, and D buses on such trips.

21.1.4 All school buses used for such trips shall be covered by insurance as provided in W.Va. Code ' 18-5-13.

21.1.5 Students transported in a school bus on such trips shall, in addition to the school bus operator, be supervised by a least one professional employee of the county board of education who shall provide a list of all persons on the bus to the school bus operator. Each additional bus shall be supervised by a professional employee or person approved by the county board and assurances that provisions for specialized health care needs are made if necessary.

21.2 Counties providing curricular and extracurricular transportation shall file through the WVEIS, at the end of each month, a report on curricular and extracurricular trips.

21.3 Professional personnel hired to drive board owned, rented or leased vehicles with less than 10 passenger capacity shall have a valid driver's license.

21.4 Students may be transported to a school-sponsored activity in a vehicle that has a seating capacity of sixteen or more passengers which is not owned and operated by the county board only as follows:

21.4.1 Automobile insurance coverage;

21.4.1.a A Certificate of Insurance must be issued as follows:

21.4.1.a.1 The Certificate Holder will be the County School System

21.4.1.a.2 The Certificate of Insurance must evidence a minimum of \$5,000,000 per occurrence of Auto Liability.

21.4.1.a.3 The certificate should provide for thirty day (30) notice of cancellation. Any Certificate of Insurance limited to a specific event or date is **not** acceptable.

21.4.1.a.4 Acceptance will be for all locations and operations of the school system.

21.4.1.a.5 In order for the charter bus company to remain eligible to provide service a **new** Certificate of Insurance **must** be supplied to the county school system whenever the insurance is **renewed**, which normally occurs on an annual basis. The

school system will **not** contact the bus company before suspending the company from providing charter service due to an expired certificate.

21.4.1.a.6 Any notice from the insurance company that a bus company's insurance has been cancelled for any reason will result in the bus company's suspension from providing charter service to the school system.

21.4.2 Vehicle safety specifications;

21.4.3 School bus or public transit ratings;

21.4.4 Driver training, certification and criminal history record check;

21.4.5 The vehicle owner shall provide to the county board proof that the vehicle and driver satisfy the requirements of the WVBE rule

21.5 Lease school buses pursuant to rules established by the county board.

21.5.1 Leased buses may be operated only by bus operators regularly employed by the county board.

21.5.2 The lessee shall bear all costs and expenses incurred by, or incidental to the use of, the bus.

21.5.3 The county board may lease buses to:

21.5.3.1 Public and private nonprofit organizations and private corporations to transport school-age children for camps or educational activities

21.5.3.2 Any college, university or officially recognized campus organization for transporting students, faculty and staff to and from the college or university. Only college and university students, faculty and staff may be transported pursuant to this paragraph. The lease shall include provisions for:

21.5.3.2.a Public and private nonprofit organizations, including education employee organizations, for transportation associated with fairs, festivals and other educational and cultural events.

21.5.3.2.b Compensation for bus operators;

21.5.3.2.c Consideration for insurance coverage, repairs and other costs of service; and

21.5.3.2.d Any rules concerning student behavior.

21.5.4 The county board may charge fees in addition to those charges otherwise required by this subsection.

## 22. Guidelines for School Bus Routing

22.1 The recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions are as follows:

22.1.1 For elementary school students, thirty minutes;

22.1.2 For middle school, intermediate school and junior high school students, forty-five minutes; and

22.1.3 For high school students, sixty minutes.

22.2 A county board may not create a new bus route for the transportation of students in any of the grade levels prekindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after the first day of July, two thousand eight, which exceeds by more than fifteen minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the WVBE in accordance with subsection 22.1 of this section unless:

22.2.1 The county board adopts a separate motion to approve creation of the route and request written permission of the WVBE to create the route; and

22.2.2 Receives the written permission of the WVBE to create the route.

22.3 A county board may not create, nor may the WVBE permit, the creation of a new bus route for the transportation of students in any of the grade levels prekindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after the first day of July, two thousand eight, which exceeds by more than thirty minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the WVBE in accordance with subsection 22.1 of this section.

22.4 The WVBE shall provide technical assistance to county boards with the objective of achieving school bus transportation routes for students which are within the recommended time durations established by the state board.

# **Policy 4336: APPENDIX A**

## **SCHOOL BUS OPERATORS' INSPECTIONS / DUTIES**

School bus operators are required to make the appropriate inspection of the school bus and complete specified duties in order to insure the safe transport of all passengers. The following is a list of the required inspections and duties.

### **1. Pre-Trip Daily Inspections and Duties**

The school bus operator shall:

- 1.1 Check tires for proper inflation and condition.
- 1.2 Check wheels for loose hub bolts, wheel lugs, lube leaks, etc.
- 1.3 Check steering for proper functioning of all components.
- 1.4 Check radiator coolant, windshield washer fluid, power steering fluid, oil and fuel.
- 1.5 Check alternator, fan and power steering belts.
- 1.6 Check lighting system(s), windshield wiper/washer and horn.
- 1.7 Check brakes, including warning light and buzzer.
- 1.8 Check all emergency exits.
- 1.9 Check first aid kit, fire extinguisher, communication system(s) and emergency traffic warning devices.
- 1.10 Check back-up alarm.
- 1.11 Check stop arm and crossing arm.
- 1.12 Check exhaust for leaks to determine, as far as possible, that fumes are not reaching the bus interior.
- 1.13 After each run, walk to the rear of the bus and check for students, objects left on bus, and vandalism.
- 1.14 Sweep the floor and dust the seats immediately following the morning run.
- 1.15 Clean windshield, windows, mirrors, all light lenses and identification lettering.

- 1.16 Keep stepwell and aisle clean and free of debris.
- 1.17 Remove markings found on walls/ceiling.
- 1.18 Keep loose objects, brooms, tire chains, wheel chair restraints, etc., off the
- 1.19 Keep glove compartment clean and well-organized.
- 1.20 Be sure that there are no aerosol cans inside the school bus.

**2. Weekly Duties:**

The school bus operator shall:

- 2.1 Mop the school bus floor.
- 2.2 Clean interior upholstery with a damp cloth.
- 2.3 Wash the exterior of the bus.

# **Policy 4336: APPENDIX B**

## **RECOMMENDATIONS FOR COUNTY SCHOOL BUS TRANSPORTATION SYSTEMS**

In addition to the pertinent sections of the West Virginia Code and the preceding regulations, the West Virginia Board of Education recommends the following:

### **1. School bus maintenance center equipment should include:**

- 1.1 Hoists, jacks, lifts and/or service pits to enable repair and servicing in a safe and efficient manner.
- 1.2 Adequate diagnostic equipment to facilitate preventive adjustments and repairs.
- 1.3 The necessary tools for efficiency in performing the service.
- 1.4 An adequate place for washing buses, preferably inside.
- 1.5 Adequate storage for stocking and identifying parts.
- 1.6 Protective equipment.

### **2. Personnel/Staffing**

- 2.1 Maintenance center staff shall vary with the number of vehicles to be maintained.
  - 2.1.1 One mechanic for nine buses.
  - 2.1.2 One mechanic and one assistant for a fleet of ten to eighteen buses.
  - 2.1.3 One additional mechanic and one additional assistant for each additional sixteen buses over eighteen.
- 2.2 The county superintendent shall ultimately determine the structure and staff needed to deliver a quality program.

### **3. Training**

Maintenance center personnel shall:

- 3.1 Participate in job related continuing education as approved by the county school service personnel staff development council. A minimum of eighteen hours is required annually.
- 3.2 Participate in specific industry job related maintenance and repair workshops.
- 3.3 Participate in state and regional job related workshops and seminars.

- 3.3.1 Those individuals designated as Director of Transportation shall undergo training in school bus operation, emergency procedures and personnel laws and regulations. Annual in-service shall include 6-10 hours of content in safety and transportation.

#### **4. Transportation to Alternative Education Sites**

Buses transporting students to these sites should be equipped with the following:

- 4.1 An effective means of communication such as cellular phone or two-way radio.
- 4.2 A large mirror in rear of the bus.
- 4.3 A video camera.
- 4.4 An aide, another school bus operator or a staff member from the alternative school.

#### **5. Transportation of Students With Disabilities**

- 5.1 It is recommended that buses used to transport students with disabilities should be equipped with cellular telephones and/or two way radios.

## **Policy 4336: APPENDIX C**

### **SCHOOL BUS OPERATOR SAFE DRIVERS PROGRAMS**

#### **National Safety Council - Safe Drivers Award**

The West Virginia Board of Education encourages county boards of education to continue their support of the Safe Driver Award Programs sponsored by the National Safety Council.

#### **School Bus Safety Roadeo**

The West Virginia Department of Education annually sponsors a "School Bus Safety Roadeo" as a means of developing and refining the bus handling skills of school bus operators.

To maximize the skill development potential, and to recognize those who achieve excellence in school bus handling skills it is recommended that:

School transportation administrators in each county provide, as a part of their school bus operator in-service training, some type of skill development exercise in bus handling.

All school bus operators be given an opportunity to annually participate in a county and/or regional school bus safety roadeo.

All school bus operators who win recognition for their safe driving skills in local competition be provided an opportunity and encouraged to compete in regional and/or state roadeos.

The county school administrators provide the opportunity and encouragement for county school bus operators who win recognition in the state "School Bus Safety Roadeo" to compete in the national event.



# Policy 4336: APPENDIX D

**126CSR162  
TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION  
SERIES 162  
EMPLOYEE CODE OF CONDUCT (5902)**

**§126-162-1. General.**

- 1.1. Scope. - Code of conduct for all West Virginia school employees.
- 1.2. Authority. - West Virginia Constitution, Article XII, §2 and W.Va. Code §§18-2-5, 18-2E-5, and 18A-1-1(a).
- 1.3. Filing Date. - June 7, 2002.
- 1.4. Effective Date. - July 7, 2002.
- 1.5. Repeal of Former Rule. - This legislative rule repeals and replaces W.Va. 126CSR162 "Teacher Code of Conduct" filed February 25, 1992 and effective March 26, 1992.

**§126-162-2. Application.**

- 2.1. This legislative rule applies to all West Virginia school employees.
- 2.2. This policy is to complement W.Va. §126CSR142, West Virginia Board of Education Policy 5310, "Performance Evaluation of School Personnel" and W.Va. §126CSR99, West Virginia Board of Education Policy 4373, "Student Code of Conduct".

**§126-162-3. Purpose.**

- 3.1. The West Virginia Board of Education recognizes that the capabilities and conduct of all school employees greatly affect the quality of education provided to students in the public schools. The West Virginia Board of Education further believes that all school employees should be intrinsically motivated by the importance of the job that they do. The purpose of the Employee Code of Conduct is to establish appropriate standards of conduct for all West Virginia school personnel.
- 3.2. These regulations also require that West Virginia public school employees respond immediately and consistently to incidents of bullying, harassment, intimidation, substance abuse, and/or violence or any other code of conduct violation that impacts negatively on students in a manner that effectively addresses incidents, deters future incidents, and affirms respect for individuals.

**§126-162-4. Employee Code of Conduct.**

- 4.1 "Employee" shall include all school personnel employed by a county board of education whether employed on a regular full-time basis or otherwise, and shall include other personnel such as employees of the West Virginia Schools for the Deaf and the Blind, and all employees of West Virginia Department of Education Institutional Programs.

4.2 All West Virginia school employees shall:

4.2.1. exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language, and appearance.

4.2.2. contribute, cooperate, and participate in creating an environment in which all employees/students are accepted and are provided the opportunity to achieve at the highest levels in all areas of development.

4.2.3. maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence, and free from bias and discrimination.

4.2.4. create a culture of caring through understanding and support.

4.2.5. immediately intervene in any code of conduct violation, that has a negative impact on students, in a manner that preserves confidentiality and the dignity of each person.

4.2.6. demonstrate responsible citizenship by maintaining a high standard of conduct, self-control, and moral/ethical behavior.

4.2.7. comply with all Federal and West Virginia laws, policies, regulations and procedures.

**§126-162-5. Responsibilities for Implementation.**

5.1. The West Virginia Department of Education shall provide for the distribution of the Employee Code of Conduct to all West Virginia school employees.

5.2. The West Virginia Department of Education shall provide professional development for county superintendents and principals on the Employee Code of Conduct.

5.3. County boards of education shall provide professional development for all employees on the Employee Code of Conduct.

**§126-162-6. Severability.**

6.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**Policy 4336: APPENDIX E**  
WEST VIRGINIA DIVISION OF MOTOR VEHICLES  
REQUEST FOR DRIVING RECORDS  
(form on following 2 pages)

**WEST VIRGINIA DIVISION OF MOTOR VEHICLES**  
**REQUEST FOR DRIVING RECORDS**

This form may be used for multiple requests and a fee of \$5.00 per name must accompany each request. You may duplicate this form or contact the Division of Motor Vehicles for additional forms or any questions by telephoning (304) 558-3900. Driver's license number and last name must be provided. If you do not have the driver's license number, you must provide the social security number and/or date of birth with an additional \$1.00 fee. **All fees are non-refundable.**

Driver's License Number	Name	Social Security Number	Date of Birth

Please return requested records to the following address:

\_\_\_\_\_  
(Please print Company name, if applicable)

\_\_\_\_\_  
(Mailing address) (City, State and Zip)

\_\_\_\_\_  
(Telephone Number)

**Any person may request their own driving record at any DMV regional office. You must provide your state-issued driver's license or state-issued identification card for proof of identification.**

**All other requests must be sent to the address provided below. You may not obtain information about others without their signed written consent (attached form DMV-101-PS-2) or unless the request is made on company/business letterhead and provides a legitimate and detailed reason for the request as defined in the Uniform Motor Vehicles Records Disclosure Act (17A-2A-1 et seq.). EACH REQUEST FORM SUBMITTED MUST INCLUDE A COPY OF THE REQUESTOR'S STATE-ISSUED DRIVER'S LICENSE OR STATE-ISSUED IDENTIFICATION CARD. If you do not meet these requirements, your reason will be reviewed and if accepted, you will receive a driving record that excludes all personal information from the record.**

**Any person who knowingly or willfully obtains information under false pretenses will be in violation of federal law, and if convicted, will be fined not more than \$1,000 and/or imprisoned not more than one year. I hereby certify that the information obtained from the Division of Motor Vehicles will be used for the sole purpose stated above.**

Signature of Requestor: \_\_\_\_\_ ID Verified By: \_\_\_\_\_

**A COPY OF YOUR REQUEST MAY BE FORWARDED TO THE PERSON  
WHOSE RECORDS YOU ARE REQUESTING.**

**If you do not qualify for the information requested, you may submit a Message Forwarding Form. On this form, you may write a message and the Division of Motor Vehicles will forward the form with all information you provide to the licensee at their current address in our records. This service has a non-refundable fee of \$5.00. The Division of Motor Vehicles does not guarantee delivery or a response.**

**Any request for a driving record other than the individual's own, must be submitted to the WV Division of Motor Vehicles at the address listed below. DMV Regional Offices are prohibited from dispensing driving records to anyone requesting another individual's record.**

**BEFORE MAILING, BE SURE YOU HAVE INCLUDED: COMPLETED DMV-101-PS-1 FORM, APPLICABLE FEES, COPY OF DRIVER'S LICENSE OR PHOTO ID, LETTERHEAD EXPLANATION AND A COMPLETED DMV-101-PS-2 (IF APPLICABLE).**

Please mail your request to: **Division of Motor Vehicles  
Insurance Section/ Driving Records  
1800 Kanawha Blvd., East, Bldg. 3  
Charleston, WV 25317**

DMV- 101-PS-2  
02/14/2008

*IF YOUR ATTORNEY OR ANOTHER PARTY INTENDS TO REQUEST INFORMATION ON YOUR BEHALF, PLEASE COMPLETE THE RELEASE AUTHORIZATION SECTION BELOW.*

**RELEASE AUTHORIZATION**

I, \_\_\_\_\_ / \_\_\_\_\_  
**(PLEASE PRINT NAME) (PLEASE SIGN NAME)**

hereby authorize the West Virginia Division of Motor Vehicles to release any of my information found within the Division's records to:

\_\_\_\_\_  
(Individual name and Company name, if applicable)

**ALL REQUESTORS FOR INFORMATION MUST COMPLETE THE REQUEST FOR DRIVING RECORDS FORM (DMV-101-PS-1) AND THIS FORM (DMV-101-PS-2) OR THE REQUEST WILL NOT BE PROCESSED. THE INDIVIDUAL RELEASED TO RECEIVE INFORMATION MUST INCLUDE A COPY OF THEIR GOVERNMENT ISSUED ID OR DRIVERS LICENSE. ALL REQUESTS FOR INFORMATION MUST HAVE THIS FORM COMPLETED OR THE REQUEST MAY NOT BE PROCESSED.**

**PLEASE CHECK APPROPRIATE FEE**

- \$5.00 - DRIVING RECORD WITH DRIVER'S LICENSE NUMBER
- \$5.00 - CERTIFIED DRIVING RECORD WITH DRIVER'S LICENSE NUMBER
- \$6.00 - DRIVING RECORD WITHOUT DRIVER'S LICENSE NUMBER
- \$6.00 - CERTIFIED DRIVING RECORD WITHOUT DRIVER'S LICENSE NUMBER
- \$5.00 - MESSAGE FORWARDING SERVICE
- \$.25 PER PAGE - COPY OF SUSPENSION/REVOCAION/DISQUALIFICATION FILE

**ADMINISTRATIVE HEARING DOCUMENT FEES**

- \$1.50 PER PAGE - PRODUCTION OF ORIGINAL TRANSCRIPT OF HEARING
- \$.50 PER PAGE - COPY OF EXISTING TRANSCRIPT OF HEARING
- \$30.00 - COPY OF RECORDED TESTIMONY IN CD FORMAT
- \$25.00 - COPY OF RECORDED TESTIMONY IN CASSETTE FORMAT
- \$15.00 - COPY OF VIDEO TAPE SUBMITTED INTO EVIDENCE

# Policy 4336: APPENDIX F

<INSERT ORGANIZATION NAME HERE>  
**Prescription and Over-The-Counter  
Medication Policy**

## PURPOSE

The National Transportation Safety Board (NTSB) issued a directive to the Federal Transit Administration (FTA) to educate service agencies on the potential safety risks associated with the use of prescription (Rx) and over-the-counter (OTC) medications by employees who perform (insert job duties here).

In the interest of complying with this directive and protecting employees and others, <INSERT ORGANIZATION NAME HERE> has developed this Rx/OTC policy. As such, all safety-sensitive employees must make sure that any prescribed drug, any over-the-counter medication, or combination of drugs being taken will not adversely impact their job performance. The employee must inform the prescribing medical practitioner of the employee's job duties performed and the medical practitioner must approve the medications to ensure that the employee's job duties can be performed safely.

## APPLICABILITY

This policy applies to all (insert applicable positions here). The procedure set forth herein applies only to medications that are to be taken or that would have an effect while at work.

## PRESCRIPTION MEDICATIONS

The appropriate use of legally prescribed medications is not prohibited. However, the employee has the responsibility to discuss the potential effects of any prescription medication with the prescribing medical practitioner including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing (insert job duties here) any time their ability to safely perform their job duties is adversely impacted by the use of a prescription medication.

1. A legally prescribed drug means the employee has a prescription or other written approval from a medical practitioner for his/her use of a drug in the course of medical treatment. The written statement must include the employee's name, the name of the substance, quantity/amount to be taken, and the period of authorization.
2. The misuse or abuse of prescription medications is prohibited. Examples of misuse and/or abuse include:
  - a. Use of a medication that is not prescribed by the employee.
  - b. The employee exceeds the prescribed dosage.
  - c. Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.

- d. The use of any prescription medications that adversely impacts the employee's ability to safely perform his/her assigned duties.

<INSERT ORGANIZATION NAME HERE> requires that all (insert applicable positions here) obtain a statement from their medical practitioner for each medication prescribed indicating whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the treatment. The statement must be provided to the <insert management title here> where it will be kept in the employee's confidential medical file.

## OVER-THE-COUNTER MEDICATIONS

The appropriate use of over-the-counter (OTC) medications is not prohibited. However, the employee has the responsibility to read all warning labels and contraindication notices and if necessary discuss the potential effects of any OTC medication with a medical practitioner or pharmacist including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing a safety-sensitive function any time his/her ability to safely perform their job duties is adversely impacted by the use of OTC medications.

1. The misuse or abuse of OTC medications is prohibited. Examples of misuse and/or abuse include:
  - a. Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
  - b. The use of any OTC that adversely impacts the employee's ability to safely perform his/her job duties.
  - c. Using an OTC for other than its intended purpose.
  - d. Exceeding the recommended dosage.

<INSERT ORGANIZATION NAME HERE> requires that all (insert applicable positions here) obtain a statement from their medical practitioner or pharmacist for each OTC used that has a warning label or caution that indicates that mental functioning, motor skills, or judgment may be adversely affected. As an example, the warning label might indicate: "May cause drowsiness. Use care when operating a car or heavy machinery." The statement should indicate whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the treatment. The statement must be provided to the <insert management title here> where it will be kept in the employee's confidential medical file.

## MEDICAL DISQUALIFICATION

Ultimately, the employee is the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to inform the medical practitioner/pharmacist of performance altering side effects and request medical disqualification from performance of their duties. The employee is encouraged to discuss/consider alternative treatments that do not have the performance altering side effects.

An employee will be medically disqualified from the performance of safety-sensitive functions if the medical practitioner/pharmacist determines that the side effects of the medication being taken pose a potential threat to the safety of co-workers, the public and/or the employee.

The medical practitioner/pharmacist determination is subject to review by the <INSERT ORGANIZATION NAME HERE> company physician. The company physician may consult with the medical practitioner/pharmacist to obtain additional information as necessary. Based on the

information provided, the company physician may determine that the employee should be medically disqualified. The company physician's decision will be deemed final.

The medical practitioner/pharmacist statements and any other medical information obtained through this process are confidential information and will be maintained in confidential medical files in the <INSERT ORGANIZATION NAME HERE> office.

## **PROCEDURAL GUIDELINES**

The employee has the responsibility to assess his/her fitness for duty while using Rx/OTC prescription medication. As such, the employee has the following responsibilities:

- The employee has the responsibility to discuss the potential effects of any OTC drug with a medical practitioner or pharmacist, including any adverse impact on the safe performance of their job duties. The employee is encouraged to discuss with their medical practitioner/pharmacist alternative treatments that do not have performance altering side effects.
- The employee has the responsibility to inform the medical practitioner/ pharmacist of performance altering side effects experienced and request medical disqualification from the performance of safety-sensitive job duties.
- The employee must have medical practitioner/pharmacist determine if he/she should be medically disqualified from the performance of safety-sensitive job duties based on the side effects of the OTC. The employee must subsequently request the medical practitioner/pharmacist to complete a statement indicating whether or not the employee should be medically disqualified, and if so, the duration of the disqualification. An example of the form to be used is provided in Appendix A of this policy.
- Employees are required to provide the medical practitioner/pharmacist statement in a sealed envelope to the <insert management title here>. The envelope should be sealed and marked confidential.
- The employee must notify their immediate supervisor of the duration of his/her medical disqualification. The employee will be immediately removed from duty.
- Employees will be allowed to use their accumulated sick leave, personal time, and/or vacation for the duration of the medical disqualification.

The <INSERT ORGANIZATION NAME HERE> will periodically publish a list of medications that are of the greatest concern. The list will be provided as a guide only and should not be considered all-inclusive. Use of the list to identify potential problem medications does not exempt the employee from the process as defined herein, but should be used to trigger more in depth discussions with the medical practitioner/pharmacist.



## CONSEQUENCES OF POLICY VIOLATION

An employee who fails to report the use of an Rx/OTC medication or who performs safety-sensitive functions when his/her performance is being adversely impacted by an OTC medication will be subject to the following discipline.

- Failure to report (1<sup>st</sup> Offense) <insert disciplinary action here>
- Failure to report (2<sup>nd</sup> Offense) <insert disciplinary action here>
- Performance of safety-sensitive function when adversely impacted by OTC medication <insert disciplinary action here>
- Falsification of medical practitioner/pharmacist statement Discharge

## **Policy 4336: APPENDIX G**

West Virginia Department of Education Medical Examination Form for Bus Operators  
( on next 8 pages)

**Medical Examination Report**  
The West Virginia Department of Education

649-F (6045)

<b>1. DRIVER'S INFORMATION</b> Driver completes this section								
Driver's Name (Last, First, Middle)		Social Security No.		Birthdate M / D / Y	Age	Sex <input type="checkbox"/> M <input type="checkbox"/> F	New Certification <input type="checkbox"/> Recertification <input type="checkbox"/> Follow-up <input type="checkbox"/>	Date of Exam
Address		City, State, Zip Code		Work Tel: ( ) Home Tel: ( )		Driver License No.	License Class <input type="checkbox"/> A <input type="checkbox"/> C <input type="checkbox"/> B <input type="checkbox"/> D <input type="checkbox"/> Other	State of Issue

<b>2. HEALTH HISTORY</b> Driver completes this section, but medical examiner is encouraged to discuss with driver.																																																																																																																																				
<table border="0"> <tr><td>Yes</td><td>No</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Any illness or injury in the last 5 years?</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Head/Brain injuries, disorders or illnesses</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Seizures, epilepsy</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2"><input type="checkbox"/> medication _____</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Eye disorders or impaired vision (except corrective lenses)</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Ear disorders, loss of hearing or balance</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Heart disease or heart attack; 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I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Medical Examiner's Comments on Health History** (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below. )

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TESTING (Medical Examiner completes Section 3 through 7) Name: Last, \_\_\_\_\_ First, \_\_\_\_\_ Middle, \_\_\_\_\_

**3. VISION** Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

**INSTRUCTIONS:** When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. *Monocular drivers are not qualified.*

Numerical readings must be provided.

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/	Right Eye <input type="checkbox"/>
Left Eye	20/	20/	Left Eye <input type="checkbox"/>
Both Eyes	20/	20/	

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors?  Yes  No

Applicant meets visual acuity requirement only when wearing:  Corrective Lenses

Monocular Vision:  Yes  No

Complete next line only if vision testing is done by an ophthalmologist or optometrist

Date of Examination \_\_\_\_\_ Name of Ophthalmologist or Optometrist (print) \_\_\_\_\_ Tel. No. \_\_\_\_\_ License No./ State of Issue \_\_\_\_\_ Signature \_\_\_\_\_

**4. HEARING** Standard: a) Must first perceive forced whispered voice  $\geq$  5 ft., with or without hearing aid, or b) average hearing loss in better ear  $\leq$  40 dB  Check if hearing aid used for tests.  Check if hearing aid required to meet standard.

**INSTRUCTIONS:** To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500Hz, -10dB for 1,000 Hz, -8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

Numerical readings must be recorded.

a) Record distance from individual at which forced whispered voice can first be heard.	Right ear \ Feet	Left Ear \ Feet
--	------------------	-----------------

b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)	Right Ear			Left Ear		
	500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
	Average:			Average:		

**5. BLOOD PRESSURE/ PULSE RATE** Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure	Systolic	Diastolic
Driver qualified if less than 140/90		
Pulse Rate: <input type="checkbox"/> Regular <input type="checkbox"/> Irregular		
Record Pulse Rate: _____		

Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	One year if less than 140/90. One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months.	1 year from date of exam if less than 140/90
$\geq$ 180/110	Stage 3	6 months from date of exam if less than 140/90	6 months if less than 140/90

**6. LABORATORY AND OTHER TEST FINDINGS** Numerical readings must be recorded.

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem. Other Testing (Describe and record) \_\_\_\_\_

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR
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**7. PHYSICAL EXAMINATION**

Height: \_\_\_\_\_ (in.) Weight: \_\_\_\_\_ (lbs.)

Name: Last, \_\_\_\_\_ First, \_\_\_\_\_ Middle, \_\_\_\_\_

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See *Instructions to the Medical Examiner* for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.			7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.		
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.			8. Vascular System	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.		
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.			9. Genito-urinary System	Hernias.		
4. Mouth and Throat	Irremediable deformities likely to interfere with breathing or swallowing.			10. Extremities- Limb impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger, Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.		
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.		
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/ or xray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.		

\*COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Note certification status here. See *Instructions to the Medical Examiner* for guidance.

- Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
- Does not meet standards
- Meets standards, but periodic monitoring required due to \_\_\_\_\_  
 Driver qualified only for:  3 months  6 months  1 year  Other

Temporarily disqualified due to (condition or medication): \_\_\_\_\_

Return to medical examiner's office for follow up on \_\_\_\_\_

- Wearing corrective lense
- Wearing hearing aid
- Accompanied by a \_\_\_\_\_ waiver/ exemption. Driver must present exemption at time of certification.
- Skill Performance Evaluation (SPE) Certificate
- Driving within an exempt intracity zone (See 49 CFR 391.62)
- Qualified by operation of 49 CFR 391.64

Medical Examiner's signature \_\_\_\_\_

Medical Examiner's name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

**If meets standards, complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(h). (Driver must carry certificate when operating a commercial vehicle.)**

## Physical Qualifications for Drivers

### THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short relay (drivers return to their home base each evening); long relay (drivers drive 9-11 hours and then have at least a 10-hour off-duty period), and straight through haul.

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours; extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularity in work, rest, and eating patterns, adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: lifting, installing, and removing heavy tire chains and inspecting the vehicle. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle and frequent entering and exiting of the bus.

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

### PHYSICAL QUALIFICATIONS FOR DRIVERS

(a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.

(2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a bus safely.

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely;

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber;

(11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing device when the audiometric device is calibrated to the American National Standard (formerly ASA Standard) Z24.5-1951;

(12) (i) Does not use a controlled substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or any other habit-forming drug.

(ii) Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who: (A) Is familiar with the driver's medical history and assigned duties; and (B) Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and (13) Has no current clinical diagnosis of alcoholism.

## INSTRUCTIONS TO THE MEDICAL EXAMINER

### General Information

The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, **The Driver's Role**.

In addition to reviewing the **Health History** section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate the driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner in light of the driver's job responsibilities, work schedule and potential for the conditions to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. **Under current regulations, the certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring.** In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-1790 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

### Interpretation of Medical Standards

Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called Advisory Criteria to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in italics and its reference by section is highlighted.

### Federal Motor Carrier Safety Regulations -Advisory Criteria-

#### Loss of Limb:

##### §391.41(b)(1)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no loss of a foot, leg, hand or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.*

#### Limb Impairment:

##### §391.41(b)(2)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iv) Has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.*

A person who suffers loss of a foot, leg, hand or arm or whose limb impairment in any way interferes with the safe performance of normal tasks associated with operating a commercial motor vehicle is subject to the Skill Performance Evaluation Certification Program pursuant to section 391.49, assuming the person is otherwise qualified.

With the advancement of technology, medical aids and equipment modifications have been developed to compensate for certain disabilities. The SPE Certification Program (formerly the Limb Waiver Program) was designed to allow persons with the loss of a foot or limb or with functional impairment to qualify under the Federal Motor Carrier Safety Regulations (FMCSRs) by use of prosthetic devices or equipment modifications which enable them to safely operate a commercial motor vehicle. Since there are no medical aids equivalent to the original body or limb, certain risks are still present, and thus restrictions may be included on individual SPE certificates when a State Director for the FMCSA determines they are necessary to be consistent with safety and public interest.

If the driver is found otherwise medically qualified (391.41(b)(3) through (13)), the medical examiner must check on the medical certificate that the driver is qualified only if accompanied by a SPE certificate. The driver and the employing motor carrier are subject to appropriate penalty if the driver operates a motor vehicle in interstate or foreign commerce without a current SPE certificate for his/her physical disability.

#### Diabetes

##### §391.41(b)(3)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.*

Diabetes mellitus is a disease which, on occasion, can result in a loss of consciousness or disorientation in time and space. Individuals who require insulin for control have conditions which can get out of control by the use of too much or too little insulin, or food intake not consistent with the insulin dosage. Incapacitation may occur from symptoms of hyperglycemic or hypoglycemic reactions (drowsiness, semiconsciousness, diabetic coma or insulin shock).

The administration of insulin is, within itself, a complicated process requiring insulin, syringe, needle, alcohol sponge and a sterile technique. Factors related to long-haul commercial motor vehicle operations, such as fatigue, lack of sleep, poor diet, emotional conditions, stress, and concomitant illness, compound the dangers, the FMCSA has consistently held that a diabetic who uses insulin for control does not meet the minimum physical requirements of the FMCSRs.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (202) 366-1790 for an application for a diabetes exemption.

(See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at:  
<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

#### Cardiovascular Condition

##### §391.41(b)(4)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.*

The term "has no current clinical diagnosis of" is specifically designed to encompass: "a clinical diagnosis of" (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term "known to be

accompanied by" is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse or congestive cardiac failure.

It is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not unqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1790 for additional recommendations regarding the physical qualification of drivers on coumadin.

(See Cardiovascular Advisory Panel Guidelines for the Medical examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

#### **Respiratory Dysfunction**

##### **§391.41(b)(5)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely.*

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not unqualifying once optimum dose is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>

#### **Hypertension**

##### **§391.41(b)(6)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle safely.*

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present. This regulatory criteria is based on FMCSA's Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period. Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive

on maximal or near-maximal doses of 2-3 pharmacologic agents.

Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic disease.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

#### **Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(b)(7)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with the ability to control and operate a commercial motor vehicle safely.*

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter period of time may be issued. (See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)



### **Epilepsy**

#### **§391.41(b)(8)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.*

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.

If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6 month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

Drivers with a history of epilepsy/seizures off antiseizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off antiseizure medication for a 5-year period or more.

(See Conference on Neurological Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### **Mental Disorders**

#### **§391.41(b)(9)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely.*

Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention, and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "nagging" pain may be present to such a degree that certification for commercial driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification.

Many bus and truck drivers have documented that "nervous trouble" related to neurotic, personality, or emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior patterns. Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid or severely depressed behavior greatly interfere with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of medications and potential hazards for driving.

(See Conference on Psychiatric Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### **Vision**

#### **§391.41(b)(10)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.*

The term "ability to recognize the colors of" is interpreted to mean if a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudoisochromatic, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescopic lenses acceptable for the driving of commercial motor vehicles.

If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

CMV drivers who do not meet the Federal vision standard may call (202) 366-1790 for an application for a vision exemption.

(See Visual Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### **Hearing**

#### **§391.41(b)(11)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ADA Standard) Z24.5-1951.*

Since the prescribed standard under the FMCSRs is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.

If an individual meets the criteria by using a hearing aid, the driver must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18,

23, etc. The examiner should not use only sibilants (s sounding materials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate "Qualified only when wearing a hearing aid."  
(See Hearing Disorders and Commercial Motor Vehicle Drivers at: <http://www/fmcsa.dot.gov/rulesregs/medrports.htm>)

**Drug Use**

**§391.41(b)(12)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Does not use a controlled substance identified in 21 CFR 1308.11, Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties; and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.*

This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit-forming drug, it may be cause for the driver to be found medically unqualified. Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.

A test for controlled substances is not required as part of this biennial certification process. The FMCSA or the driver's employer should be contacted directly for information on controlled substances and alcohol testing under Part 382 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.

(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at: <http://www/fmcsa.dot.gov/rulesregs/medreports.htm>)

**Alcoholism**

**§391.41(b)(13)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of alcoholism.*

The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol-use problem, he or she should be referred to a specialist. After counseling and/or treatment, he or she may be considered for certification.

MEDICAL EXAMINER'S CERTIFICATE		
I certify that I have examined _____ In accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:		
<input type="checkbox"/> wearing corrective lenses	<input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62)	
<input type="checkbox"/> wearing hearing aid	<input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE)	
<input type="checkbox"/> accompanied by a _____ waiver exemption	<input type="checkbox"/> Qualified by operation of 49 CFR 391.64	
The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.		
SIGNATURE OF MEDICAL EXAMINER	TELEPHONE	DATE
MEDICAL EXAMINER'S NAME (PRINT)	<input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Chiropractor <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Advanced Practice Nurse	
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE		
SIGNATURE OF DRIVER	DRIVER'S LICENSE NO.	STATE
ADDRESS OF DRIVER		
MEDICAL CERTIFICATE EXPIRATION DATE		

**Policy 4336: APPENDIX H**

West Virginia Department of Education Application for Bus Operator Certification  
ON NEXT TWO PAGES

126CSR99

**West Virginia Department of Education**  
**Application for Bus Operator Certification**

Instructions for applicant: Submit this application to the County Transportation Director

Instructions for County Transportation Director: Submit this application with a (Form 7) Release of Information form to the WVDE in order to receive FBI/WVSP reports for applicant.

Last Name	First Name	Middle Name	
Address	City	State	Zip Code
Telephone Number	Cell Phone Number	Email Address	
Date of Birth	Social Security Number	Operator/CDL License Number	

**Employment History**

Employer Name and Address	Date of Employment (From/To)	Reason for Leaving

Do you have a High School Diploma or a GED?

YES \_\_\_\_\_ NO \_\_\_\_\_

Do you have a current CDL license? If so, list the state.

YES \_\_\_\_\_ NO \_\_\_\_\_ STATE \_\_\_\_\_

Do you currently have a valid operator license? If so, list the state.

YES \_\_\_\_\_ NO \_\_\_\_\_ STATE \_\_\_\_\_

## LIST ALL TRAFFIC VIOLATIONS WITHIN PAST FIVE (5) YEARS

ALL moving violations must be reported. This includes: **charges or convictions** of driving while intoxicated (DWI), driving under the influence of alcohol or drugs (DUI) and reckless driving.

Violation	Location	Date
Violation	Location	Date
Violation	Location	Date
Violation	Location	Date
Violation	Location	Date

\*Attach additional sheets if necessary

### DISCLOSURE OF BACKGROUND INFORMATION

\*If you answer "YES" to any question below, submit a detailed explanation of incident and include dates, locations, school systems and any other pertinent information.

1. Have you ever had adverse action taken against any application, certification or license in any state, including operator or commercial driver's license? Adverse action includes: letters of warning, reprimand, denial, suspension, revocation, voluntary surrender or cancellation.	YES	NO
2. Have you ever been disciplined, reprimanded, suspended or discharged from any employment because of allegations of misconduct?	YES	NO
3. Have you ever resigned, entered into a settlement agreement, or otherwise left employment as a result of alleged misconduct?	YES	NO
4. Is any action now pending against you for alleged misconduct in any school district, court or before any educator licensing agency?	YES	NO
5. Have you ever been charged of, arrested for or under indictment for a felony? **	YES	NO
6. Have you ever been charged with or arrested for a misdemeanor? **	YES	NO

\*\*For a YES response to questions #5 and/or #6, the following must be included with this application: 1) Judgment Order OR 2) Final Order OR 3) Magistrate Court Documentation AND 4) all other relevant documentation.

*I swear or affirm under the penalty of false swearing that all information provided in or with this application is true, correct and complete to the best of my knowledge. I understand that any false statements, misrepresentations or omissions of fact in or with this application are grounds for denial, suspension or revocation of the certification (s) or license(s) that I am seeking or currently hold.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Policy 4336: APPENDIX I**  
**Checklist for Identifying Potential**  
**School Bus Route Fixed Driving Hazards**

**Railroad Grade Crossings**

Railroad Grade Crossing Identification Number \_\_\_\_\_

Location \_\_\_\_\_

How many tracks are present? \_\_\_\_\_

What are the times of the scheduled trains? \_\_\_\_\_

What types of trains use the track? Passenger \_\_\_\_ Freight \_\_\_\_ Commuter

What are the travel speeds of the scheduled trains? \_\_\_\_\_

1. Are the regulatory signs (crossbucks) clearly visible? \_\_\_\_\_
2. Are there regulatory devices (lights/gates/bells) present? \_\_\_\_\_
3. Are there any unique characteristics to the operation of the crossing controls?  
What are they? \_\_\_\_\_
4. When stopped approximately 15 feet from the nearest railroad track, is there an unobstructed sight distance of approximately 1,000 feet in both directions? \_\_\_\_\_
5. Is there at least enough room on the other side of the furthest railroad track for the largest school bus to stop without encroaching on the train's right-of-way? \_\_\_\_\_
6. Are there any roadway design features that could affect the safe operation of a school bus at the railroad crossing? \_\_\_\_\_ What are they?  
\_\_\_\_\_

**Dangerous Intersections and Roadways**

Location

1. Is this a high-frequency crash location? \_\_\_\_\_

### Appendix I (continued)

2. Are traffic control devices present? \_\_\_\_\_
3. Are there visibility obstructions? \_\_\_\_\_
4. What are they? \_\_\_\_\_
5. Are there areas with no shoulders? \_\_\_\_\_
6. Are there peculiar roadway features? \_\_\_\_\_
7. What are they?  
\_\_\_\_\_

#### **Bridges, Tunnels/Underpasses and Overpasses**

Location \_\_\_\_\_

1. Is the weight capacity of the bridge/overpass sufficient for a fully-loaded school bus? \_\_\_\_\_
2. Is the height of the tunnel/underpass adequate for the tallest school bus, including open roof hatches? \_\_\_\_\_
3. Is the lane width of the bridge, tunnel/underpass, or overpass adequate for the widest school bus, including the mirrors? \_\_\_\_\_

#### **Queuing/Storage Areas**

Location \_\_\_\_\_

1. Is there sufficient area for the largest school bus in the acceleration/deceleration lane? \_\_\_\_\_
2. Is there sufficient area for the largest school bus in the median area between a multi-lane road? \_\_\_\_\_
3. Is there sufficient area for the largest school bus in the turning lane? \_\_\_\_\_

#### **Industrial Intersections and Construction Zones**

Location \_\_\_\_\_

1. Do heavy vehicles enter/exit/cross the roadway frequently? \_\_\_\_\_

**Appendix I (continued)**

2. Are there highway signs alerting drivers of the industrial/construction traffic? \_\_\_\_\_
3. Are there traffic controls in the area? \_\_\_\_\_

**Steep Downgrades**

Location \_\_\_\_\_

1. Are there highway signs alerting drivers to the downgrade? \_\_\_\_\_
2. Are there signs alerting drivers to “Check Brakes”? \_\_\_\_\_
3. Are there areas marked and designated for vehicles to safely leave the road (runoff areas)? \_\_\_\_\_

**Areas of Significant Speed Differential Between Vehicles**

Location \_\_\_\_\_

1. Is there sufficient space to accelerate/decelerate a school bus when entering/exiting a high-speed road? \_\_\_\_\_
2. Does slow-moving farm equipment operate on the road? \_\_\_\_\_
3. Do non-motorized vehicles, e.g., horse-drawn carriages, operate on the road? \_\_\_\_\_
4. Are there roadway conditions, e.g., mountainous terrain, that result in vehicles operating at high speeds and low speeds? \_\_\_\_\_

What are they? \_\_\_\_\_

**Pedestrian Areas**

Location \_\_\_\_\_

1. Are there difficulties seeing pedestrians at school bus stops? \_\_\_\_\_
2. Are there narrow streets with parked vehicles where children may run into the street? \_\_\_\_\_



**Appendix I (continued)**

3. Are there areas of heavy pedestrian congestion, e.g., shopping and business areas?

---

**Other Conditions Identified in Local Area**

Location \_\_\_\_\_

1. Are there unique roadway conditions?
  - i. roads without guardrails that pose a danger, e.g., next to rivers, lakes, quarries? \_\_\_\_\_
  - ii. dirt or gravel roads that could affect braking? \_\_\_\_\_
2. Others? What are they? \_\_\_\_\_
3. Are there roadway conditions that make it difficult to make a “right turn on red?” \_\_\_\_\_
  - a. What are they? \_\_\_\_\_
4. Are there areas with visibility problems due to industrial smoke, air quality, etc.?
5. Are there areas where emergency equipment operate on a regular basis, e.g., fire stations or hospitals? \_\_\_\_\_

# **Polidy 4336: APPENDIX J**

## **TITLE 126 LEGISLATIVE RULE BOARD OF EDUCATION**

### **SERIES 99 EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)**

#### **§126-99-1. General.**

1.1. Scope. -- This rule sets the requirements for the development of safe and supportive schools that provide optimum learning conditions for both students and staff. Whereas safety and order is the foundation of a positive school climate/culture that supports student academic achievement and personal-social development, this rule also establishes disciplinary guidelines for student conduct that outline behaviors prohibited in West Virginia schools that must be consistently addressed in order to assure the orderly, safe, drug-free, violence- and harassment-free learning environment.

1.2. Authority. – West Virginia Constitution, Article XII, §2, West Virginia Code §§16-9A-4, 16-9A-9, 18-2-5, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5A-2, 18-8-8, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, 61-7-11a, 20 U.S.C. § 1400 et seq. and 20 U.S.C. § 6301 et seq.

1.3. Filing Date. – December 16, 2011

1.4. Effective Date. – July 1, 2012

1.5. Repeal of Former Rule. -- This legislative rule repeals W. Va. §126CSR18, “Racial, Sexual, Religious/Ethnic Harassment and Violence” (Policy 2421) filed December 16, 1996 and effective January 16, 1997; W. Va. §126CSR20, “Regulations for Alternative Education Programs for Disruptive Students” (Policy 2418) filed July 14, 2000 and effective August 14, 2000; W. Va. §126CSR23, “Substance Abuse and Tobacco Control” (Policy 2422.5) filed May 16, 2005 and effective July 1, 2005; W. Va. §126CSR98, “Student Handbook – Student Right and Responsibilities” (Policy 4372) filed November 23, 1998 and effective December 23, 1998; and repeals and replaces W. Va. §126CSR99, “Student Code of Conduct” (Policy 4373) filed December 16, 2002 and effective July 1, 2003.

#### **§126-99-2. Purpose.**

2.1. The West Virginia Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. The West Virginia Board of Education believes further that

public schools should undertake proactive, preventive approaches to ensure a positive school climate/culture that fosters learning and personal-social development. These regulations require county boards of education to design and implement procedures to create and support continuous school climate/culture improvement processes within all schools that will ensure an orderly and safe environment that is conducive to learning. Public schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.

2.2. These regulations also set forth unacceptable behaviors that undermine a school's efforts to create a positive school climate/culture. These unacceptable behaviors are prohibited on all school property and school sponsored events. West Virginia's public schools must respond quickly and consistently, in accordance with these regulations, to incidents of these prohibited behaviors in a manner that effectively deters future incidents and affirms respect for individuals.

### **§126-99-3. Incorporation by Reference.**

3.1. The West Virginia Procedures Manual for Expected Behavior in Safe and Supportive Schools is attached and incorporated by reference into this policy. Copies may be obtained in the Office of the Secretary of State and from the West Virginia Department of Education (WVDE).

### **§126-99-4. Application.**

4.1. The expectations outlined in these regulations apply in public schools in West Virginia during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by a county board of education, Regional Education Service Agency (RESA), WVDE, West Virginia Board of Education or in another facility or upon any other property being used by any of these agencies. These expectations apply to students, staff and public guests respectively as noted within the policy. The consequences of violating these expectations are as follows:

4.1.a. Students will be subject to the interventions and consequences outlined in Chapter 4 of the accompanying West Virginia Manual for Expected Behavior in Safe and Supportive Schools.

4.1.b. School staff will be subject to disciplinary and/or licensure action in accordance with West Virginia Code §§18A-2-8, 18A-3-2a, 18A-3-3 and 18A-3-6.

4.1.c. Public guests in public schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.

4.1.d. This policy does not supercede any rights granted to special education students by federal or state law or other West Virginia Board of Education policy.

**§126-99-5. Severability.**

5.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**WEST VIRGINIA MANUAL FOR  
EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)**

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**WEST VIRGINIA MANUAL FOR  
EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)**

**Introduction**

The West Virginia Board of Education has the constitutional responsibility to provide for a thorough and efficient public education system. As the State's public education leaders, we accept the responsibility and accountability for bringing about results. This is the promise we make to our students, parents and educators and the obligation we have to the taxpayers of West Virginia. Our vision is to provide an education that supports students to develop into healthy, responsible, and self-directed citizens who have the knowledge and Global21 skills to lead satisfying and productive lives. Within this vision is a goal for all students to develop the personal skills and dispositions of wellness, responsibility, self-direction, ethical character, cultural awareness and good citizenship in an environment that is caring and safe.

If we are to realize our vision, then we must be purposeful in the way we structure our curriculum to teach the valued disposition that we want students to develop and the way we shape our environment to reinforce those behaviors. This West Virginia Manual for Expected Behavior in Safe and Supportive Schools (hereinafter referred to as Policy 4373) provides the procedural guidance to assist county school systems in their efforts to create the climate/culture that supports development of the dispositions that are valued in our communities, state, nation and world.

## Chapter 1

### EXPECTED STUDENT DISPOSITIONS

#### Section 1. Rationale for Developing Expected Dispositions

Our nation's founders envisioned the American education system as an institutional structure that would prepare each generation to be active, principled citizens. This vision has placed a great responsibility on schools to sustain a democratic culture. To accomplish this charge, schools must deliberately focus on conveying democratic principles through the explicit curriculum and through the implicit learning that is affected by the manner in which all individuals within a school interact with one another.

Schools must consistently and persistently work to improve student knowledge, skills and dispositions that convey our nation's democratic principles. Dispositions are the values, commitments and ethics that influence one's behaviors toward others and affect learning, motivation and development. Dispositions are affected by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice. Ideally, the teaching and learning of these valued dispositions should be the shared responsibility of every school employee, student, parent and community member and these stakeholders should be engaged in supporting the development of these dispositions.

#### Section 2. School and Community Social Skills Standards

Schools shall support and promote social and emotional learning in all settings. The social and emotional learning standards are not expected to be documented in individual teacher lesson plans but rather should serve as a framework for school-wide student behavior expectations as determined by each school faculty.

Social and emotional learning is the process through which individuals acquire the knowledge, attitudes and skills they need to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and handle challenging situations constructively. Socially competent students are skilled in three core areas:

1. **Self-awareness and Self-management** – students are able to recognize their emotions, describe their interests and values and accurately assess their strengths. They have a well-grounded sense of self-confidence and hope for the future. They are able to manage stress, control impulses and express their emotions appropriately in a wide range of situations. They can persevere in overcoming obstacles as well as set and monitor progress toward the achievement of personal and academic goals.
2. **Social awareness and Interpersonal Skills** – students are able to take the perspective of and empathize with others and recognize and appreciate



individual and group similarities and differences. They are able to seek out and appropriately use family, school and community resources in age-appropriate ways. They can establish and maintain healthy and rewarding relationships based on cooperation. They resist inappropriate social pressure; constructively prevent, manage and resolve interpersonal conflict; and seek and provide help when needed.

3. **Decision-making Skills and Responsible Behaviors** – students consider ethical standards, safety concerns, social norms, respect for others and the likely consequences of various courses of action when making decisions at school, at home and in the community. They apply these decision-making skills in academic and social situations and are motivated to contribute to the well-being of their schools and communities.

A variety of models may be used to provide instruction in and opportunities to practice, apply and be recognized for social and emotional learning skills. Competence in the use of these skills is promoted in the context of safe and supportive school, family and community learning environments in which students feel valued, respected, connected to and engaged in learning. Social and emotional learning is fundamental not only to social and emotional development but to health, ethical development, citizenship, motivation to achieve and academic achievement.

Social and emotional learning is addressed through West Virginia Board of Education (WVBE) policies such as:

- [2315-Guidance and Counseling](#)
- 21st Century Content Standards and Objectives for West Virginia Schools
  - [2520.4 - Social Studies](#)
  - [2520.55 - Wellness PreK-4](#)
  - [2520.5 - Health Education 5-12](#)
  - [2520.6 - Physical Education 5-12](#)
  - [2520.14 - Learning Skills and Technology Tools](#)
  - [2520.15 - Early Learning Standards Framework: Content Standards and Learning Criteria for West Virginia Pre-Kindergarten \(WV Pre-k\)](#)
  - [2520.19 - Advisor/Advisee 5-12](#)

The West Virginia Department of Education (WVDE) will provide a crosswalk of these existing standards to demonstrate the comprehensive correlation to the social and emotional learning standards.

Social and emotional learning is also addressed in various county board of education policies, procedures and programs. The shaping of student behaviors is not confined to any one subject area or classroom; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in teaching and supporting social and emotional learning skills. In order to comprehensively address the learning standards, schools must analyze the various delivery methods and develop a systemic approach that assures sufficient opportunities to learn and practice the skills throughout the school and community environment.

In order to achieve social and emotional learning standards, schools should address student development holistically and relate it to real-world functioning. It is important to select culturally appropriate materials and examples that respect individual differences while at the same time acknowledging and celebrating the cultural diversity of students within the classroom, school, community, state, nation and world.

The following social and emotional learning standards, objectives and example behaviors shall be the guide for county boards of education. The example behavior categories are defined as follows:

1. Individual behaviors – are observable actions that students can demonstrate independently without interaction.
2. Initiative interaction – are observable actions that require students to purposefully start social engagement.
3. Responsive interaction – are observable actions that require students to engage in reaction to social encounters.
4. Work skills interactions – are observable actions that require students to demonstrate social skills and dispositions that are expected in the workplace.

The standards and objectives progress through the grade levels in a spiraling nature. Once the objectives from one level are mastered, students are expected to maintain them at higher grade levels as they continually demonstrate that they have integrated the valued dispositions into their personal values and actions.

### **Standard 1: Self-awareness and Self-management**

The self-awareness and self-management standard promotes the development of self-esteem and identification of emotions leading to student self-efficacy to express themselves in constructive ways. These skills enable students to control impulses, manage stress and motivate themselves to establish, monitor and achieve academic and personal goals.

#### **Grades PK-1 Self-awareness and self-management**

Objectives Students will:

PK-1.1.01 Recognize and accurately label emotions and how they are linked to behavior.

PK-1.1.02 Demonstrate control of impulsive behavior.

PK-1.1.03 Identify likes and dislikes, needs and wants, strengths and challenges.

PK-1.1.04 Identify goals for academic success and classroom behavior.

Example Behaviors that Document Mastery of Self-awareness and Self-management

Individual Behavior:

- Maintain focus during learning activities
- Speak in a tone of voice appropriate for situation
- Maintain correct posture

Initiative Interaction:

- Ask the teacher for assistance or information
- Express needs, wants and feelings appropriately
- Speak confidently with eye

Responsive Interaction:

- Answer questions asked by the teacher with eye contact
- Respond appropriately to re-direction
- Help peers when asked

- Enter class without disruption
- Follow class routines
- Follow school rules
- Follow internet safety rules
- Respect property of the school and others (including technology tools)
- Follow verbal directions

**Grades 2-4 Self-awareness and self-management**

- Objectives Students will:
- 2-4.1.01 Describe a range of emotions and the situations that cause them.
  - 2-4.1.02 Describe and demonstrate ways to express emotions in a socially acceptable manner.
  - 2-4.1.03 Describe personal skills and interests that one wants to develop.
  - 2-4.1.04 Describe the steps in setting and working toward goal achievement.
  - 2-4.1.05 Describe and demonstrate ways that healthy habits contribute to goal achievement.

**Example Behaviors that Document Mastery of Self-awareness and Self-management**

- |   |   |   |
|---|---|---|
| <b>Individual Behavior:</b>   | <b>Initiative Interaction:</b>  | <b>Responsive Interaction:</b>  |
| <ul style="list-style-type: none"> <li>• Complete work on time</li> <li>• Internalize class routines</li> <li>• Maintain good grooming</li> <li>• Maintain healthy habits</li> <li>• Avoid inappropriate physical contact</li> <li>• Express enthusiasm for school</li> <li>• Express confidence and positive self-esteem</li> <li>• Ignore distractions</li> <li>• Practice basic internet safety</li> </ul> | <ul style="list-style-type: none"> <li>• Make relevant remarks during classroom discussion</li> <li>• Express emotions in non-violent ways</li> <li>• Choose activities that express one's interests and strengths</li> <li>• Ask peers for help</li> <li>• Make invitations</li> </ul> | <ul style="list-style-type: none"> <li>• Listen when others speak</li> <li>• Participate in group activities</li> <li>• Help peers when asked</li> <li>• Accept ideas different from one's own</li> <li>• Interact appropriately with adults</li> <li>• Express sympathy</li> <li>• Follow verbal and written directions</li> </ul> |

**Grades 5-8 Self-awareness and self-management**

- Objectives Students will:
- 5-8.1.01 Analyze factors that create stress or motivate successful performance.
  - 5-8.1.02 Apply strategies to manage stress and to motivate successful performance.
  - 5-8.1.03 Analyze how personal qualities influence choices and successes.
  - 5-8.1.04 Set a short-term goal and make a plan for achieving it.
  - 5-8.1.05 Analyze why one achieved or did not achieve a goal.

**Example Behaviors that Document Mastery of Self-awareness and Self-management**

- |  |   |  |
|--|---|--|
| <b>Individual Behavior:</b>  | <b>Initiative Interaction:</b>  | <b>Responsive Interaction:</b>   |
| <ul style="list-style-type: none"> <li>• Participate politely in classroom discussions</li> <li>• Initiate positive habits that contribute to school readiness</li> <li>• Take responsibility for completing homework</li> <li>• Appropriately cope with stressful situations</li> </ul> | <ul style="list-style-type: none"> <li>• Initiate and maintain appropriate conversations</li> <li>• Politely excuse oneself from activities and conversations</li> <li>• Introduce oneself and make introductions</li> <li>• Start activity under one's own motivation</li> </ul> | <ul style="list-style-type: none"> <li>• Respond appropriately in various situations</li> <li>• Participate in group activities</li> <li>• Help peers when asked</li> <li>• Accept ideas different from one's own</li> <li>• Interact appropriately with adults</li> </ul> |

- Use technology when it is contextually appropriate without interruption or offense to others

- Express sympathy
- Follow verbal and written directions

**Grades 9-12 Self-awareness and self-management**

**Objectives**

Students will:

- 9-12.1.01 Analyze how thoughts and emotions affect decision making and responsible behavior.
- 9-12.1.02 Evaluate how expressing one’s emotions in different situation affects others.
- 9-12.1.03 Generate ways to develop more positive attitudes and evaluate how expressing positive attitudes influences others.
- 9-12.1.04 Set priorities and monitor progress for self improvement that builds on one’s strengths.
- 9-12.1.05 Analyze how positive adult role models and support systems contribute to school and life success.
- 9-12.1.06 Evaluate how one’s interests, roles and responsibilities contribute to school and life success.
- 9-12.1.07 Identify and make use of resources to overcome obstacles and achieve goals.
- 9-12.1.08 Set post-secondary goals with action steps, timeframes and criteria for evaluating achievement.

**Example Behaviors that Document Mastery of Self-awareness and Self-management**

**Individual Behavior:**

- Use class time productively
- Balance school and other activities to meet obligations
- Develop academic and personal goals
- Control emotions
- Identify and manage resources
- Practice and model internet etiquette

**Initiative Interaction:**

- Express feelings appropriately
- Give compliments
- Express dissatisfaction appropriately
- Respect the space of others
- Stand up for a friend
- Initiate post-secondary planning
- Utilize technology skills to advance attainment of personal and academic goals

**Responsive Interaction:**

- Recognize feelings of others and respond appropriately
- Deal with disappointment in a manner that does no harm
- Respond to complaints
- Use constructive criticism to make improvements
- Complete post-secondary applications

**Work Skills Interactions:**

- Maintain focus on work tasks
- Ask for feedback and respond appropriately
- Use negotiation skills
- Interact appropriately with team members
- Act as a responsible and respected representative of the school
- Encourage positive habits in self and others

**Standard 2: Social-awareness and Interpersonal Skills**

Social-awareness involves recognition of the thoughts, feelings and perspectives of others, including those that are different from one’s own. Interpersonal skills involve cooperating, communicating respectfully and constructively resolving conflicts with

others. Both are essential for building and maintaining positive relationships that are essential to success in school and life.

### **Grades PK-1 Social-awareness and Interpersonal Skills**

Objectives	Students will:
PK-1.2.01	Recognize and accept individual differences in others.
PK-1.2.02	Recognize that others may experience situations differently from oneself.
PK-1.2.03	Use listening skills to identify the feelings and perspectives of others.
PK-1.2.04	Describe positive qualities in others.
PK-1.2.05	Identify ways to work and play well with others.
PK-1.2.06	Demonstrate appropriate social classroom behavior.
PK-1.2.07	Identify problems and conflicts commonly experienced by peers.
PK-1.2.08	Identify approaches to resolving conflicts constructively.

#### **Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills**

<b>Individual Behavior:</b>	<b>Initiative Interaction:</b>	<b>Responsive Interaction:</b>
<ul style="list-style-type: none"> <li>• Speak in a tone of voice appropriate for the situation</li> <li>• Engage in age-appropriate transition activities</li> <li>• Demonstrate positive dispositions for interacting with peers and adults</li> </ul>	<ul style="list-style-type: none"> <li>• Greet peers positively</li> <li>• Ask other children to play</li> <li>• Take turns in games and activities</li> <li>• Borrow from peers</li> <li>• Compliment others</li> <li>• Appropriately garner attention</li> </ul>	<ul style="list-style-type: none"> <li>• Accept consequences for inappropriate behavior</li> <li>• Engage in turn-taking with peers</li> <li>• Smile when encountering acquaintances</li> <li>• Express empathy for others</li> </ul>

### **Grades 2-4 Social-awareness and Interpersonal Skills**

Objectives	Students will:
2-4.2.01	Identify verbal, physical and situational cues that indicate how others may feel and describe the expressed feelings and perspectives of others.
2-4.2.02	Identify differences among and contributions of various social and cultural groups.
2-4.2.03	Demonstrate how to work effectively with those who are different from oneself.
2-4.2.04	Describe approaches for making and keeping friends.
2-4.2.05	Analyze ways to work effectively in groups.
2-4.2.06	Describe causes and consequences of conflicts and apply constructive approaches to resolve conflicts.

#### **Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills**

<b>Individual Behavior:</b>	<b>Initiative Interaction:</b>	<b>Responsive Interaction:</b>
<ul style="list-style-type: none"> <li>• Participate politely in classroom discussions</li> <li>• Express anger in non-aggressive ways</li> <li>• Respect private property</li> <li>• Refrain from cyber-bullying</li> </ul>	<ul style="list-style-type: none"> <li>• Make invitations</li> <li>• Engage in conversations</li> <li>• Treat others with respect and courtesy</li> <li>• Utilize digital etiquette in personal and academic</li> </ul>	<ul style="list-style-type: none"> <li>• Listen when another child speaks</li> <li>• Participate in group activities</li> <li>• Help peers when asked</li> <li>• Respect ideas different from one's own</li> </ul>

- networking
- Apply verbal, written and electronic communication appropriately

- Interact appropriately with adults

**Grades 5-8 Social-awareness and Interpersonal Skills**

Objectives

Students will:

- 5-8.2.01 Predict others' feelings and perspectives in a variety of situations.
- 5-8.2.02 Analyze how one's behavior may affect others.
- 5-8.2.03 Explain how individual, social and cultural differences may increase vulnerability to bullying, identify ways to address it and analyze the effects of taking action to oppose bullying based on individual and group differences.
- 5-8.2.04 Analyze ways to establish positive relationships with others.
- 5-8.2.05 Demonstrate cooperation and teamwork to promote group effectiveness.
- 5-8.2.06 Evaluate strategies for preventing and resolving interpersonal problems.
- 5-8.2.07 Define unhealthy peer pressure and evaluate strategies for resisting it.

**Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills**

**Individual Behavior:**

- Participate appropriately in group activities in a variety of roles
- Dress appropriately for a variety of situations
- Exhibit sportsmanship and appropriate audience behavior
- Refrain from spreading rumors

**Initiative Interaction:**

- Engage in communications that balance speaking and listening
- Utilize cooperation and negotiation in group work
- Engage in polite conversation with others about individual, social and cultural differences
- Give and ask for directions in public

**Responsive Interaction:**

- Respond politely to school and public authorities
- Resolve conflict peacefully
- Express empathy
- Deal with embarrassment in non-aggressive ways
- Accept praise with humility
- Make one's own responsible decisions in peer settings

**Grades 9-12 Social-awareness and Interpersonal Skills**

Objectives

Students will:

- 9-12.2.01 Analyze similarities and differences between one's own and others' perspectives and demonstrate how to express understanding or those who hold different opinions.
- 9-12.2.02 Use conversation skills to understand others' feelings and perspectives and demonstrate ways to express empathy for others.
- 9-12.2.03 Analyze the origins and negative effects of stereotyping and prejudice and evaluate strategies for opposing stereotyping and prejudice.
- 9-12.2.04 Demonstrate respect for individuals from different social and cultural groups.
- 9-12.2.05 Evaluate how advocacy for the rights of others contributes to the common good.
- 9-12.2.06 Evaluate the effects of requesting support from and providing support to others.

- 9-12.2.07 Evaluate the application of communication and social skills in daily interactions with peers, teachers and families.
- 9-12.2.08 Plan and participate in a group project and evaluate one's contribution in groups as both a member and leader.
- 9-12.2.09 Analyze the role of communication and negotiation skills in conflict resolution and evaluate the use of these skills to reach win-win solutions.
- 9-12.2.10 Apply conflict resolution skills within a group.

**Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills**

<p><b>Individual Behavior</b> with which students demonstrate the ability to:</p> <ul style="list-style-type: none"> <li>• Refrain from inappropriate public displays of affection</li> <li>• Respect cultural diversity</li> </ul>	<p><b>Initiative Interaction</b> with which students demonstrate the ability to:</p> <ul style="list-style-type: none"> <li>• Advocate for self and others</li> <li>• Give affirmations to support others</li> <li>• Express dissatisfaction in appropriate ways</li> <li>• Exercise civic responsibility through participation in student government activities</li> </ul>	<p><b>Responsive Interaction</b> with which students demonstrate the ability to:</p> <ul style="list-style-type: none"> <li>• Address rumors appropriately</li> <li>• Respond to peer pressure appropriately and use refusal skills when necessary</li> <li>• De-escalate violent situations (physical and virtual)</li> </ul>	<p><b>Work Skills</b> Interactions with which students demonstrate the ability to:</p> <ul style="list-style-type: none"> <li>• Utilize communication, negotiation and conflict resolution skills in the workplace</li> <li>• Advocate for appropriate work conditions</li> <li>• Utilize social skills to improve customer service</li> </ul>
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**Standard 3: Decision-making Skills and Responsible Behaviors**

Decision-making requires an ability to accurately assess a variety of situations, define and evaluate choices, anticipate consequences of each, generate alternative choices and select a responsible choice. Responsible behaviors are those that promote safety, avoid risk, deal honestly and fairly with others and contribute in a positive way to one's classroom, school, family and community.

**Grades PK-1 Decision-making Skills and Responsible Behaviors**

- Objectives** Students will:
- PK-1.3.01 Explain why acts that hurt others are wrong.
  - PK-1.3.02 Identify social norms and safety considerations that guide behavior.
  - PK-1.3.03 Identify a range of decisions that students make at school.
  - PK-1.3.04 Identify the positive and negative consequences that link to various decisions.
  - PK-1.3.05 Make positive choices when interacting with classmates.
  - PK-1.3.06 Identify and perform roles that contribute to one's classroom.

**Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors**

Individual Behavior: Initiative Interaction: Responsive Interaction:

- Maintain a work space appropriate to the classroom setting
- Speak in a tone of voice appropriate for situation
- Apply school rules (i.e. cafeteria, bus, restroom)
- Walk in an orderly manner throughout the school building
- Utilize good decision-making skills to maintain the safety of self and others
- Tell the truth
- Assume classroom leadership roles
- Work collaboratively in structured and unstructured activities
- Accept natural consequences for behavior
- Use appropriate conflict resolution skills
- Use refusal skills to resist peer pressure

### **Grades 2-4 Decision-making Skills and Responsible Behaviors**

#### Objectives

- Students will:
- 2-4.3.01 Demonstrate the ability to respect the rights of self and others.
  - 2-4.3.02 Demonstrate knowledge of how social norms affect decision making and behavior.
  - 2-4.3.03 Identify and apply the steps of systematic decision making.
  - 2-4.3.04 Generate alternative solutions and evaluate their consequences for a range of academic and social situations.
  - 2-4.3.05 Identify and perform roles that contribute to one's school and local community.

#### Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors

##### Individual Behavior:

- Assist in development of classroom rules/norms
- Make wise behavior choices
- Identify digital resources that inform decision making

##### Initiative Interaction:

- Engage respectfully with persons of different individual, social and cultural norms
- evaluate behavior choices before taking action
- set personal and academic goals

##### Responsive Interaction:

- Accept responsibility for behaviors
- Participate in school-wide and community service projects
- Choose appropriate behavior when confronted with various options

### **Grades 5-8 Decision-making Skills and Responsible Behaviors**

#### Objectives

- Students will:
- 5-8.3.01 Evaluate how honesty, respect, fairness and compassion enable one to take the needs of others into account when making decisions.
  - 5-8.3.02 Analyze the reasons for school and societal rules.
  - 5-8.3.03 Analyze how decision-making skills improve study habits and academic performance.
  - 5-8.3.04 Evaluate strategies for resisting pressures to engage in unsafe or unethical activities.
  - 5-8.3.05 Evaluate one's participation in efforts to address identified needs in one's school and local community.

#### Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors

##### Individual Behavior:

##### Initiative Interaction:

##### Responsive Interaction:



- Make thoughtful decisions to balance academic and social success
- Assume responsibility for personal and academic success
- Seek resources as needed to support success
- Refrain from gossiping and cyber-bullying
- Engage in positive peer groups and activities
- Engage in student leadership
- Analyze the accuracy of various digital information sources and networks
- Employ digital security techniques to protect oneself and others
- Resist pressure to engage in inappropriate behavior
- Consider the impact of various choices on one's friends and family
- Adjust inappropriate behaviors based on prior decision-making experience

## **Grades 9-12 Decision-making Skills and Responsible Behaviors**

### **Objectives**

- Students will:
- 9-12.3.01 Demonstrate personal responsibility in making ethical decisions.
  - 9-12.3.02 Apply ethical reasoning to evaluate societal practices.
  - 9-12.3.03 Evaluate how social norms and the expectations of authority influence one's personal decisions and actions and examine how the norms and expectations of different societies and cultures influence decisions and behaviors.
  - 9-12.3.04 Evaluate personal abilities to gather information, generate alternatives and anticipate the consequences of decisions.
  - 9-12.3.05 Evaluate how responsible decision-making affects interpersonal and group relationships and apply the skills to establish responsible social and work relationships.
  - 9-12.3.06 Analyze how present decision-making impacts post-secondary and career choices.
  - 9-12.3.07 Plan, implement and evaluate one's participation in activities and organizations that contribute to one's school and local community.
  - 9-12.3.08 Work cooperatively with others to plan, implement and evaluate a project that addresses identified needs in one's school and local community.

### **Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors**

#### **Individual Behavior:**

- Make ethical decisions
- Follow digital laws and rules
- Establish goals for future success

#### **Initiative Interaction:**

- Assess personal values and norms
- Act as a responsible role model

#### **Responsive Interaction:**

- Apply a decision-making process to academic and social issues
- Choose appropriate options to negative peer pressure

#### **Work Skills Interactions:**

- Formulate a post-secondary plan
- Provide leadership for a school/community service project
- Use technology in an appropriate manner displaying digital citizenship

## Chapter 2

### **STUDENT RIGHTS AND RESPONSIBILITIES**

Rights and responsibilities go hand in hand. Students in West Virginia have basic rights and responsibilities similar to those enjoyed by other citizens. These include the right to the equal protection of the laws and the right to the privileges and immunities of United States citizenship. Enjoyment of these rights is governed by due process of law.

School officials have control over student safety, welfare, and behavior from the time a student boards the school bus or arrives at school until the student returns home or to their designated bus stop. To meet this responsibility school officials have the right and responsibility to adopt rules and regulations for the purpose of maintaining order and discipline and creating a positive learning environment. It is a student's responsibility to follow school rules and regulations and to cooperate with school authorities who enforce these rules and regulations.

#### **Section 1. The Right to a Thorough and Efficient Education**

All students, regardless of race, religion, national origin, language, gender, disability, marital status, parenthood, or pregnancy have the right to an equal education opportunity. Students are required by law to attend school regularly until their seventeenth birthday; as long as they continue to be enrolled as a student after their seventeenth birthday; or until their graduation. A student who has not graduated may attend school until they are twenty-one.

Public schooling is tuition-free for all students. School systems, however, may charge tuition for summer school and before/after-school programs, if offered, provided that any student whose parents, in the judgment of the board, are unable to pay such tuition, may attend at a reduced charge or without charge except for post secondary, community education, or adult preparatory programs.

Whatever school supplies are deemed necessary to accomplish the goals of a school system and are an integral and fundamental part of elementary and secondary education must be provided free of charge to all students, such as textbooks, paper, writing implements and computers if their use is part of the curriculum. Students may be required to purchase their own equipment, such as instruments and costumes, for performance-based classes, such as band, orchestra, choir, dance and theatre. However, students shall not be denied participation in a class because their parents/guardians cannot afford to do so. Schools have contingency plans to accommodate students and families who do not have the financial means to make these purchases.

## **Section 2. Student Inquiry and Expression**

Schools may not conduct, sponsor or endorse religious activities during school time. Individual students have the right to practice their own religion in a manner that does not interfere with the orderly conduct of classes and may form student groups with a religious focus that meet after school. Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for participation in religious activities. An opportunity must be provided for students to make up any work missed; however, it is the student's responsibility to make up such work pursuant to the rules established by the school or county.

Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, provided this activity does not materially and substantially disrupt the work and discipline of the school or impinge upon the rights of other students. Schools may limit vulgar or offensive speech inconsistent with the school's responsibility for teaching students the boundaries of socially appropriate behavior. Students' off campus conduct that might reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or staff member.

Students have the right not to be compelled to participate in certain types of speech, such as reciting the Pledge of Allegiance. Students who choose not to participate in these ceremonies have the responsibility to respect the rights of those who do participate and must remain respectfully silent.

School sponsored student publications that are a part of the curriculum are subject to teacher editorial, control and therefore student speech may be regulated in a manner reasonably related to educational purposes.

## **Section 3. Non-curriculum Related Student Groups**

When high schools allow one or more student groups whose purpose is not directly related to any class taught at the school to meet at the school, this is referred to as a limited open forum. If a school is a limited open forum for any purpose, the school must allow religious, political, and/or philosophical group meetings as long as the meetings are voluntary, monitored by the school, and do not interfere with the conduct of school activities.

## **Section 4. Extra-Curricular Activities**

Students must meet all state and local attendance requirements and maintain a 2.0 grade point average in order to participate in non-academic extra-curricular activities (e.g. interscholastic athletics such as football, basketball, track or wrestling);

cheerleading; student government; class officers in grades 6-12). Eligibility is determined for each semester by a student's grade point average for the previous semester. Those students participating in a GED program whose grade point average for the last semester before entering into the program was below 2.0 grade point average may become eligible if they achieve a 2.0 average or better the mid-point of the second semester (the nine week point) in the same manner as students enrolled in the regular curriculum as outlined in [WVBE Policy 2436.10](#)..

Fees may be required to help support the cost of extra-curricular activities; however, the fees should be kept to a minimum in order to further equal opportunity for participation regardless of economic status. If fees are to be paid by a student who cannot afford those fees, school officials shall develop options that will allow the student to participate.

## **Section 5. Privacy**

Students have certain privacy rights regarding school records. To ensure this privacy, WVBE Policy [4350 – Collection, Maintenance and Disclosure of Student Data](#) provides regulations for schools to follow regarding school records.

Parent(s)/guardian(s) of students under eighteen years of age are entitled by law to inspect and review their child's school records. This right applies to both custodial and non-custodial parents. Students have these same rights if they are eighteen years of age or older. A guidance counselor or other school official may be needed to assist in interpreting the information in a student's permanent record file, but their assistance is not required.

If a student or parent/guardian believes that information contained in an education record is inaccurate or misleading or violates the student's privacy or other rights, the student or parent/guardian may request that the records be amended. If the school does not amend the records, a hearing may be requested to challenge the content of the records.

Except in certain instances, school officials may not release information from a student's records without the consent of a parent or guardian, or student if the student is eighteen years of age or older. For example, confidential medical information cannot be released without the consent of the parents or guardians or eligible students' specific written consent. However, under certain conditions, authorized persons or agencies may receive information without consent. For example, if school officials are served with a valid subpoena for student information, the parents or guardians must be provided notice prior to compliance with the subpoena in order that they may voice any objections in the venue that issued the subpoena.

Directory information may be released without seeking prior consent of the parents or guardians unless they refuse to waive consent at the beginning of each

school year after receiving notification by the school of their statutory rights under the law.

## **Section 6. Protection from Unreasonable Searches and Seizures and Self-Incrimination**

Federal and state constitutions and statutes provide protection for all citizens from unreasonable searches and seizures. Although school personnel have more latitude than police officers in this regard, because they do not need search warrants, search and seizures of lockers or students by school officials must still be reasonable, based upon the information known by them at the time of the search. Personal property may be searched by those authorized where there is "reasonable suspicion" to believe that student property contains stolen articles, illegal items or other contraband as defined by law or by local board or school policy.

Students also have a right under federal and state constitutions not to incriminate themselves about a crime when questioned on school grounds by an individual acting in the capacity of a law enforcement official. They are entitled to be informed of their right against self-incrimination if they are in a custodial setting, in other words, they are not at liberty to terminate the interrogation and leave. Students do not have a constitutional right against self-incrimination when being questioned by school officials or PRO Officers acting under the supervision of school officials who are investigating school related misconduct.

## **Section 7. Child Abuse Prevention**

Students have the right to grow up without being physically or sexually abused at school, in the home or the community. [W.Va Code §49-6A-2](#) requires teachers, counselors, nurses, or other professionals who suspect that a student is being abused to report the circumstances to the West Virginia Department of Health and Human Resources. Victims of abuse may seek the advice or assistance of a teacher, counselor, nurse, or other school professional. The school professional will assist students in getting needed help to prevent the abuse from recurring.

## Chapter 3

### PLANNING FOR POLICY IMPLEMENTATION

#### Section 1. Conceptual Framework

The School and Community Social Skills Standards outlined in Chapter 1 are student focused and articulate the dispositions that students in West Virginia public schools are expected to develop throughout their school career. The WVBE believes that school systems have a fundamental responsibility for creating the opportunity for students to master the standards. However, the full responsibility rests collectively with school systems, students, families and communities. All entities must work collaboratively to plan, implement and evaluate a systemic approach to shaping the valued dispositions that students must have as they develop into active, respectful and responsible citizens. The system must include schools, families and communities in the effort to teach, support and acknowledge valued dispositions and provide appropriate and meaningful interventions for inappropriate behavior.

Parent, family and community involvement at early childhood, middle and adolescent levels is absolutely fundamental to an effective system of public education. Strong partnerships between homes, schools and communities are needed to ensure a quality education for all children. Parents, teachers and community members, by fostering a sense of cooperative responsibility, can reinforce one another's efforts. Parents, as their children's first and most enduring teachers, can complement their children's school learning and behavior by serving as collaborators in the educational process. Community involvement, including strong business partnerships, promotes a safe and supportive school climate/culture that connects students to a broader learning community. Home-school-community partnerships are essential to the successful implementation of Policy 4373.

In order to convey a pervasive and consistent message that the valued dispositions are a priority, all students, staff and public guests of West Virginia public schools shall behave in a manner that promotes a school climate/culture that is safe and supportive and conducive to developing our valued dispositions. Conduct expectations apply to all students, staff and public guests on school property, school owned/leased buses and vehicles, school bus stops and school sponsored events.

School climate/culture refers to the quality and character of school life and its responsibilities to student success and growth. School climate/culture is based on patterns of people's experience of school life and reflects norms, goals, values, interpersonal relationships, teaching, learning, leadership practices, and organizational structures. A sustainable, positive school climate/culture fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. This climate/culture includes norms, values and expectations that support people feeling socially, emotionally, intellectually and physically safe. Students and staff are engaged and respected. Students, families and educators work together to

develop, live and contribute to a shared school vision. Educators model and nurture an attitude that emphasizes the benefits and satisfaction from learning. Each person contributes to the operations of the school and the care of the physical, social and emotional environment.

School climate/culture and procedures that support the development of positive school climate/culture are addressed through West Virginia Code and WVBE policies such as:

- [2322 - Standards for High Quality Schools \(Standard 1 – Positive Climate/culture and Cohesive Culture\)](#)
- [2460 - Safe and Acceptable Use of the Internet by Students and Educators](#)
- [2510 - Assuring Quality of Education: Regulations for Education Programs](#)
- [5202 - Licensure of Professional/Paraprofessional Personnel](#)
- [5310 - Performance Evaluation of School Personnel](#)
- [5314 - Service Personnel Responsibilities and Performance Standards](#)
- [5800 - Standards of Professional Practice for WV Superintendents, Principals and Teacher Leaders](#)
- [5902 - Employee Code of Conduct](#)

School climate/culture is also addressed in various county board of education policies, procedures and programs. The shaping of student behaviors is not confined to any one school personnel group or program; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in shaping behavior and creating safe and supportive schools.

## **Section 2. Responsibilities of the WVBE and WVDE**

Policy Development: The WVDE shall review Policy 4373 Expected Behaviors in Safe and Supportive Schools at least bi-annually, with appropriate stakeholders, and advise the WVBE of needed revisions based on emerging federal and state law as well as research and best practice related to school climate/culture and student behavior. The Department shall also develop model policy and procedure documents to support the policy development requirements of county boards of education.

Partnership Development: School systems cannot provide all of the resources and intervention services that may be required to meet the more severe behavioral needs of students or to address high need concerns within a specific community. For this reason, partnerships with other agencies and organizations are essential in order to coordinate a seamless delivery of necessary services and support to implement this policy.

The WVDE shall establish state agency and organization partnerships that enhance the policy development, supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal.

At the state level, formal partnerships are long term commitments that should be operationalized through memoranda of understanding and/or contracts that clearly articulate roles and responsibilities, procedural operations and resource sharing agreements. These formal agreements are necessary when funding, human resources and/or data are being shared.

Informal partnerships may be short or long-term commitments that may or may not require written agreements. These partnerships usually involve collaborative groups that form around common mission and goals to coordinate events, initiatives, resource development/dissemination, service delivery, local partnership development and/or professional development. They do not require formal agency agreements.

In the spirit of promoting successful partnerships at the regional, county and school levels, the WVDE shall provide sample partnership agreements, protocols and best practice documents to guide successful partnership development of this nature.

Training and Technical Assistance: The WVDE shall provide training and technical assistance to school systems and schools in:

- Implementing research-based, effective models for developing and supporting positive school climate/culture (including but not limited to positive behavior programs, character education, peer mediation, conflict resolution and prevention of bullying, harassment, intimidation and substance abuse);
- Addressing school climate/culture improvement within the school improvement planning process;
- Collection and reporting of incident data via the WVEIS; and
- Developing interventions to assure school success for all students.

Evaluation of Effectiveness: The WVDE shall prepare an annual report to the WVBE to include:

- evidence of school climate/culture improvement efforts within county and school strategic plans;
- reported incidents of inappropriate behavior;
- training and staff development offered by the WVDE and RESAs;
- trend analysis from school climate/culture survey tools (as available); and
- a report analyzing cost implications of providing comprehensive school-based intervention programs.

### **West Virginia Code Requirements for the WVBE and WVDE:**

#### **WV Code**

[§18-2-7b](#)  
Programs in drug prevention and violence reduction

#### **WVBE and WVDE Requirements**

- Prescribe programs within the existing health and physical education program which involve teachers, counselors and other staff in the teaching of resistance and life skills to counteract societal and peer pressure to use drugs, alcohol and tobacco.
- Prescribe programs to coordinate violence reduction efforts in schools



## WV Code

## WVBE and WVDE Requirements

and between schools and their communities and to train students, teachers, counselors and staff in conflict resolution skills. The program shall be comprehensive, interdisciplinary and shall begin in elementary school.

### [§18-2C-1 et seq.](#)

Prohibiting harassment, intimidation or bullying

- Compile West Virginia Education Information System (WVEIS) incident data for harassment, intimidation and bullying and report it annually to the Legislative Oversight Committee on Education Accountability beginning July 1, 2012.
- Develop a model policy applicable to grades kindergarten through twelfth and disseminate by September 1, 2011.

### [§18-9F-9](#)

Crisis response plan

The state board in conjunction with the Division of Homeland Security and Emergency Management shall promulgate by December 31, 2011, a legislative rule for the establishment of an up-to-date, school specific crisis response plan at every school in the state. The School Crisis Response Plan Template will be available from the WVDE beginning January 1, 2012. The rule shall align with safe schools initiatives of the School Building Authority and the Division of Homeland Security and Emergency Management. In addition, those portions of a school's access safety plan may be used as a portion of the school specific crisis response plan if there are any overlapping requirements. The rule shall provide for at least the following:

- A model school crisis response plan for use by each school in the state, including a uniform template which shall be used by each school to file the plan, including at least the following information in a secure electronic system identified by the Division of Homeland Security and Emergency Management:
- The school employee in charge during a crisis and a designated substitute;
- A communication plan to be used during a crisis;
- Protocols for responding to immediate physical harm of students, faculty or staff and to traumatic events, including the period after the events have concluded;
- Disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions or other events or conditions in which death or serious injury is likely;
- Crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
- Policies and procedures for enforcing school discipline and maintaining a safe and orderly environment during the crisis.
- A requirement that each school's school specific crisis response plan shall be in place and filed with that school's county board, and included in a secure electronic system identified by the Division of Homeland Security and Emergency Management, no later than August 1, 2013, or soon after completion by the school, whichever occurs first;
- The necessary safeguards to protect information contained in each school specific crisis response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. These safeguards must have the approval the Division of Homeland Security and Emergency Management; county boards shall provide the same necessary safeguards for the information in the plan;

## WV Code

## WVBE and WVDE Requirements

- The annual review and necessary update of the model plan and uniform template by state board in conjunction with the Division of Homeland Security and Emergency Management by December 31 of each year after 2011;
- The development by each school of a school specific crisis response plan by using the state board's model plan as an example and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted;
- Procedures for the annual review and update if necessary by each school of its school specific crisis response plan. Each school shall file either an updated crisis response plan or a memorandum stating that no update to the crisis response plan was necessary with its county board and the Division of Homeland Security and Emergency Management no later than August 1 of each year after 2013.
- Procedures for each school within the state to form a crisis response planning team, which team may consist of the school's Local School Improvement Council or a separate team consisting of the principal, two teachers, one service person and two parents of children attending the school. In addition the school may include on the team one member of the county board, a school counselor, a member from local law-enforcement authorities, the local county emergency services director and one student in grade ten or higher if the school has those grades;
- Procedures for informing and training school personnel on any actions required of them to effectuate the school's school specific crisis response plan;
- A model template for redacted copies of the school crisis response plan for the public inspection and for the release and notice to parents of information related to the plan; and
- Procedures for non public schools to establish, file and update school crisis response plans consistent with all requirements of public schools;
- The county board shall keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan;
- The county board shall make available to the public, upon request, a redacted copy of a school crisis response plan with any information removed that is necessary for compliance with the necessary safeguards. Starting with the 2013-2014 school year, each school shall annually send notice home to all parents and guardians of students at the school alerting the parents and guardians to the existence of the crisis response plan and the ability to review a redacted copy at the offices of the county board.

[§18A-5-1a](#)  
Authority of  
teachers  
and other

County boards must report the number of studentstudents determined to be dangerous students to the State Board of Education. The state board will compile the county boards' statistics and report findings to the Legislative Oversight Commission on Education Accountability. Each

<b>WV Code</b>	<b>WVBE and WVDE Requirements</b>
school...	suspension or expulsion imposed upon a studentstudent under the authority of this section shall be recorded in WVEIS.
<a href="#">§61-7-11a</a>	The state board of education shall keep and maintain reports of
...deadly	possession of deadly weapons on school premises and may prescribe
weapons...	rules establishing policy and reporting procedures.

### **Section 3. Responsibilities of the RESAs**

Partnership Development: RESAs may establish regional agency and organization partnerships that can provide county boards of education and schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described under Section 2.

Training and Technical Assistance: Provided that resources and funding are available, RESAs may provide training and technical assistance to school systems and schools in:

- Implementing research-based, effective models for developing and supporting a positive school climate/culture (including but not limited to positive behavior programs, character education, peer mediation, conflict resolution, prevention of bullying, harassment, intimidation, crisis planning and substance abuse);
- Addressing school climate/culture improvement within the school improvement planning process;
- Collection and reporting of incident data via the WVEIS; and
- Developing interventions to promote school success for all students.

### **Section 4. Responsibilities of County Boards of Education**

Policy Development: Each county board of education shall have approved policies and procedures for implementing Policy 4373. Approved county policies shall be submitted to the State Superintendent of Schools by July 1, 2012 and resubmitted thereafter upon approval of any revision. County board policies must address and adhere to all applicable federal and state laws cited within this policy. County board policies and procedures must include guidelines for school level implementation.

County board of education policies shall also include safeguards to protect the safe and supportive environment of the school. These safeguards shall include but not be limited to:

- The responsibility of school administration to implement provisions of this policy with specific regard to education, communication and enforcement provisions;
- Clear procedures for identification, intervention and referral of students with behavioral and substance abuse issues;
- Assurance that no school or board of education property or school or county publication may be used for the advertisement of any tobacco or alcohol product. In accordance with WVBE Policy [4321.1 - Standards for School Nutrition](#), county boards of education should minimize marketing other foods and beverages in the

high school setting by locating their distribution in low student traffic areas and by ensuring that the exterior of vending machines does not depict commercial logos of products or suggest that the consumption of vended items conveys a health or social benefit.

- Assurance that groups using school facilities shall sign agreements with the county board of education agreeing to comply with the environmental safeguards set forth in this policy; and
- Assurance that students, parents and spectators will be informed by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session.

Partnership Development: County boards of education are encouraged to establish county agency and organization partnerships with the purpose of providing the county's schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described under Section 2.

At the county board of education level, formal partnerships with community service agencies (i.e. law enforcement, behavioral healthcare providers) will be essential to successful implementation of this policy. Specific attention should be given to the development of formal agreements and protocols that ensure coordination between agencies and high quality service delivery to students and their families. At the county board of education level, memoranda of understanding and/or contracts are necessary whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements should clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e. funding, space, staff, data).

At the county board of education level, informal partnerships may be short or long-term commitments that may or may not require written agreements. These partnerships usually involve collaborative groups that form around common mission and goals (i.e., anti-drug coalitions, tobacco control coalitions) to coordinate events, initiatives, resource development/dissemination, service delivery, local partnership development and/or professional development. They do not require formal agency agreements.

Policy Dissemination and Training: To ensure understanding of the county policy for Expected Behaviors in Safe and Supportive Schools, each county board of education shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

- The county board of education shall ensure that all schools provide appropriate policy training.
- The county board of education shall review their policy at least bi-annually for compliance with federal and state law and WVBE policy.

- The county board of education policy shall be made readily available to the public in written or electronic format.

Implementation Plan: County boards of education shall address within the Student Support Goal of their strategic plan with objectives for policy implementation that ensures each school incorporates the following:

- Use of pro-active strategies to develop and support positive behavior in students;
- Application of data-driven continuous school climate/culture improvement activities that reflect the particular needs of students and staff members to study, learn and work in a positive school climate/culture; and
- Application of appropriate and consistent interventions for all forms of inappropriate behaviors.

To the maximum extent possible, the implementation plan shall be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to schools through the county’s formal and informal partnership agreements.

Evaluation of Effectiveness: The county board of education shall annually review data related to this policy that shall include:

- summary data for incidents of inappropriate behavior and intervention responses to incidents;
- required LSIC reports;
- trend analysis from school climate/culture survey tools (as available);
- impact data related to school climate/culture improvement strategies within county and school strategic plans; and
- impact data from training and staff development offered by the county, RESA and/or WVDE.

West Virginia Code Requirements for County Boards of Education:

<b>WV Code</b>	<b>County Board of Education Requirements</b>
<p><a href="#">§18-2C-1 et seq.</a> Prohibiting harassment, intimidation or bullying</p>	<ul style="list-style-type: none"> <li>• Establish a policy prohibiting harassment, intimidation or bullying using a process that includes representation of parents or guardians, school employees, school volunteers, students and community members.</li> <li>• Include the following minimum policy components:               <ul style="list-style-type: none"> <li>• Effective on school property, school bus, school bus stop and school sponsored events;</li> <li>• Defined with all components of the definition set forth in <a href="#">§18-2C-3</a> and Chapter 4, Section 2, Level 3 of this policy;</li> <li>• Procedures for reporting incidents;</li> <li>• Requirement that school personnel report incidents of which</li> </ul> </li> </ul>

## WV Code

## County Board of Education Requirements

they are aware;

- Requirement that parents/guardians of any student involved in an incident be notified;
- Procedures for responding to and investigating reported incidents;
- Strategies for protecting a victim from additional harassment, intimidation or bullying and from retaliation following a report;
- Discipline procedures for any student guilty of harassment, intimidation or bullying;
- Procedures to ensure confidentiality of any information relating to a reported incident; and
- Requirement that each incident be reported within the WVEIS.
- Adopt the policy and submit a copy to the state superintendent of schools by December 1, 2011.
- Post notice of the county policy in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.
- Incorporated into each school's current employee training program Information regarding the county board policy prohibiting harassment, intimidation or bullying.
- Provide training, to the extent state or federal funds are appropriated, on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students and develop a process for educating students on the same.
- The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes:
  - Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies.
  - Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions.
- The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report
- The county board shall retain and file all such correspondence for

### §18-5A-2

Local School Improvement Councils (LSIC)

## WV Code

## County Board of Education Requirements

### [§18-9F-1 et seq.](#)

#### School Access Safety Act

public review.

Each county board seeking funds for school access safety projects during a fiscal year shall submit to the School Building Authority (SBA) a school access safety plan or annual plan update that addresses the school access safety needs of each school facility in the county. The safety plan shall include at least the following:

- A prescribed countywide inventory of each school facility's means of ingress to and egress from the school for students, school employees, parents, visitors and emergency personnel;
- The recommendations and guidelines developed by the Countywide Council on Productive and Safe Schools together with the county board's assessment of the recommendations and guidelines;
- Recommendations for effective communication and coordination between school facilities, local law-enforcement agencies and local emergency services agencies in the county;
- An assessment of the current status of crime committed on school campuses and at school-related functions;
- A projected school access safety repair and renovation schedule for all school facilities in the county;
- A prioritized list of all projects contained in the plan, including the projected cost of each project;
- A description of how the plan addresses the school access safety goals and guidelines established by the SBA and how each project furthers the county board's safety plan, facilities plan and school major improvement plan;
- Notation of the funds available for allocation and disbursement to the county board from the School Access Safety Fund ;
- A description of any source of local funds that the county board intends to contribute to the safety projects, or an approved financial hardship waiver, to satisfy the local contribution requirements; and
- Any other element considered appropriate by the SBA or required by other regulations.

### [§18-9F-9](#)

#### Crisis response plan

The state board in conjunction with the Division of Homeland Security and Emergency Management shall promulgate by December 31, 2011, a legislative rule for the establishment of an up-to-date, school specific crisis response plan at every school in the state. The specific requirements of the crisis response plan fall primarily with the WVBE and each school; however, county boards are required to:

- Keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan;



**WV Code**

**County Board of Education Requirements**

- Make available to the public, upon request, a redacted copy of a school crisis response plan with any information removed that is necessary for compliance with the necessary safeguards.

The county board should support schools in the development and updating of school crisis response plans by providing the following guidance and support:

- Standardized procedures, developed in collaboration with local emergency agencies and service providers, that can be used in each school crisis plan as appropriate when one agency or service provider serves all schools within the county;
- Standardized lists of existing county board policies that support the requirements of the school crisis response plan;
- Standardized local procedures for document safeguards and technical support to schools regarding the appropriate filing of the school crisis response plan;
- Standardize procedures for the annual review/update of each school crisis response plan.
- Resources for training school personnel on school specific crisis response plans.
- The county board shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct disruptive student behaviors so disruptive students can return to a regular classroom without engaging in further disruptive behavior.
- Corporal punishment of any student by a school employee is prohibited.
- The county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with state laws to govern disciplinary actions. These policies shall encourage the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline.
- The county board shall provide for the implementation of a preventive discipline program including student involvement.
- The county board shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution.
- The county board also may establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students and any other program related to preventive discipline.

[§18A-5-1](#) Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished

[§18A-5-1a](#) Safe Schools



## WV Code

Possessing deadly weapons...; possessing a controlled substance...; assaults and batteries... upon teachers or other school personnel; ... sale of narcotic; expulsion; exception; alternative education

## County Board of Education Requirements

student's suspension for battery upon a school employee, possession of a deadly weapon or sale of a narcotic drug listed in the Uniform Controlled Substances Act, W. Va. Code § 60A-1-101(p), on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal shall recommend the student's expulsion to the superintendent. The superintendent, in turn, shall recommend to the county board that the student be expelled.

- When a principal has notified the county superintendent of a student's suspension for any other conduct listed in W.Va. Code §[18A-5-1a](#), on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal may recommend the student's expulsion to the superintendent. The superintendent, in turn, may recommend to the county board that the student be expelled.
- Upon such recommendation by the county superintendent, the county board shall conduct a hearing in accordance with this section of state code to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall act as prescribed for each respective Safe Schools violation delineated in Chapter 4, Section 2, Level 4.
- The county board shall issue written notice which states the charges and the recommended disposition to be served upon the student and his or her parent(s), guardian(s) or custodian(s). The notice shall include:
  - The date and time at which the hearing shall be held (within ten days of the beginning of the suspension);
  - If the county board will attempt to establish the student as a dangerous student, the notice must state this intention and include any evidence which will be used to assert this claim.
- The county board shall hold the scheduled hearing to determine if the student should be reinstated or expelled from school and if to determine if the student is a dangerous student pursuant to subsection (g) of this section.
- At any hearing before a county board, the student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross-examine witnesses supporting the charge against him or her.
- The hearing shall be recorded by mechanical means unless recorded by a certified court reporter.
- The hearing may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing.

## WV Code

### County Board of Education Requirements

- At the conclusion of the hearing the county board shall either: (1) order the student reinstated immediately at the end of his or her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of the county.
- A county board that did not intend prior to a hearing to assert a dangerous student claim, that did not notify the student prior to the hearing that a dangerous student determination would be considered and that determines through the course of the hearing that the student may be a dangerous student shall schedule a second hearing within ten days to decide the issue. The hearing may be postponed for good cause shown by the student, but he or she remains under suspension until after the hearing.
- A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, a hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education.
- If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.
- The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents in a proceeding related to a recommended student expulsion or dangerous student determination. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both.
- Any hearing may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs.
- County boards must report the number of students determined to be dangerous students to the State Board of Education. The state board will compile the county boards' statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability.
- Students may be expelled pursuant to the provisions of this code section for a period not to exceed one school year, except that if a student is determined to have violated the provisions of §18A-5-1a(a) (battery on a school employee, possession of deadly

## WV Code

### County Board of Education Requirements

weapons, or sale of a narcotic drug on a school bus, on the school premises or at a school-sponsored function, the student shall be expelled for a period of not less than twelve consecutive months.

- The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case warrant. Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:
  - The extent of the student's malicious intent;
  - The outcome of the student's misconduct;
  - The student's past behavior history; and
  - The likelihood of the student's repeated misconduct.
- In all hearings under this section, facts shall be found by a preponderance of the evidence.
- All actions taken with regard to this section of law must be in compliance with the federal provisions of the Individuals with Disabilities Education Act, [20 U.S.C. §1400 et seq.](#)
- Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in WVEIS.

#### [§61-7-11a](#)

Possessing deadly weapons on premises of educational facilities...

It is unlawful for any person to possess any firearm or any other deadly weapon on any school bus or in/on any public or private primary or secondary education building, structure, facility or grounds including any vocational education building, structure, facility or grounds or at any school-sponsored function.

County boards may authorize a possession of deadly weapons on school property for:

- programs with valid educational purposes;
- school fundraising programs which include the display of unloaded firearms

## Section 5. Responsibilities of Schools

Partnership Development: In accordance with county board of education policies and protocols, schools will establish community agency and organization partnerships that serve to provide the school with a variety supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described under Section 2. Formal partnerships between community service agencies must be approved through the county board of education.

Policy Dissemination and Training: To ensure understanding of the county policy for Expected Behaviors in Safe and Supportive Schools and the school implementation plan, each school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

- This policy shall appear in the student and staff handbooks and if no handbook is available, a copy will be distributed to all students, faculty, and staff.
- The county and/or school shall develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy.

Implementation Plan: Plans for the implementation of county policies for Expected Behaviors in Safe and Supportive Schools should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the county's formal and informal partnership agreements as well as through additional school level partnerships.

At a minimum, schools shall:

- establish a leadership team (may be an existing team) to manage the design, monitoring and improvement of school climate/culture;
- establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents and community;
- develop school-wide priorities for Policy 4373;
- analyze school climate/culture data annually;
- make data driven improvement decisions based on analysis of consistently tracked student behaviors;
- implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- implement programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes;
- implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- evaluate school climate/culture improvement processes and revise as needed.

Evaluation of Effectiveness: The school will review data annually to determine the effectiveness of their implementation plan. This data review may include but not be limited to the following outcome and process data sets:

- Progress toward implementation plan goals and objectives

- Evidence of school climate/culture improvement efforts;
- Required LSIC reports (West Virginia Code [§18-5A-2](#));
- Trend analysis from school climate/culture survey tools (as available);
- Summary data for incidents of inappropriate behavior and intervention responses to incidents; and
- Evaluation data from training and staff development provided by the county, RESA and/or WVDE.

### **West Virginia Code Requirements for Schools:**

<b>WV Code</b>	<b>School Requirements</b>
<p><a href="#">§18-5A-2</a> Local School Improvement Councils (LSIC)</p>	<ul style="list-style-type: none"> <li>• The LSIC shall schedule any meeting that involves the issue of student discipline outside the regularly scheduled working hours of any school employee member of the council.</li> <li>• The LSIC Shall conduct a meeting to engage parents, students, school employees and other interested parties in a positive and interactive dialogue regarding effective discipline policies.</li> <li>• The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes: <ul style="list-style-type: none"> <li>• Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies.</li> <li>• Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions.</li> <li>• The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report and the county board shall retain and file all such correspondence for public review.</li> </ul> </li> </ul>
<p><a href="#">§18-9F-9</a> School crisis response plan</p>	<p>Each school shall create a comprehensive crisis response plan with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. The crisis response plans must be developed under the following requirements:</p> <ul style="list-style-type: none"> <li>• each school within the state shall form a crisis response planning team consisting of the principal, two teachers, one service person and two parents of children attending the school. The crisis response planning team may include one member of the county board, a school counselor, a member from local law-enforcement authorities, the local county emergency services director and one student in grade ten or higher if the school has those grades;</li> </ul>

## WV Code

### School Requirements

- each school within the state, through the school's crisis response planning team, shall develop a school specific crisis response plan using the state/county template and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted;
- each school's specific crisis response plan shall be in place and filed with that school's county board and included in a secure electronic system identified by the Division of Homeland Security and Emergency Management no later than August 1, 2013, or soon after completion by the school, whichever occurs first;
- each school's crisis response planning team shall annually review its crisis response plan and shall update the plan according to procedures developed by the state no later than August 1 of each year after 2013;
- each school shall make a redacted copy of its school crisis response plan available, upon request, for inspection by the public with any information removed that is necessary for compliance with the necessary safeguards developed by the state. Starting with the 2013-2014 school year, each school shall annually send notice home to all parents and guardians of students at the school alerting the parents and guardians to the existence of the crisis response plan and the ability to review a redacted copy at the offices of the county board;
- each school crisis plan shall include at least the following:
  - the school employee in charge during a crisis and a designated substitute;
  - a communication plan to be used during a crisis;
  - protocols for responding to immediate physical harm of students, faculty or staff and to traumatic events, including the period after the events have concluded;
  - disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions or other events or conditions in which death or serious injury is likely;
  - crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
  - policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.
- The teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except

[§18A-5-1](#)  
Authority of  
teachers and  
other school  
personnel;

### WV Code

exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished

### School Requirements

that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

- Subject to WVBE Policy [2423 – Communicable Disease Control](#), the school administrator or school nurse shall exclude from the school any student known to have or suspected of having any infectious disease, or any student who has been exposed to any infectious disease.
- The teacher or bus driver may exclude from his or her classroom or school bus any student who is guilty of inappropriate behavior as outlined in Chapter 4, Section 2, Levels 1, 2, 3 or 4.
- Any student excluded shall be placed under the control of the principal of the school or a designee.
- The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken.
- If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s).
- When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action.
- If the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.
- A student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time or alternative class settings.
- Corporal punishment of any student by a school employee is prohibited.
- A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal

[§18A-5-1a](#)  
Possessing  
deadly

## WV Code

weapons...;  
possessing a  
controlled  
substance...;  
assaults and  
batteries...upon  
teachers or  
other school  
personnel; ...  
sale of narcotic;  
expulsion;  
exception;  
alternative  
education

## School Requirements

hearing, has committed on a school bus, on the premises of an educational facility or at a school-sponsored function: (1) battery on a school employee; (2) possession of a deadly weapon; or (3) sale of a narcotic drug. If a student has been suspended for these reasons, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.

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- A principal shall suspend a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has committed: (1) an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (2) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act. If a student has been suspended for these reasons, the principal may request that the superintendent recommend to the county board that the student be expelled.
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- A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has: (1) threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel; (2) willfully disobeyed a teacher; (3) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (4) used profane language directed at a school employee or student; (5) intentionally defaced any school property; (6) participated in any physical altercation with another person while under the authority of school personnel; or (7) habitually violated school rules or policies. If a student has been suspended for these reasons, the principal may request that the superintendent recommend to the county board that the student be expelled.
- The actions of any student which may be grounds for his or her suspension or expulsion shall be reported immediately to the principal. If the principal determines that the alleged actions of the student would be grounds for an out-of-school suspension, he or she shall conduct an informal hearing for the student immediately after the alleged actions have occurred. The hearing shall be held before the student is suspended unless the principal believes that the student's continued presence poses a continuing danger to persons or property or an ongoing threat of disruption, in which case the student shall be suspended immediately and a hearing



## WV Code

## School Requirements

held as soon as practicable after the suspension.

- The student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for the out-of-school suspension.
- At the informal hearing, the principal shall ask the student to admit to or deny the charges. If the student does not admit the charges, he or she shall be given an explanation of the evidence and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the student to appear, the principal may suspend the student for a maximum of ten school days, inclusive of any time the student was excluded from the school prior to the hearing.
- The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension.
- Each suspension or expulsion imposed upon a student shall be recorded in WVEIS. The principal shall record all suspensions within twenty-four hours.
- Principals may exercise any other authority and perform any other duties to discipline students consistent with state and federal law, including policies of the State Board of Education.
- The principal shall report any possession of a deadly weapon discovered by such principal on school premises to the state superintendent of schools within seventy-two hours after such violation occurs.
- The principal shall report any possession of a deadly weapon discovered by such principal to the appropriate local office of the division of public safety within seventy-two hours after such violation occurs.

[§61-7-11a](#)  
Possessing  
deadly  
weapons ...;  
reports by  
school  
principals...

## **Chapter 4**

### **INAPPROPRIATE BEHAVIOR AND MEANINGFUL INTERVENTIONS AND CONSEQUENCES**

#### **Section 1. Addressing Inappropriate Behavior with Meaningful Interventions and Consequences**

The purpose of these regulations is to provide schools with policy that creates and ensures an orderly and safe environment that is conducive to learning. This policy requires that all schools respond immediately and consistently to any behavior that disrupts the learning environment in a manner that effectively deters future incidents and affirms respect for individuals. Inappropriate behaviors include but are not limited to incidents of harassment, intimidation, bullying, substance abuse and/or violence. The intent is for students to learn and exhibit appropriate behavior. All interventions and consequences are in effect on all school property and at all school sanctioned events, including extracurricular activities. Each district, with support from the WVDE and RESAs, will implement proactive, preventative, and responsive programs, outline investigatory and reporting procedures, and delineate meaningful interventions and consequences in response to inappropriate behavior.

This policy classifies inappropriate student behavior in four levels. County policies may reclassify Level 2 and 3 inappropriate behaviors depending on the severity or repetition of the behaviors and provided this reclassification assures that the treatment of the inappropriate behavior is consistent with West Virginia Code.

County/school policies should identify appropriate and meaningful interventions and consequences that include, but are not limited to, examples provided in this policy. It is not a requirement that all schools offer every intervention and consequence listed in this policy. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction.

Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level 1 behaviors, however, the determination of interventions and consequences is at the discretion of the school administrator for levels 1, 2 and 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy. Level 3 and 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

In order to create consistency among all schools in the application of out-of-school suspension and expulsion as they relate to inter-scholastic extracurricular

activities, any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the out-of-school suspension or expulsion.

When administering interventions and consequences, it is required to determine if a student warrants protection under the IDEA, WVBE Policy 2419 and or Section 504.

## Section 2. Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences

Behaviors	Definitions – Level 1	Interventions and Consequences
<b>LEVEL 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others.</b>		
Cheating	A student will not plagiarize or copy the work of others or break rules to gain advantage in a competitive situation. Interventions for this inappropriate behavior may include academic sanctions in addition to other discipline.	<ul style="list-style-type: none"> <li>• Administrator/student conference or reprimand</li> <li>• Administrator and teacher-parent/guardian conference</li> <li>• Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.</li> <li>• Counseling referrals and conference to support staff or agencies</li> <li>• Daily/weekly progress reports</li> <li>• Behavioral contracts</li> <li>• Change in the student's class schedule</li> <li>• School service assignment</li> <li>• Confiscation of inappropriate item</li> <li>• Revocation of privileges</li> <li>• Restitution/restoration</li> <li>• Detention (lunch, before and/or after school)</li> <li>• Denial of participation in class and/or school activities</li> <li>• Immediate exclusion by teacher from the classroom with a</li> </ul>
Deceit	A student will not deliberately conceal or misrepresent the truth, deceive another or cause another to be deceived by false or misleading information.	
Disruptive/ Disrespectful Conduct	A student will not exhibit behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.	
Failure to Serve Detention	A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.	
Falsifying Identity	A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.	
Inappropriate Appearance	A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.	
Inappropriate Display of Affection	Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.	

Behaviors	Definitions – Level 1	Interventions and Consequences
Inappropriate Language	A student will not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group).	<p>recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code <a href="#">§18A-5-1</a>)</p> <ul style="list-style-type: none"> <li>• Voluntary weekend detention (<a href="#">Superintendent's Interpretation of May 12, 2006</a>)</li> <li>• In-school suspension</li> <li>• *West Virginia Code <a href="#">§18A-5-1 (d)</a> prohibits the use of suspension solely for not attending class.</li> <li>• While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days.</li> <li>• Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.</li> </ul>
Possession of Inappropriate Personal Property	A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.	
Skipping Class*	In accordance with WVBE Policy <a href="#">4110 - Attendance</a> , a student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or by the parent/guardian.	
Tardiness*	A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.	
Vehicle Parking Violation	A student will not engage in improper parking of a motor vehicle on school property.	

Behaviors	Definitions – Level 2	Interventions and Consequences
<b>LEVEL 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.</b>		
Gang Related Activity	<p>A student will not, by use of violence, force, coercion, threat of violence or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district’s educational mission. Gang activity includes:</p> <ul style="list-style-type: none"> <li>• Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.</li> <li>• Using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang.</li> <li>• Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.</li> <li>• Recruiting student(s) for gangs.</li> </ul>	<ul style="list-style-type: none"> <li>• Administrator/student conference or reprimand</li> <li>• Administrator and teacher-parent/guardian conference</li> <li>• Referral to support staff or agencies for counseling or other therapeutic services</li> <li>• Daily/weekly progress reports</li> <li>• Behavioral contracts</li> <li>• Change in the student’s class schedule</li> <li>• School service assignment</li> <li>• Confiscation of inappropriate item</li> <li>• Revocation of privileges</li> <li>• Restitution/restoration</li> <li>• Before and/or after-school detention</li> <li>• Denial of participation in class and/or school activities</li> <li>• Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code <a href="#">§18A-5-1</a>)</li> <li>• Voluntary weekend detention (<a href="#">Superintendent’s Interpretation of</a></li> </ul>
Habitual Violation of School Rules or Policies	A student will not persistently, as defined by the county, refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.	
Insubordination	A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.	
Leaving School Without	A student will not leave the school building, campus of school activity for which the student is enrolled without permission from authorized school	

Behaviors	Definitions – Level 2	Interventions and Consequences
Permission	personnel.	<a href="#">May 12, 2006</a> )
Physical Fight Without Injury	A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons.	<ul style="list-style-type: none"> <li>• In-school suspension</li> <li>• Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 6, Section 2)West Virginia Code</li> </ul>
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.	<ul style="list-style-type: none"> <li>• West Virginia Code <a href="#">§18A-5-1 (d)</a> prohibits the use of suspension solely for not attending class.</li> </ul>
Possession of Knife not meeting Dangerous Weapon Definition (West Virginia Code <a href="#">§61-7-2</a> )	A student will not possess a knife or knife-like implement under 3½ inches in length. West Virginia Code <a href="#">§61-7-2</a> clarifies that a pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.	<ul style="list-style-type: none"> <li>• The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.</li> </ul>
Profane Language/ Obscene Gesture/ Indecent Act Toward... An Employee or A Student	A student will not direct profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This inappropriate behavior includes but is not limited to, verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.</li> </ul>
Technology Misuse	A student will not violate the terms of <a href="#">WVBE Policy 2460</a> , Safety and Acceptable Use of the Internet by Students and Educators.	

Behaviors	Definitions – Level 3	Interventions and Consequences
<p><b>LEVEL 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property.</b> The principal shall address these inappropriate behaviors in accordance with W. Va. Code <a href="#">§18A-5-1a, subsections (b) through (h)</a></p>		
Battery Against a Student	A student will not unlawfully and intentionally injure another student.	<p>Level 3 behaviors are criminal offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer or actual arrest.</p> <p>In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Administrator/student conference or reprimand</li> <li>• Administrator and teacher-parent/guardian conference</li> <li>• Referral to support staff or agencies for counseling or other therapeutic services</li> <li>• Notification of appropriate Health and Human Resources</li> <li>• Daily/weekly progress reports</li> </ul>
Defacing School Property/ Vandalism	A student will not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.	
False Fire Alarm	A student will not knowingly and willingly set off a fire alarm without cause.	
Fraud/Forgery	A student will not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities.	
Gambling	A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school	



Behaviors	Definitions – Level 3	Interventions and Consequences
Hazing	<p>functions.</p> <p>A student will not haze or conspire to engage in the hazing of another person. “Hazing” means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities.</p>	<ul style="list-style-type: none"> <li>• Behavioral contracts</li> <li>• Change in the student’s class schedule</li> <li>• School service assignment</li> <li>• Confiscation of inappropriate item(s)</li> <li>• Revocation of privileges</li> <li>• Restitution/restoration</li> <li>• Before and/or after-school detention</li> <li>• Denial of participation in class and/or school activities</li> <li>• Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code <a href="#">§18A-5-1</a>)</li> <li>• Voluntary weekend detention (<a href="#">Superintendent’s Interpretation of May 12, 2006</a>)</li> <li>• In-school suspension</li> <li>• Out-of-school suspension for up to ten (10) days (See guidelines in Chapter 6, Section 2)</li> <li>• The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.</li> <li>• Expulsion</li> </ul>
Improper or Negligent Operation of a Motor Vehicle	<p>A student will not intentionally or recklessly operate a motor vehicle, on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health or welfare of others.</p>	
Larceny	<p>A student will not, without permission, take another person’s property or have another person’s property in his or her possession. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with West Virginia Code <a href="#">§61-3-13</a>.</p>	
Sexual Misconduct	<p>A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event.</p>	
Threat of Injury/Assault Against... An Employee A Student	<p>A student will not threaten (verbal or written) or attempt to injure another student, teacher, administrator or other school personnel. [This includes assault on a school employee defined in West Virginia Code <a href="#">§61-2-15</a>].</p>	
Trespassing	<p>A student will not enter upon the premises of the county school system property, other than to the location to which the student is assigned, without authorization from proper school authorities.</p>	

Behaviors	Definitions – Level 3	Interventions and Consequences
<p>Harassment/ Bullying/ Intimidation</p>	<p>A student will not bully/intimidate/harass another student. According to West Virginia Code <a href="#">§18-2C-2</a>, “harassment, intimidation or bullying” means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:</p> <ul style="list-style-type: none"> <li>• A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student’s property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property;</li> <li>• Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or</li> <li>• Disrupts or interferes with the orderly operation of the school.</li> </ul> <p>An electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.</p> <p>Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/ sensory disability; or other characteristic.</p> <p>When harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:</p>	<p>Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school sponsored functions, notification of law enforcement and/or human services.</p>

Behaviors	Definitions – Level 3	Interventions and Consequences
	<p><u>Sexual harassment</u> consists of sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:</p> <ul style="list-style-type: none"> <li>• submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or</li> <li>• submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or</li> <li>• creating an intimidating, hostile or offensive employment or educational environment.</li> </ul> <p>Amorous relationships between county board employees and students are prohibited.</p> <p>Sexual harassment may include but is not limited to:</p> <ul style="list-style-type: none"> <li>• verbal harassment of a sexual nature or abuse;</li> <li>• pressure for sexual activity;</li> <li>• inappropriate or unwelcome patting, pinching or physical contact;</li> <li>• sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;</li> <li>• behavior, verbal or written words or symbols directed at an individual because of gender; or</li> </ul> <p>the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate/culture or opportunities.</p> <p><u>Racial harassment</u> consists of physical, verbal or written conduct relating to an individual's race when the conduct:</p> <ul style="list-style-type: none"> <li>• has the purpose or effect of creating an intimidating, hostile or</li> </ul>	

Behaviors	Definitions – Level 3	Interventions and Consequences
	<p>offensive working or academic environment;</p> <ul style="list-style-type: none"> <li>• has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or</li> <li>• otherwise adversely affects an individual's employment or academic opportunities.</li> </ul> <p><u>Religious/ethnic harassment</u> consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:</p> <ul style="list-style-type: none"> <li>• has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;</li> <li>• has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or</li> <li>• otherwise adversely affects an individual's employment or academic opportunities.</li> </ul> <p><u>Sexual violence</u> is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;</li> <li>• coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;</li> <li>• coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or</li> <li>• threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.</li> <li>• threatening or forcing exposure of intimate apparel or body parts by removal of clothing.</li> </ul>	

Behaviors	Definitions – Level 3	Interventions and Consequences
	<p><u>Racial violence</u> is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.</p> <p><u>Religious/ethnic violence</u> is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.</p>	
Imitation Drugs: Possession, Use, Distribution or Sale	A student will not possess, use, distribute or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance.	The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential

Behaviors	Definitions – Level 3	Interventions and Consequences
Inhalant Abuse	A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of “getting high”. The action may be referred to as huffing, sniffing, dusting and/or bagging.	safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.
Possession/Use of Substance Containing Tobacco and/or Nicotine	<p>A student will not unlawfully possess, use or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county school district.</p> <p><u>Special considerations</u> according to West Virginia Code <a href="#">§16-9A-4</a>.</p> <ul style="list-style-type: none"> <li>• No person (student, staff member or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events.</li> <li>• Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.</li> <li>• An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy <a href="#">2422.8 - Medication Administration</a> must be followed in order for students to use such products on school property or at school sponsored events.</li> </ul>	

Behaviors	Definitions – Level 4
<p><b>LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in West Virginia Code <a href="#">§18A-5-1a(a)</a> and <a href="#">(b)</a>.</b> The following Level 4 behavior definitions are aligned with West Virginia Code <a href="#">§§61-6-17</a>, <a href="#">61-6-24</a>, and <a href="#">18A-5-1</a>, and in the <a href="#">Gun-Free Schools Act of 1994</a>. These laws require that the principal, superintendent and county board address Level 4 behaviors in a specific manner as outlined in West Virginia Code <a href="#">§18A-5-1a</a> and paraphrased in Chapter 3, Sections 4 and 5 of this manual.</p>	
Battery Against a School Employee	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in West Virginia Code <a href="#">§61-2-15(b)</a> .
Felony	A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in West Virginia Code <a href="#">§18A-5-1a(b)(i)</a> . Such acts that would constitute a felony include, but are not limited to, arson (West Virginia Code <a href="#">§61-3-1</a> ), malicious wounding and unlawful wounding (West Virginia Code <a href="#">§61-2-9</a> ), bomb threat (West Virginia Code <a href="#">§61-6-17</a> ), sexual assault (West Virginia Code <a href="#">§61-8B-3</a> ), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code <a href="#">§61-6-24</a> ) and grand larceny (West Virginia Code <a href="#">§61-3-13</a> ).
Illegal Substance Related Behaviors	A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code <a href="#">§60A-1-101, et seq.</a> or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WVBE Policy <a href="#">2422.8 - Medication Administration</a> and instances of prescription drug abuse.
Possession and/or Use of Dangerous Weapon	According to West Virginia Code <a href="#">§18A-5-1a(a)</a> , a student will not possess a firearm or deadly weapon as defined in West Virginia Code <a href="#">§61-7-2</a> , on any school bus, on school property or at any school-sponsored function as defined in West Virginia Code <a href="#">§61-7-11a</a> . As defined in West Virginia Code <a href="#">§61-7-2</a> , a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

#### **Level 4 Behaviors are Used in the Identification and Classification of Persistently Dangerous Schools**

As required by [20USC7912 Title IX, Part E, Section 9532](#) (No Child Left Behind), the following criteria is set forth to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated inappropriate behaviors will be collected using the WVEIS in order to identify and classify a school as persistently dangerous. A West Virginia public school will be classified as a Persistently Dangerous School on or before August 1 of each year if the school has, for two consecutive years, substantiated Level 4 behaviors that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment:

- Battery on a school employee as defined in West Virginia Code [§61-2-15](#).
- Commission of an act that would constitute a felony under the laws of the state on the premises of an educational facility, at a school sponsored function or on a school bus.
- Possession of a firearm or deadly weapon as defined in West Virginia Code [§61-7-2](#) on the premises of an educational facility, at a school sponsored function or on a school bus.
- Sale of a narcotic drug as defined in West Virginia Code [§60A-1-101](#) on the premises of an educational facility, at a school sponsored function or on a school bus.

County School System Requirements Related to Persistently Dangerous Schools:

1. provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3% of the total number of students enrolled in the school, based on the school's second month enrollment;
2. develop a corrective action plan for any school identified as persistently dangerous, submit it to the WVDE, and implement the plan in a timely manner; and
3. conduct a timely notification process to inform parents of each student attending a school identified as persistently dangerous of this; provide the opportunity for students to transfer to a safe public school within the county school district; and complete the transfer process for all students wishing to transfer.

WVDE Requirements Related to Persistently Dangerous Schools:

1. provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3.75% of the total number of students enrolled in the school, based on the school's second month enrollment.

A student attending a school identified as persistently dangerous or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, shall be allowed to attend an alternate safe public school within the county school district.



### **Section 3. Use of Physical Punishment Prohibited**

West Virginia Code [§18A-5-1\(e\)](#) prohibits school employees from using corporal (bodily) punishment on any student. No physical punishment of any kind can be inflicted upon a student. This includes:

- hitting or striking a student on their physical person;
- requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- use of noxious stimuli (e.g. pepper spray), denial of food or water or other negative physical actions to control behavior; and
- seclusion - a removal in which a student is left unsupervised in a dark area or in any space as an intervention or consequence to inappropriate behavior.

### **Section 4. Use of Restraint**

Reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others. When the use of physical restraint is necessary, the following guidelines must be followed:

Definitions:

- Restraint - the use of physical force to significantly restrict the free movement of all or a portion of a student's body.
- Emergency - a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

A school employee and/or independent contractor may use restraint in an emergency as defined above with the following limitations:

- Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency. Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
- Restraint shall be discontinued at the point at which the emergency no longer exists.
- Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- Restraint shall not deprive the student of basic human necessities.
- Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; however, the application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

School employees and/or independent contractors who, as determined by the principal, may need to use restraint shall be provided training according to the following requirements:

- A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint;
- Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 days following the use of restraint if the principal

determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur;

- Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint;
- All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports;

Comprehensive documentation and immediate notification on use of restraint is required. In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements:

Time Requirement	Documentation/Notification
Immediately following the use of restraint (within one hour)	The principal or designee must be provided verbal and written notification that restraint was used on a given student with a description of the restraint process used.
Same day	A good faith effort shall be made to verbally notify the parents/guardian regarding the use of restraint.
Within one school day	Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian.
Within one school day	Written documentation regarding the use of restraint must be placed in the student’s official school record. The information must be available to determine the relationship of a student’s behavior as it impacts the student’s learning and/or the creation or revision of a behavior intervention plan

Written notification to the parents/guardian and documentation to the student official school record shall include the following:

- Name of the student;
- Name of the staff member(s) administering the restraint;
- Date of the restraint and the time the restraint began and ended;
- Location of the restraint;
- Narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- Documentation of all parental contact and notification efforts.

**Section 5. Alternative Education for Disruptive Students**

West Virginia Code [§18-5-19](#) provides for the creation of Alternative Education programs to allow for the provision of a free and appropriate education to students whose disruptive behavior has caused them to be removed from the regular classroom/school setting. Nothing in this manual precludes county boards of education from operating alternative education programs for non-disruptive students. The guidelines in this manual apply solely to alternative education programs for disruptive students. The State Superintendent's approval of the county alternative education policies and procedures is required for authorization to operate an alternative education program under these regulations.

For the purposes of this manual, an alternative education program is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. The purposes of these programs are to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of West Virginia and (2) meet the educational needs of disruptive students through the development of alternative education programs.

Alternative education programs for disruptive students encompass a range of program options such as:

- in-school suspension;
- a separate part-time or full-time alternative education classroom;
- a school-within a school;
- a school on an alternative site;
- an afterschool class/night school program; or
- a combination academic/work-based program.

County boards of education shall have broad flexibility in developing the type or types of alternative education program options needed to meet the needs of disruptive students in the county. County boards of education may request a waiver of State Board of Education policies and regulations in the development and operation of alternative education programs. Such a waiver request does not have to be submitted in accordance with the procedures for requesting waivers stipulated under West Virginia Code 18-5A-3, but may be submitted directly to the State Superintendent of Schools.

Program flexibility does not extend to modifying the provisions of Policy [2419 - Regulations for the Education of Exceptional Students](#) in providing alternative education programs for students with exceptionalities or Section 504 of the Rehabilitation Act of 1973.

**Program Requirements:** County boards of education establishing alternative education programs shall meet the following requirements:

- Policies and Procedures - County boards of education shall adopt policies and procedures for the operation of alternative education programs. Policies and procedures shall include, but are not limited to:
  1. the goals of the program;
  2. the eligibility criteria and process for placement of students in the program including the composition of the Alternative Education Placement Team which may be an existing school team such as the Student Assistance Team;
  3. the involvement of parents and community agencies;
  4. length and time of day the after-hours/night school program operates, if applicable;
  5. plan for awarding of credits;
  6. behavioral management plan as an alternative to the county's discipline policy, if applicable;
  7. the staffing plan, personnel qualifications and class size limits;
  8. the criteria for completion of the alternative education program or reentry into regular education; and
  9. the performance measures and process for program evaluation.

- Eligibility for Placement in Alternative Education Programs - Students may be placed in alternative education programs for:
  1. violations of the West Virginia Code [§18A-5-1a](#);
  2. repeated violations of the county's discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school; and
  3. continuation of educational services during periods of suspension.
- Students who have been expelled must be placed in an alternative education program unless found to be a dangerous student under the procedures set forth in West Virginia Code [§18A-5-1a](#).
- Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment unless determined to be a “dangerous student” under the procedures set forth in West Virginia Code [§18A-5-1a](#).
- Placement of Students in Alternative Education Programs - Placement decisions, excluding short-term in-school suspensions, shall be made by an Alternative Education Placement Team, which may be the Student Assistance Team, as defined in the county's policy and procedures. County school districts shall provide for the opportunity for parents to participate in the placement team meeting. The placement team shall develop a student's written plan which includes academic courses and behavioral components, criteria for re-entry to the regular school program and provisions for periodic review of the student's progress at least on an annual basis. The team for all students with disabilities shall be the IEP team and the written plan shall be the IEP.
- Curriculum - County boards of education shall have an identified written curriculum for alternative education programs based upon State Board of Education approved instructional goals and objectives. The curriculum shall also include a component for teaching and learning responsible behavior. In addition, the county shall provide for the participation of staff certified in the core subject areas in the development of the academic curriculum and the assessment measures to determine mastery of instructional goals and objectives.
- Instruction - County school districts shall deliver instruction in accordance with the following standards:
  1. instructional activities shall be consistent with the written curriculum and appropriate for the students' developmental levels;
  2. instructional materials shall be age appropriate, functionally appropriate, and of high interest level for students;
  3. the program shall provide for individualized instruction and accommodate the entry and exit of students;
  4. curricular and instructional practices shall reflect high expectations for students;
  5. the instructional program shall be delivered in a climate/culture conducive to learning; and
  6. sufficient instructional materials, supplies, and equipment shall be available to deliver the instructional program.
- State Assessment Program - Students enrolled in alternative education programs shall participate in the State Assessment Program, in accordance with WVBE Policy [2340 - West Virginia Measures of Academic Progress Program](#). The test scores for these students shall be counted in the results of the home county school of referral.

- Support Services - Students in alternative education programs shall receive school counseling services and/or other support services such as school social work or psychological services as indicated in the student's written plan.
- Special Education - County boards of education shall comply with applicable state and federal laws and regulations in the education of exceptional students placed in alternative education programs.
- Personnel Selection Criteria - It is the responsibility of the county board of education to select the most qualified applicant(s) to implement the alternative education program. Classroom teachers shall be selected on the basis of the teachers' demonstration of competence in meeting the following standards:
  1. any West Virginia professional teaching certificate;
  2. ability to effect positive behavior in disruptive students;
  3. effective leadership and/or mentoring skills in working with youth;
  4. successful experience in providing education to troubled or disruptive youth;
  5. specialized training or experience in non-traditional programs; and
  6. specialized training in behavior management skills
- Licensure - A teacher assigned to deliver the academic subjects within an alternative education program must possess a West Virginia professional teaching certificate in any area. A Temporary Authorization valid for one year shall be granted to the successful candidate(s) for the alternative education program position(s). The employing county superintendent must verify that the applicant possesses the required competencies. The Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.
- Day-School Programs - Absent expulsion, a student attending an alternative education day school program shall have the opportunity to receive a full-time instructional program and full instructional day.
- After-Hours/Night School Classes - County boards of education are authorized to provide alternative education programs after regular school hours for expelled students and for students who have repeated serious violations of the county's discipline policy following documented multiple behavioral interventions and out-of-school suspensions. After-Hour/Night School programs shall include the provision of academic coursework and development of social skills/pro-social behavior. Unless otherwise required by law, regulation, or court order, transportation services for such programs are at the discretion of the county board of education.
- Home-Based Programs for Disruptive Students - County boards of education may provide home-based programs solely for students expelled under the Productive and Safe Schools Act (West Virginia Code [§18A-5-1a](#)) or for disruptive students who meet the eligibility criteria for Home/Hospital Instruction under WVBE Policy [2510 - Assuring the Quality of Education: Regulations for Education Programs](#).
- Units of Credit - County boards of education shall grant units of credit for work satisfactorily completed in an alternative education program. Units of credit based upon mastery of performance criteria may be granted as an alternative to the standard units of credit.

- Program Completion - Students may complete an alternative education program in one of the following manners:
  1. fulfillment of the criteria for re-entry into the regular school program;
  2. completion of regular high school graduation requirements and awarding of a regular high school diploma from the home county school of referral;
  3. completion of identified performance criteria leading to a high school diploma; or
  4. completion of a GED in accordance with WVBE Policy [2444.4 - Issuance of State of West Virginia General Educational Development \(GED®\) Diploma Based Upon Passage of the GED Tests](#).

Accountability for Results: County boards of education establishing alternative education programs shall conduct an annual evaluation of the effectiveness of the program (s). The evaluation of the effectiveness of alternative education programs shall focus upon the impact of the program on student performance and results using indicators such as: academic gains; reduction in dropout rates; reduction in incidences requiring disciplinary action; improvement in attendance rates; rates of successful program completion and return to the regular school program; rates of successful completion of vocational training programs; rates of successful completion of high school graduation or attainment of a GED; and rates of successful job placement and job retention.

The WVDE shall review compliance with alternative education requirements and the effectiveness of alternative education programs through monitoring and review of the electronic County Strategic Plan. The alternative education program shall be evaluated on the basis of its stated goals and the provisions of this policy.

## **Section 6. Collaboration with Law Enforcement**

Police have the responsibility to enforce laws in order to protect all citizens. Police can enter schools if they suspect a crime has been committed, if they have a warrant for an arrest or search, or if their assistance has been requested by school officials. It is the duty of the school officials, teachers, and students to cooperate with the police and each other to ensure that the rights of all involved persons are respected.

Prevention Resource Officers (PRO): PRO Officers are certified police officers, working as fulltime officers who have been assigned to work fulltime within a public school during the school year. The PRO Officer's duties, salary and other conditions should be determined through an agreement with the county board of education and the PRO Officer's authorized police department. The principal is the PRO Officer's immediate supervisor while the officer is present in the school. There may be a time when, during the course a PRO Officer's duties, the officer's position as a law enforcement officer would take precedence.

Police Conducting an Investigation in the School: During a criminal investigation, if a student is to be questioned by the police, or by school officials in the presence of the police, the school administration should cooperate with the police and help to ensure that the privacy of the student is protected. The police officer is responsible to ensure that the student's constitutional rights are not violated. The police officer is responsible for determining if the student's parents or guardian, or lawyer should be contacted prior to questioning. [West Virginia Code §49-5-2](#) specifies that statements made by a student under the age of fourteen, while being questioned by law enforcement officials, cannot be used in a court proceeding unless his or her lawyer is present; such statements made by students who are fourteen or fifteen years old cannot be used in a court proceeding unless their lawyer is

present or a parent is present and the parent has been informed of the student's rights. The police officer shall determine when the use of restraints is necessary during such questioning to control an unruly student to prevent the student from harming him/herself or others.



## Chapter 5

### PROCEDURES FOR ADDRESSING ALLEGATIONS OF INAPPROPRIATE BEHAVIORS

#### Section 1. Procedures for Reporting Complaints of Inappropriate Behavior

All school employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be address consistently in accordance with the Interventions and Consequences outlined in Chapter 4 and with the school implementation plan. However, incidents of inappropriate behavior do not always occur in the presence of school employees and are reported to school authorities after the behavior has occurred.

All inappropriate behaviors observed by students or public guests must be reported to the appropriate personnel for appropriate action to be taken as specified in the county policy and school implementation plan. Each county policy and school implementation plan shall designate the individual(s) who will receive complaints about inappropriate behaviors indicated in Chapter 4.

County boards of education shall develop procedures to assure that any person who believes he or she has been the victim of an Inappropriate Behavior as outlined in Chapter 4 or any person with knowledge or belief of conduct which may constitute a violation of Policy 4373 has an identified mechanism to report the alleged acts immediately to the appropriate official(s) designated by the county policy and school implementation plan. Nothing in this policy shall prevent any person from reporting violations directly to the county superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency. These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal statutes and/or federal law.

County Boards of Education shall develop appropriate procedures for investigating, reporting, responding, and devising consequences for the failure of an employee to appropriately respond to violations Policy 4373, in accordance with WVBE Policy [5310 - Performance Evaluation of School Personnel](#) in a manner that promotes understanding and respect.

Complaint Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: County boards of education, RESAs, and the WVDE shall develop procedures to assure that any person who believes he or she has been the victim of religious/ethnic, racial or sexual harassment or violence by a student, teacher, administrator or other school personnel of the county board of education, or any person with knowledge or belief of conduct which may constitute religious/ethnic, racial or sexual harassment or violence toward a student, teacher, administrator or other school personnel has an identified mechanism to report the alleged acts immediately to an appropriate official designated by the agency's policy. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the county superintendent, RESA executive director or the state superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency.



- All alleged incidents of harassment or violence observed by faculty or staff must be reported to the designated investigator and appropriate action should be taken as specified in Section 2 of this Chapter.
- Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under West Virginia Code [§49-6-1 et seq.](#) In such situations, the county board of education shall comply with the provisions of law for reporting such abuse.

## **Section 2. Procedures for Investigating Allegations of Inappropriate Behavior**

The individual(s) designated by the county policy and school implementation plan to investigate, shall upon receipt of a report or complaint immediately undertake or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system.

The investigation must, at a minimum consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

When any student is to be interviewed in connection with an investigation pursuant to a Level 3 or 4 inappropriate behavior, a reasonable effort shall be made to contact the student's parent, custodian or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels 2 and discretionary at Level 1.

The principal shall:

- Determine whether the alleged conduct constitutes a violation of this policy.
- Immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.
- Assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

Upon completion of the investigation:

- A report shall be provided to the principal which includes a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
- The report shall be recorded and filed at the county/school level as shall be determined in the county policy.
- The conclusion of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

Investigation Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: County boards of education, RESAs, and the WVDE shall develop procedures following the above guidelines to investigate complaints of religious/ethnic, racial or sexual harassment or violence by a student, teacher, administrator or other school personnel of the county board of education. For RESAs, the RESA Executive Director shall take the place of the Principal and for the WVDE, the State Superintendent shall take the place of the Principal.

### **Section 3. Procedures to Prevent Reprisal**

The county board of education shall develop discipline procedures to take appropriate action against any student or employee who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Likewise, the county board of education shall develop a disciplinary process to take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.

## Chapter 6

### PROCEDURES FOR TAKING ACTION ON SUBSTANTIATED INAPPROPRIATE BEHAVIORS

#### Section 1. Interventions and Consequences of Inappropriate Behavior

It is the intent of the WVBE for schools to be pro-active and preventive in their approach to student behavior. It is also the Board's intent that inappropriate behavior be addressed with meaningful interventions and consequences that strive to improve future behavior. Therefore, it is the Board's belief that school administrators and staff shall exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator for levels 1, 2 and 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy.

In determining the appropriate intervention and/or consequence in response to a substantiated Level I, II, or III inappropriate behavior, the principal, superintendent and/or local board of education should consider:

- the surrounding circumstances,
- the nature of the behavior,
- past incidents or continuing patterns of behavior,
- the relationships between the parties involved and the context in which the alleged incidents occurred.

#### Section 2. Guidelines for Specific Responses to Inappropriate Behavior

Exclusion: According to West Virginia Code [§18A-5-1](#), a teacher or bus driver may exclude from a classroom or bus any student who displays one or more of the inappropriate behaviors outlined in Chapter 4, Section 2, Levels 1, 2, 3 or 4. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

Bus drivers must follow the guidelines outlined in WVBE Policy [4336 – West Virginia School Bus Transportation Policy and Procedures Manual](#). When the bus driver excludes a student from the

school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent/guardian. All students shall be transported until the parent/guardian has been properly notified of the exclusion. The principal/designee shall notify the parent/guardian when their child may resume riding the bus. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

Suspension: The purpose of suspension is to protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to inappropriate behavior until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days.

Suspension typically takes one of two forms:

- **In-School Suspension**: Instances in which a student is temporarily removed from his/her classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel and continues to receive instructional support. Direct supervision means school personnel are physically in the same location as students under their supervision. Settings may include other locations within the school building or removal to another school, such as an alternative school, provided the student remains in direct supervision of school personnel.
- **Out-of-School Suspension**: Instances in which a student is temporarily removed from his/her school for disciplinary purposes to another setting pursuant to [W. Va. Code §18A-5-1a](#) (e.g., home, community setting). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the student continues to receive services according to his/her IEP. The student is not under direct supervision of school personnel as defined under in-school suspension.

A student is entitled to an informal hearing when faced with an out-of-school suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why s/he should not be suspended. However, a student whose conduct is detrimental to the safety of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with out-of-school suspensions are outlined in West Virginia Code [§§18A-5-1 and 18A-5-1a](#) and include:

- a. Parent(s)/guardian(s) must be notified promptly in all cases of suspension.
- b. The county superintendent of schools or designee must be notified and preferably in writing of the time and conditions pertaining to the suspension.
- c. A student that is suspended from school may not participate in any school-sponsored activities, and is not permitted on school grounds during the period of suspension.
- d. A student may not be suspended from school solely for not attending class.

An out-of-school suspension of more than ten (ten) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with suspensions of more than ten (10) days are outlined in West Virginia Code [§§18A-5-1 and 18A-5-1a](#) and include:

- a. Parent(s)/guardian(s) must be informed in writing of the charges against their child, including a summary of the evidence upon which the charges are based.
- b. Upon the student's/parent/guardian's request, a formal hearing must be scheduled before the county board of education.

- c. Students are entitled to be represented or advised during the proceedings by a person or persons of their choosing, including legal counsel.
- d. Students are entitled to be given reasonable time to prepare for the hearing.

**Expulsion:** The county superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in West Virginia Code [§18A-5-1 and §18A-5-1a](#).

West Virginia Code [§18A-5-1 and §18A-5-1a](#) requires mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion include:

- a. The student and parent(s)/guardian(s) must be given a written statement of the specific charges against the student.
- b. The county board of education must hold a hearing regarding the recommended expulsion.
- c. The student and parent(s)/guardian(s) must be given a written notice of the time and place of the board of education hearing at which the expulsion will be considered. This notice must be given far enough in advance for the student to have time to prepare an adequate defense against the charges.
- d. The student and parent(s)/guardian(s) have the right to be present at the board hearing and to defend against the charges.
- e. The student has the right to be represented by an attorney at the hearing at their own expense.
- f. The student has the right to present witnesses in their behalf, to hear the testimony of witnesses against them, and to question the witnesses against them.
- g. If the board of education decides that the charges against a student do not warrant his or her expulsion from school, the student may remain in school or return to school without being subjected to punishment or harassment.
- h. In all expulsion hearings, fact shall be found by a preponderance of the evidence.
- i. Expulsion by the board of education is final. However, if a student or parent/guardian believes that the student was not given procedural due process, they may appeal to the State Superintendent of Schools. If the State Superintendent finds that the board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

### **Section 3. Considerations for Transferring Students with Expulsions**

Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment in the county school system unless determined to be a "dangerous student" under the procedures set forth in [West Virginia Code §18A-5-1a](#). Superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students ([Superintendent's Interpretation of January 26, 2007](#)).

### **Section 4. Considerations for Students with Disabilities, Students not yet Determined Eligible for Special Education and Students with 504 Plans**

When considering exclusion from the bus or suspension or expulsion from school or the bus for students with disabilities, students not yet determined eligible for special education (i.e. students currently engaged in the eligibility process beginning with a Student Assistance Team referral) or students with 504 plans, refer to WVBE Policy [2419 - Regulations for the Education of Students with Exceptionalities](#), Chapter 7 for specific guidelines related to protections which may be warranted for these students.

## **Section 5. Procedures for Reporting Action on Substantiated Incidents**

It is essential that schools accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns. The WVEIS provides schools with the platform to report all incidents of inappropriate behavior at the classroom level and above. The primary value of this data rests at the school and county level and is necessary for development and monitoring of Policy 4373 implementation plans. Therefore, all inappropriate behaviors as described in Chapter 4, Section 2, Levels 1, 2, 3 and 4 shall be reported through:

- Teacher level documentation – shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal. ;
- Principal level WVEIS data entry – shall include all teacher level documentation as well as additional entry for administrative disciplinary actions. This data shall be entered into WVEIS by the principal and/or other authorized staff.
- Superintendent level WVEIS data entry – shall include county board actions resulting from expulsion hearings. This data shall be entered into WVEIS by the superintendent and/or other authorized staff.

Incidents of inappropriate behaviors reported into WVEIS in accordance with this policy will be used by the WVDE to comply with federal and state reporting requirements. In order to assure accuracy of data, all districts shall verify their data monthly.

## **Section 6. Appeals Procedures**

If someone believes that a county board of education has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in WVBE Policy [7211 - Appeals Procedure for Citizens](#). However, this policy does not address personal complaints against a school employee. The procedures set forth in Policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

# **Policy 4336: APPENDIX K**

## **TITLE 126 LEGISLATIVE RULE BOARD OF EDUCATION**

### **SERIES 25A STANDARDS FOR BASIC AND SPECIALIZED HEALTH CARE PROCEDURES (2422.7)**

#### **§126-25A-1. General.**

1.1. Scope. - This legislative rule establishes standards for certified school nurses to assess student health needs and to decide who is best skilled to respond to them.

1.2. Authority. - W.Va. Constitution, Article XII, §2, W.Va. Code §§18-2-5, 18-5-22, 18-5-22a, 18-5-22b, 30-7-1, et seq. and 30-7A-1, et seq.

1.3. Filing Date. - September 15, 2004.

1.4. Effective Date. - October 15, 2004.

1.5. Adoption by reference. - Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools.

#### **§126-25A-2. Purpose.**

2.1. Good health is essential to student learning. This policy establishes the standards that must be followed in providing for students with health care needs. The resulting Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools was designed for use by certified school nurses in West Virginia to assure safe, consistent provision of health care.

#### **§126-25A-3. Definitions.**

3.1. Basic Health Care Procedures are defined as procedures performed by school personnel to ensure that health and safety needs of students are met.

3.2. Cardiopulmonary Resuscitation (CPR) is defined as possession of a current valid certificate from an approved training program for adult, child and infant CPR, e.g. American Heart Association/American Red Cross.

3.3. Certified School Nurse is defined as a registered professional nurse, who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses (W.Va. Code §30-7-1, et seq.), who has completed a West Virginia Department of Education approved program as defined in the West Virginia Board of Education Policy 5100: Approval of Educational Personnel Preparation Programs (W.Va.126CSR114), and meets the requirements for certification contained in West Virginia Board of Education Policy 5202: Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (W.Va. 126CSR136) (hereinafter Policy 5202). The certified school nurse must be employed by the county board of education or the county health department as specified in W.Va. Code §18-5-22.

3.4. Contracted Licensed Health Care Provider is defined as a licensed health care provider, as set forth in Section 3.9 of this policy, providing health care services under contract with county boards of education. Health care services may be contracted after the ratio of one nurse for every 1,500 students, kindergarten through seventh grade, is provided to county schools.

3.5. Contracted School Nurse is defined as an employee of a public health department providing services under a contract with a county board of education to provide services considered equivalent to those required in W.Va. Code §18-5-22.

3.6. First Aid is defined as a training course in emergency treatment that is administered to an injured or sick person before professional medical care is available. This training will be coordinated by the school nurse.

3.7. Health Assessment is defined as the process by which the certified school nurse obtains student health data. This assessment is comprehensive, systematic and continuous to allow the certified school nurse to make a nursing diagnosis and plan for interventions with the student, family, school staff and licensed prescriber when necessary.

3.8. Health Care Plan is defined as the written document developed by the certified school nurse which includes a nursing diagnosis, is individualized to the student's health needs and consists of specific goals and interventions delineating the school nursing actions, delegated procedures and student's role in self care.

3.9. Licensed Health Care Provider is defined as a medical doctor or doctor of osteopathy, podiatrist, registered nurse, practical nurse, registered nurse practitioner, physician assistant, dentist, optometrist, pharmacist or respiratory care professional licensed under Chapter Thirty of W.Va. Code.

3.10. Licensed Practical Nurse is defined as a person who has met all the requirements for licensure as a practical nurse and who engages in practical nursing under the direction of a Registered Professional Nurse as defined in W.Va. Code §30-7A-1, et seq.

3.11. Licensed Prescriber is defined as a licensed health care provider with the authority to prescribe medication and health care procedures.

3.12. Performance Check List is defined as a tool used by the certified school nurse in determining that a school employee meets the minimum standards required to safely perform basic and/or specialized health care procedures.

3.13. Qualified is defined as the ability to demonstrate competence and skills in the use of equipment and performance of techniques and procedures necessary to provide basic and/or specialized health care services for individuals with health needs and to demonstrate current knowledge of community emergency medical resources.

3.14. Related Services are defined as transportation and such developmental, corrective, and other supportive services as are required to assist an eligible exceptional student to benefit from education as defined in West Virginia Board of Education Policy 2419: Regulations for the Education of Exceptional Students (W.Va.126CSR16) (hereinafter Policy 2419). The term includes, but is not limited to, audiology, speech and language pathology, psychological services, physical and/or occupational therapy, counseling/social services, school health services, early identification and assessment, medical services for diagnostic or evaluation purposes and parent training.

3.15. Retrained is defined as a proper demonstration and/or instruction, as deemed necessary by the certified school nurse.



3.16. School Employee as defined by W.Va. Code §18-5-22 means teachers, as defined in W.Va. Code §18-1-1, secretaries, as defined in W.V. Code §18A-4-8 and aides, as defined in W.Va. Code §18A-4-8.

3.17. School Health Manager is defined as a certified school nurse who reviews and interprets medical data related to student health problems and coordinates all school health services.

3.18. School Related Events is defined as any curricular or co-curricular activity, as defined by West Virginia Board of Education Policy 2510: Assuring the Quality of Education: Regulations for Education Programs (W.Va. 126CSR42), that is conducted outside of the school environment and/or instructional day. Examples of co-curricular activities include the following: band and choral presentations; theater productions; science or social studies fairs; mathematics field days; career/technical student organizations' activities; or other activities that provide in-depth exploration or understanding of the content standards and objectives appropriate for the students' grade levels.

3.19. Specialized Health Care Procedures are defined as procedures ordered by the student's licensed prescriber(s) requiring medical and/or health-related training for the individual who performs the procedures.

3.20. Supervision of Designated School Employees is defined as periodic on-site review and documentation by the certified school nurse verifying the competency of that individual in performing basic and/or specialized health care procedures and maintaining appropriate records.

3.21. Direct Supervision. A certified school nurse shall be present on the same school campus as the employee being supervised and available for consultation and/or referral for appropriate assistance.

3.22. Indirect Supervision. A certified school nurse shall be available to the qualified, designated school employee, either in person or through electronic means to provide necessary instruction, consultation and/or referral for appropriate assistance.

3.23. Training is defined as instruction and demonstration provided to designated school employees in preparation to be qualified for the performance of basic and/or specialized health care procedures.

3.24. School Personnel, as referred to in this policy and the Basic and Specialized Health Care Procedure Manual, includes any school employee, as defined in W.Va. Code §18-5-22 that is not a licensed health care provider but has been designated, trained and deemed competent by a certified school nurse and approved by a school administrator to provide basic and/or specialized health care procedure(s) to students in West Virginia public schools.

#### **§126-25A-4. State Administrative Procedures.**

4.1. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools shall be utilized as the minimum standard for safe practice as adopted by the State Division of Health in the Specialized Health Procedures in Public Schools Rule, 64 W.Va. CSR 66, 1992.

4.2. Training Program. School employees who provide basic and/or specialized health care procedures for students with special health needs, shall undergo training or demonstrate competency in the performance of Required procedures that are set forth in Section 4.2.1 of this policy. In addition, applicable Basic and/or Specialized training will be required for all school employees performing health care procedures.

4.2.1. Required training: All employees defined in Section 4.2 must be trained in:

- a. Handling and disposal of body fluids;

- b. Basic first aid;
- c. CPR;
- d. Confidentiality.

A. Employees performing basic health care procedures may be exempt from Required training of first aid and CPR, if deemed unnecessary by the certified school nurse.

4.2.2. Basic training: Individualized training in the performance of any one or more basic health care procedures as applicable to employee job assignment.

4.2.3. Specialized training: Individualized training in the performance of any one or more specialized health care procedures as applicable to employee job assignment.

4.3. Training and retraining must be provided and/or coordinated by a certified school nurse.

4.4. An assessment of the performance of each procedure shall be completed by the certified school nurse. This assessment shall include the completion of a critical skills performance check list and shall be conducted in relation to changes in student health care needs, licensed prescriber's orders and medical/health technology.

4.5. The category of supervision required (direct or indirect) in each situation shall be determined by the certified school nurse.

4.6. Training shall be provided through simulation or use of training models. Initial practice of the procedure shall be simulated or done on models rather than the student, whenever possible.

4.7. Personnel shall be retrained, every two years on performance of all basic and/or specialized health care procedures that are currently prescribed and being performed by said personnel.

#### **§126-25A-5. Organization and Management.**

5.1. School employees will be certified for completion of Required training and applicable basic and/or specialized health care procedures.

5.1.1. Required training certification must assure:

a. Completion of Required training program stipulated for all employees defined in Section 4.2.

b. Demonstrated competency in Required training to be performed in Section 4.2.1.

5.1.2. Basic and Specialized certification must assure:

a. Completion of Required training program stipulated for all employees defined in Section 4.2. Completion of training in all basic and/or specialized health care procedures to be performed.

b. Demonstrated competency based on a performance checklist.

5.2. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools must be used for teaching and training basic and specialized health care procedures. The training may be provided by:

- 5.2.1. Schools of nursing;
- 5.2.2. Vocational schools;
- 5.2.3. Independent faculty approved by a certified school nurse;
- 5.2.4. Certified school nurses;
- 5.2.5. Public health department;
- 5.2.6. Contracted school nurse;
- 5.2.7. Contracted licensed health care provider.

5.3. This policy/rule will be updated, as necessary, by the Council of School Nurses, as outlined in §126-25A-8.

#### **§126-25A-6. System for School Admission and Care.**

6.1. For students needing specialized health care procedures, the certified school nurse shall assess the student, review the licensed prescriber's order and assure implementation of needed health and safety procedures. This assessment shall be completed prior to initial school attendance and following any absence in which a health condition may have changed, necessitating reevaluation.

6.2. The licensed prescriber's orders are kept on file in the student's permanent record. These orders are valid for a maximum of one year, unless changed by the licensed prescriber.

6.3. Certified school nurses shall determine delegation of any aspect of basic and/or specialized health care.

#### **§126-25A-7. Health Care Plan.**

7.1. A health care plan is required for all students receiving specialized health care procedure(s) during the school day and school related events.

7.2. The health care plan must be prepared by the certified school nurse based on assessment of student and/or a written order by a licensed prescriber.

7.3. A review of the health care plan will be conducted with staff member(s) assigned by the administrator to carry out the plan.

7.4. The plan should contain:

- 7.4.1. Nursing assessment,
- 7.4.2. Nursing diagnosis,
- 7.4.3. Goals and expected outcomes,
- 7.4.4. Interventions and

#### 7.4.5. Evaluation.

7.5. Health care plans are reviewed annually or more frequently as the student's condition warrants.

### **§126-25A-8. Quality Assurance.**

8.1. A needs assessment conducted by county school nurses within each Regional Education Service Agency (RESA) will be the basis for revision of the Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools will be revised, as deemed necessary, by the West Virginia Council of School Nurses based on the needs assessments conducted by school nurses.

8.2. The Council of School Nurses shall meet at least bi-annually, or more frequently, as deemed necessary by the Chair of the Council in consultation with the West Virginia Department of Education for review of certification and training program(s) regarding school employees designated to perform basic and/or specialized health care procedures.

8.3. The certified school nurse shall participate in continuing education programs which provide:

8.3.1. Training related to new specialized health care procedures.

8.3.2. Staff development applicable to effective school health practice.

8.4. The certified school nurse must develop a monitoring system with appropriate timeframes to ensure safety and effective monitoring of the delegation of all basic and/or specialized health care procedures.

### **§126-25A-9. School Health Records.**

9.1. All records are confidential and shall not be released except under existing law and West Virginia Board of Education policies.

9.2. An individual record will be maintained for each student needing a specialized health care procedure. It will include date and time procedure was performed, any notes on events and/or interactions and signature of person performing/supervising procedure.

### **§126-25A-10. Staffing Requirements.**

10.1. Certified school nurses must be employed in sufficient numbers to ensure adequate provision of services to severely handicapped pupils. Registered nurses have the authority and the ability to teach and to supervise other persons in rendering selected health services and/or procedures.

10.2. The certified school nurse must have a current license as a registered professional nurse in the State of West Virginia (W.Va. Code §30-7-1, et seq.). The school nurse must be certified as a school nurse as set forth in Policy 5202. The certified school nurse must be employed by the county board of education or the county health department (W.Va. Code §18-5-22) which contracts to provide equivalent services to boards of education. Performance of professional nursing service means both independent nursing functions and health related services which require specialized knowledge, judgment, and skills as governed by the West Virginia Nurse Practice Act (W.Va. Code §30-7-1, et seq.) and the National Association of School Nurses, Inc. "Scope and Standards of Professional School Nursing Practice".

10.3. The licensed practical nurse must be currently licensed in the State of West Virginia (W.Va. Code §30-7A-1, et seq.) and must function under the supervision of the registered professional nurse or licensed physician. The practical nurse shall not function as a school nurse.

10.4. Medical contacts, referrals and interpretations of medical data shall be managed by the certified school nurse. The nurse serves as the manager for health related problems and decisions. In the role of manager, the nurse is responsible for standards of school nurse practice in relation to health appraisal and health care planning. School employees, with the approval of the principal and the county board of education, may elect or in some cases be required to provide approved specialized health care procedures and such procedures shall be delegated by the certified school nurse as deemed appropriate. The school nurse shall provide for training, retraining, and supervision, and, upon completion, certify satisfactory level of competence before school employees perform basic and/or specialized health care procedures. A qualified designated school employee may be deemed not qualified in the performance of delegated basic and/or specialized health care procedures based on the ongoing monitoring and supervision by the school nurse.

10.5. A licensed prescriber and/or professional nurse may be held liable for delegating professional responsibilities to individuals not qualified to perform them.

**§126-25A-11. Student Rights.**

11.1. Students are entitled to the assignment of qualified personnel.

11.2. Students are afforded the right to privacy, dignity, respect and courtesy, in accordance with The Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99).

**§126-25A-12. Penalties.**

12.1. Failure of any school personnel to comply with the above rules will result in personnel disciplinary actions based on state and local board of education policy.

**§126-25A-13. Administrative Due Process.**

13.1. Families dissatisfied with the health care plan and its handling by personnel should:

13.1.1. Schedule a meeting with the certified school nurse and school principal or designee.

13.1.2. Follow due process procedure as outlined in the Policy 2419 and/or in the West Virginia Board of Education Policy 7211: Appeals Procedures for Citizens (W.Va. 126CSR188).

13.1.3. Appeal unacceptable outcomes at the fourth step to the State Superintendent of Schools.

**§126-25A-14. Severability.**

14.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

# Policy 4336: APPENDIX L

## TITLE 126 LEGISLATIVE RULE BOARD OF EDUCATION

### SERIES 27 MEDICATION ADMINISTRATION (2422.8)

#### '126-27-1. General.

1.1. Scope. – This legislative rule establishes standards for administration of all medication in the West Virginia public school system.

1.2. Authority. – W.Va. Constitution, Article XII, §2 and W.Va. Code ' ' 18-1-1, 18-2-5, 18-5-22, 18-5-22a, 18-5-22b, 18A-4-8, and 30-7-1, et seq.

1.3. Filing Date. – April 19, 2004

1.4. Effective Date. – July 1, 2004

1.5. Repeal of Former Rule. – None. This is a new policy.

#### '126-27-2. Purpose.

2.1 Good health and safety are essential to student learning. The administration of medication to students during the school day should be discouraged unless absolutely necessary for the student's health. Administration of medication during the school day is essential to allow some students to attend school. This policy establishes the standards that must be followed when any medication is required to be administered during attendance at school or school related events and to provide for emergency medication administration, when necessary.

2.2. An objective of this medication administration policy is to promote individual responsibility. This can be achieved by educating students and their families.

#### '126-27-3. Application.

3.1. These regulations apply to school nurses, administrators, other authorized school employees, contracted school nurses, and contracted licensed health care providers (as specified in W.Va. Code ' 18-5-22a) administering medication to students in the West Virginia public school system.

3.2 County Boards of Education shall develop or amend medication administration policies to meet or exceed the standards set forth in W.Va. Code ' 18-5-22a as well as the components set forth in this policy.

3.3 The West Virginia Department of Education (STATE DEPARTMENT) may issue and periodically update advisories to provide guidance on the administration of medication to students in the West Virginia public school system.

3.4. This policy shall not impact the operating procedures of School Based Health Centers. It is not the intent of this policy to interfere with existing policies and procedures of health care providers managing School Based Health Centers.

#### **' 126-27-4. Definitions.**

4.1. "Administration of medication" means a health care procedure, which may be performed by school personnel who are designated, qualified, trained and authorized to administer medications to students.

4.2. "Administrator's designee" means an employee (excluding the school nurse or contracted provider of nursing services) who is designated by the building administrator, is trained to administer non-prescribed medication, and agrees to administer non-prescribed medications.

4.3. "Contracted licensed health care provider" means a licensed health care provider, as set forth in Section 4.6 of this policy, providing health care services under a contract with county boards of education. Health care services may be contracted after the ratio of one nurse for every 1,500 students, kindergarten through seventh grade, is provided to county schools.

4.4. "Contracted school nurse" means an employee of a public health department providing services under a contract with a county board of education to provide services considered equivalent to those required in W.Va. Code §18-5-22.

4.5. "Designated qualified personnel" means an employee or contracted provider who agrees to administer medications, is authorized by the administrator, successfully completes training as defined in West Virginia Board of Education Policy 2422.7 – Standards for Basic and Specialized Health Care Procedures (126CSR25A), hereinafter Policy 2422.7, and is qualified for the delegation of the administration of prescribed medications.

4.6. "Licensed health care provider" means a medical doctor or doctor of osteopathy, podiatrist, registered nurse, practical nurse, registered nurse practitioner, physician assistant, dentist, optometrist, pharmacist or respiratory care professional licensed under Chapter Thirty of W.Va. Code.

4.7. "Licensed prescriber" means licensed health care providers with the authority to prescribe medication.

4.8. "Long-term and Emergency Prescribed Medication" means medication ordered by a licensed prescriber that is used to treat acute and chronic health conditions including both daily and PRN (as needed) medication.

4.9. "Medication document" means the individual medication record or medicine log used to record the administration of medication to a student.

4.10. "Non-prescribed Medication" means medication and food supplements that have been approved by the Food and Drug Administration and may be obtained over-the-counter (OTC) without a prescription from a licensed prescriber.

4.11. "Parent/Guardian Authorization Form" means a form completed and signed by parent/guardian in order to authorize medication administration to said parent's/guardian's child. The form must include the following: student name; date; allergies; medication name, dosage, time and route; intended effect of medication; other medication(s) taken by student; and parent/guardian signature.

4.12. "Prescribed Medication" means medication with a written order signed by a licensed prescriber.

4.13. "School Based Health Centers" means clinics located in schools that: 1) are sponsored and operated by community based health care organizations; 2) provide primary health care services (including but not limited to diagnosis and treatment of acute illness, management of chronic illness, physical exams, immunizations, and other preventive services) to students who are enrolled in the health center; and 3) follow state and federal laws, policies, procedures, and professional standards for provision of medical care.

4.14. "School Nurse" is defined as a registered professional nurse, licensed by the West Virginia Board of Examiners for Registered Professional Nurses (W.Va. Code '30-7-1, et seq.), who has completed a West Virginia Department of Education approved program as defined in West Virginia Board of Education Policy 5100 – Approval of Educational Personnel Preparation Programs (126CSR114) and meets the requirements for certification contained in West Virginia Board of Education Policy 5202 – Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (126CSR136). The school nurse must be employed by the county board of education or the county health department as specified in W.Va. Code '18-5-22.

4.15. "School-related event" means any curricular or co-curricular activity, as defined in West Virginia Board of Education Policy 2510 – Assuring the Quality of Education: Regulations for Education Programs (126CSR42), that is conducted outside of the school environment and/or instructional day. Examples of co-curricular activities include the following: band and choral presentations; theater productions; science or social studies fairs; mathematics field days; career/technical student organizations' activities; or other activities that provide in-depth exploration or understanding of the content standards and objectives appropriate for the students' grade levels.

4.16. "Self-administration" means medication administered by the student under the supervision of the school nurse, designated qualified personnel, administrator or administrator's designee. The self-administration of prescribed medication may also include medication taken by a student in an emergency or an acute situation (e.g., rescue inhaler).

**'126-27-5. Authorization.**

5.1. Authorized personnel include trained school nurses, other licensed health care providers, administrators, teachers, aides and secretaries as defined in W.Va. Code §§18-1-1, 18A-4-8 and 18-5-22.

**§126-27-6. Roles and Responsibilities.**

6.1 Role of the school administrator(s).

6.1.1. Provide for appropriate, secure, and safe storage and access of medications.

6.1.2. Provide a clean, safe environment for medication administration.

6.1.3. Provide a mechanism for safely receiving, counting and storing medications.



6.1.4. Provide a mechanism for receiving and storing appropriate medication authorization forms.

6.1.5. Select potential candidates for medication administration (prescribed and non-prescribed).

6.1.6. Assign qualified employees, who meet a satisfactory level of competence for prescribed medication administration as defined in Policy 2422.7 and non-prescribed medication as determined by the STATE DEPARTMENT.

6.1.7 Coordinate development of procedures for the administration of medication during school-related events with classroom teachers, school nurses, parents/guardians, designated qualified personnel and administrator's designees.

6.2. Role of the school nurse and contracted licensed health care provider.

6.2.1. Determine if the administration of prescribed medication may be safely delegated to designated qualified personnel, as defined in Section 4.4.

6.2.2. Contact the parent/guardian or licensed health care provider to clarify any questions about prescribed medication that is to be administered in the West Virginia public school system.

6.2.3. Manage health related problems and decisions. In the role of manager, the nurse is responsible for standards of school nurse practice in relation to health appraisal, health care planning and maintenance of complete and accurate documentation. For students needing long-term and emergency prescription medication to attend school, the school nurse shall assess the student, review the licensed prescriber's orders, assure implementation of needed health and safety procedures, and develop a health care plan.

6.2.4. Utilize the "West Virginia Board of Examiners for Registered Professional Nurses Guidelines for Determining Acts that May be Delegated or Assigned by Licensed Nurses", January 2001, and any revisions thereof, as the mechanism for determining whether or not the administration of prescribed medications may be delegated.

6.2.5. Provide and/or coordinate training, as defined in Policy 2422.7, for all school employees designated to administer prescribed medication.

6.2.6. Validate and document student knowledge and skills related to self-administration of prescribed medication.

6.3. Role of designated qualified personnel/administrator's designee.

6.3.1. Successfully complete the Cardiopulmonary Resuscitation (CPR), First Aid, and the medication administration portion of training, as defined in Policy 2422.7.

6.3.2. Store and administer medication, complete the medication document and report medication incidents as outlined in Sections 7.4. and 8.5.

6.4. Role of the parent/guardian.

6.4.1. Administer the initial dose of any medication at home, except for emergency medications and unless otherwise directed by the licensed prescriber and/or a court order.

6.4.2. Complete and sign a parent/guardian authorization form (to be designed by each county), which indicates student name; date; allergies; medication name; dosage, time, and route; intended effect of medication; other medication(s) taken by student; and parent/guardian signature.

6.4.3. Provide school with completed licensed prescriber authorization form for prescribed medication(s).

6.4.4. Supply medication and ensure that medication arrives safely at school in a current and properly labeled container (see Sections 7.2 and 8.3). Give the medication to the person authorized by the administrator to receive, store, and administer medication. Maintain effective communication pertaining to medication administration.

6.4.5. Replenish long-term and emergency prescribed medication as needed.

6.4.6. Retrieve unused or outdated medicine from school personnel no later than thirty days after the authorization to give the medication expires or on the last day of school.

6.5. Role of the student.

6.5.1. Consume the medication in the specified manner, in as much as his/her age, development and maturity permit.

6.5.2. Self-administer prescribed emergency or acute medications, such as but not limited to a Epi-pen or ibuprofen when the prescription indicates that said student must maintain possession of the medication. The student must be able to bring the medication to school, carry the medication in a safe and responsible manner, and use the medication only as prescribed. At the discretion of county boards of education, high school students (not below grade 9) may be allowed to carry and self-administer non-prescribed medication (OTC) with parent/guardian authorization, unless restricted by the administrator.

#### **126-27-7. Administration of Prescribed Medication.**

7.1. Prescribed medications shall be administered after written authorization from a licensed prescriber and parent/guardian are received.

7.2. Prescribed medication shall be in the originally labeled container, which includes the following:

7.2.1. Prescribed medication(s) from a pharmacy

- a. student's name,
- b. name of the medication,
- c. reason(s) for the medication (if to be given only for specific symptoms),
- d. dosage, time and route,
- e. reconstitution directions, if applicable, and
- f. the date the prescription and/or medication expires.

7.2.2. Prescribed Over-the-Counter Medication(s)

- a. student's name (affixed to original manufacturer's bottle),
- b. name of the medication,
- c. reason(s) for the medication (if to be given only for specific symptoms),
- d. dosage, time and route,
- e. reconstitution directions, if applicable, and
- f. the date the prescription and/or medication expires.

7.2. Medication administration steps must be followed exactly as outlined in Policy 2422.7.

7.3.1. Medication administration must take place in a clean and quiet environment where privacy may be established and interruptions are minimal.

7.3.2. The school nurse is to be contacted immediately when a prescribed medication's appearance or dosage is questioned. The school nurse shall take the appropriate steps to assure the medication is safe to administer.

7.3.3. The school nurse is to be contacted immediately when a student's health condition suggests that it may not be appropriate to administer the medication.

7.3.4. When a student's medical condition requires a change in the medication dosage or schedule, the parent must provide a new written authorization form from a licensed prescriber and container. This must be given to designated personnel within an appropriate time frame.

7.4. Medication administration incidents include, but are not limited to, any deviation from the instructions provided by the licensed health care provider. The school nurse and administrator shall be contacted immediately in the event of a medication incident. The school nurse or administrator shall do the following:

7.4.1. Contact the physician and parent/guardian, if necessary.

7.4.2. Implement the school nurse or administrator recommendation/licensed prescriber order in response to a medication incident.

7.4.3. Document all circumstances, orders received, actions taken and student's status.

7.4.4. Submit a written report to the administrator and county superintendent at the time of the incident. The report should include the name of the student, the parent/guardian name and phone number, a specific statement of the medication incident, who was notified, and what remedial actions were taken.

7.5. Self-administration of asthma medication shall be permitted in accordance with W.Va. Code §18-5-22b after the following conditions are met:

7.5.1. A written authorization is received from the parent/guardian for self-administration of asthma medication.

7.5.2. A written statement is received from a licensed prescriber which contains the student name, purpose, appropriate usage, dosage, time or times at which, or the special circumstances under which the medication is to be administered.

7.5.3. The student has demonstrated the ability and understanding to self-administer asthma medication by passing an assessment by the school nurse evaluating the student's technique of self-administration and level of understanding of the appropriate use of the asthma medication.

7.5.4. The parent/guardian has acknowledged in writing that they have read and understand a notice provided by the county board of education stating that the school, county school board and its employees and agents are exempt from any liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of asthma medication.

7.5.5. The permission to self-administer asthma medication shall be effective for the school year for which it is granted and all documents related to the self-administration of asthma medication shall become part of the student health record.

7.5.6. The permission to self-administer asthma medication may be revoked if the school administrator finds that the student's technique and understanding of the use of asthma medication is not appropriate or is willfully disregarded.

**126-27-8. Administration of Non-Prescription Medication.**

8.1. Non-prescribed medications shall be administered only after meeting the following requirements:

8.1.1. Parent/guardian authorization form is provided.

8.1.2. The school administrator has the authority to determine if the administration of the non-prescribed medication may be safely delegated to the administrator's designee as defined in Section 4.2.

8.1.3. The school administrator has the authority to contact the parent/ guardian or a licensed health care provider to clarify any questions about the medication being administered.

8.2. Any non-prescribed medication(s) must be provided by the parent/guardian.

8.3. Non-prescribed medication shall be in the manufacturer's original packaging clearly marked with the following:

8.3.1. student's name (affixed to original manufacturer's bottle),

8.3.2. name of medication,

8.3.3. ingredients,

8.3.4. dosage, time and route,

8.3.5. reconstitution directions, if applicable, and

8.3.6. medication expiration date.

8.4. Medication administration steps must be followed exactly as outlined by the STATE

## DEPARTMENT.

8.4.1. Medication administration must take place in a clean and quiet environment where privacy may be established and interruptions are minimal.

8.4.2. The parent/guardian is to be contacted immediately when a medication's appearance or dosage is questioned. The administrator's designee shall take the appropriate steps to assure the medication is safe to administer.

8.4.3. The parent/guardian is to be contacted immediately when a student's health condition suggests that it may not be appropriate to administer the medication.

8.5. Medication administration incidents include, but are not limited to, any deviation from the instructions provided by the parent/ guardian. The school administrator shall be contacted immediately in the event of a medication incident. The school administrator will then contact the parent/ guardian, if necessary. The school administrator or designee shall:

8.5.1. Implement the parent's/guardian's recommended response to a medication incident.

8.5.2. Document all circumstances, orders received, actions taken and student's status.

8.5.3. Submit a written report to the administrator and county superintendent at the time of the incident. The report should include the name of the student, the parent/guardian name and phone number, a specific statement of the medication incident, who was notified, and what remedial actions were taken.

8.5.4. When a parent/guardian authorizes a non-prescribed medication to be given in addition to a known prescribed medication, the administrator or school nurse shall validate the safety of multiple medications. At times, this validation process may require a licensed provider order.

### **§126-27-9. Medication Storage, Inventory, Access and Disposal.**

9.1. Each school shall designate space in the building to store student medication, at the correct temperature, in a secure, locked, clean cabinet or refrigerator, as required.

9.2. All medication shall be entered on a medication inventory and routinely monitored for expiration and disposal.

9.3. Access to medications shall be under the authority of the administrator of the school in conjunction with the school nurse assigned to that school. If there is a full-time school nurse assigned to the building, the school nurse shall have authority over the access to prescribed medications.

9.4. An appropriate supply of long-term and emergency prescribed medication may be maintained at the school in amounts not to exceed school dosages within each calendar month.

9.5. School personnel shall dispose of unused or outdated medicine unclaimed by the parent/guardian no later than 30 days after the parent/guardian medication authorization expires or on the last day of school.

9.6. Medication disposal shall be done in a manner in which no other individual has access to any unused portion. Two individuals will witness the disposal of the medication and the procedure must be documented on the appropriate form related to the specific student.

### **§126-27-10. Confidentiality and Documentation.**

10.1. Student information related to diagnosis, medications ordered and medications given must be maintained according to The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99) and in such a manner that no one could view these records without proper authorization as specified in West Virginia Board of Education Policy 4350 - Procedures for the Collection, Maintenance and Disclosure of Student Data (126CSR94).

10.2. Documentation of medication administration shall include the following information:

10.2.1. student name,

10.2.2. medication(s) name,

10.2.3. dosage, time and route of medication('s) administration,

10.2.4. reaction(s) or untoward effects,

10.2.5. reason(s) the medication was not administered; and

10.2.6. date and signature of person administering medication.

#### **§126-27-11. Consequences of Policy Violation.**

11.1. If a student violates the policy regarding medication administration, action will be based upon West Virginia Board of Education Policy 4373 - Student Code of Conduct (126CSR99) and/or West Virginia Board of Education Policy 2422.5 - Substance Abuse (126CSR23).

11.2. Failure of school personnel to comply with the above rules shall result in personnel disciplinary actions based on West Virginia Board of Education Policy 5310 - Performance Evaluation of School Personnel (126CSR142) and West Virginia Board of Education Policy 5902 - Employee Code of Conduct (126CSR162).

#### **§126-27-12. Severability.**

12.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

# Policy 4336: APPENDIX M

## TITLE 126 PROCEDURAL RULE BOARD OF EDUCATION

### SERIES 4 RULES OF PROCEDURE FOR ADMINISTRATIVE HEARINGS AND APPEALS (1340)

#### **§126-4-1. General.**

1.1. Scope. - The "Rules of Procedure for Administrative Hearings and Appeals" are promulgated to assure procedural due process and expeditious processing of administrative proceedings before the State Superintendent of Schools. Nothing herein should be interpreted to give rise to an action on the part of any county school personnel; all remedies which are allowable by a county board of education or county school superintendent should be exhausted before appealing to the State Superintendent to hear a controversy. Employee grievances are governed by the provisions of West Virginia Code §18-29-1, *et seq.*

1.2. Authority. - W.Va. Const., Article XII, §2; W.Va. Code §§6-9A-1 *et seq.*, 18-2-5, 18-3-4, 18A-3-2a, and 18A-3-6.

1.3. Filing Date. - June 7, 2002.

1.4. Effective Date. - July 7, 2002.

1.5. Repeal of Former Rule. This procedural rule repeals and replaces Legislative Rule W. Va. §126CSR4 "Rules of Procedure for Administrative Hearings and Appeals" filed February 15, 2002 and effective March 17, 2002.

#### **§126-4-2. Foreword.**

2.1. This policy governs the disposition of all administrative proceedings as well as the hearing of appeals and the adjudication of controversies and disputes arising under school laws by the State Superintendent of Schools, including citizens' appeals under WVBE Policy 7211.

#### **§126-4-3. General Rules.**

3.1. Definition of "Designee." As used in these rules, "Designee" shall mean that employee of the West Virginia Department of Education (STATE DEPARTMENT) designated by the Superintendent to hear and determine issues pursuant to the terms and conditions of this policy.

3.2. Definition of "Superintendent." As used in these rules, unless a different meaning appears from the context, "Superintendent" shall mean the State Superintendent of Schools.

3.3. Definition of "Party." "Party" shall mean petitioner, respondent, and/or intervener. "Party" shall also mean teacher to the extent pertinent.

3.4. All parties shall receive notice at least ten (10) days prior to the hearing. The notice of hearing shall include:

3.4.1. the date, time and place of the hearing,

3.4.2. a concise statement of the purpose,

3.4.3. mention that either the Superintendent or a designee of the Superintendent shall conduct the hearing.

3.5. A copy of this policy shall be provided to the parties to the hearing.

3.6. Appearance Pro Se. Any person may either appear in person or be represented by a representative or an attorney at law admitted and authorized to practice in this State.

3.7. Authority of Superintendent. The Superintendent shall have authority to administer oaths and affirmations; examine witnesses and receive evidence; rule upon offers of proof; issue subpoenas; take or cause depositions to be taken whenever the ends of justice would, in the Superintendent's opinion, be served thereby; regulate the course of the hearing; and dispose of procedural requests or similar matters. The authority of the Superintendent shall extend to his/her designee in all cases arising under this policy when the matter is heard by the designee at the request of the Superintendent.

3.7.1. The Superintendent may also call witnesses and question them. The Superintendent may limit the number of witnesses who will be called, within reason, and may also limit the length of oral argument.

3.7.2. A hearing may be adjourned from one day to another or to another place either by announcement by the Superintendent at the hearing or by appropriate notice.

3.7.3. The Superintendent may grant a continuance for good cause shown by the requesting party or upon his/her own motion.

3.8. Evidence. The formal rules of evidence shall be relaxed. Evidence will be admissible if it is material and relevant to the matter; however, irrelevant, immaterial or unduly repetitious evidence shall be excluded. All evidence, including any records, investigations, reports and documents which the Superintendent desires to consider as evidence in making a decision, shall be offered and made a part of the record in the proceeding. The Superintendent may take official notice of any fact which may be judicially noticed by a Court and, in addition, may take official notice of general, technical or scientific facts within the Superintendent's knowledge. Parties may be given a fair opportunity to refute the facts so noticed. The requirements of this rule shall not apply to cases in which the truth of the particular fact or matter is admitted or to a determination of appropriate relief.

3.9. Stenographic Transcript. Where there is available a stenographic transcript of proceedings before a county board of education, or before any court of record or other official or body whose action is called into question before the Superintendent, either party may, if at least ten (10) days' notice of intention to do so has been given to opposing parties or counsel, offer the transcript of testimony of any witness or witnesses named in said notice in lieu of producing said witness or witnesses at the hearing.

3.10. Briefs and Oral Argument. All parties shall have the opportunity to submit briefs on the matter, and to present oral argument if requested. Oral argument shall be limited to thirty (30) minutes for each party, unless the Superintendent shall otherwise order. Briefs, if any, shall be submitted within the time fixed by the Superintendent.

3.11. Failure to Cooperate. The Superintendent, on his or her own initiative or at the request of the designee, may institute judicial proceedings for punishment of persons for contemptuous conduct directed to the Superintendent or the designee, in the course of a proceeding.

3.12. Written Decision. Every determination shall be embodied in a written decision which shall contain both findings of fact and conclusions of law and an appropriate recommended order. Such decisions



shall be issued by the Superintendent's designee. Upon receipt of the recommended order with findings and conclusions from such designee, the Superintendent shall review the same along with the record and issue an order adopting the findings, conclusions, and/or recommendations of the designee; rejecting the findings, conclusions and/or recommendations of the designee; or remanding the matter back to the designee with instructions for further evidence or findings, conclusions and/or recommendations. When the case is heard directly by the Superintendent, the Superintendent shall issue both a written decision, which shall set forth findings of fact and conclusions of law, and an appropriate order. Said orders shall be filed in the office of the Superintendent and copies thereof shall be served or mailed to the parties of record affected thereby or their attorneys of record within thirty (30) days following the Superintendent's receipt of any recommendation from his or her designee or within thirty (30) days following the hearing when heard directly by the Superintendent.

3.13. Waiving of Rules. Any of the provisions of these rules relating to the presentation of his/her case or argument may be waived by any party or his/her attorney.

3.14. Hearings shall be recorded by electronic means or by a court reporter.

#### **§126-4-4. Rules for Hearings on Certification Suspension/Revocation/Denial for Cause.**

4.1. Definitions of terms used in this section.

4.1.1. "Hearing Officer." As used in these rules, unless a different meaning appears from the context, "Hearing Officer" shall mean the State Superintendent of Schools, the Professional Practice Panel, the Licensure Appeal Panel, or a STATE DEPARTMENT employee designated by the Superintendent to hear and determine issues of teaching certificate suspension and/or revocation and/or denial for cause.

4.1.2. "Teacher." As used in these rules, the word "Teacher" (and its derivatives) shall mean any person certified or otherwise professionally licensed by the Superintendent pursuant to policy, rule, or regulation of the West Virginia Board of Education or pursuant to statute, including but not limited to administrators, professionals, paraprofessionals, coaches, and holders of service certificates.

4.1.3. "Applicant." As used in these rules, the word "Applicant" (and its derivatives) shall mean any person applying for a teacher license issued by the Superintendent pursuant to policy, rule, or regulation of the West Virginia Board of Education or pursuant to statute.

4.1.4. "Party." "Party" shall mean petitioner, respondent, and/or intervener. "Party" shall also mean teacher to the extent pertinent.

4.1.5. "Suspension." "Suspension", as used in these rules, shall mean a temporary revocation imposed for a fixed and definite period of time. After a period of suspension has expired, the affected individual must reapply for licensure.

4.1.6. "Professional Practice Panel." "Professional Practice Panel" shall mean the seven (7) individuals selected to hear and make recommendations to the Superintendent regarding revocation for cause of a teacher's license, pursuant to West Virginia Board of Education Policy 5050.

4.1.7. "Licensure Appeal Panel." "Licensure Appeal Panel" shall mean the seven (7) individuals selected to hear and make recommendations to the Superintendent regarding denial for cause of a teacher's license, pursuant to West Virginia Board of Education Policy 5050.

4.2. Grounds for Revocation or Suspension of Certificates. The Superintendent may, after ten (10) days' notice and upon proper evidence, revoke or suspend the certificate(s) of any teacher for drunkenness, untruthfulness, immorality, or for any physical, mental or moral defect which would render him/her unfit for the proper performance of his or her duties, or for any neglect of duty or refusal to perform the same, or for using

fraudulent, unapproved, or insufficient credit; or for any other cause which would have justified the withholding of a certificate when the same was issued. (West Virginia Code §§18A-3-2a, 18A-3-6)

4.3. Grounds for Denial of Licensure for Cause. A certificate shall not be issued to any person who is not of good moral character and physically, mentally, and emotionally qualified to perform the duties for which the certification would be granted or for any other cause which would justify the revocation or suspension of certification. (West Virginia Code §§18A-3-2a, 18A-3-6)

4.4. Duty of County Superintendent. It shall be the duty of any county superintendent who knows of any immorality or neglect of duty on the part of any teacher, including student teachers, to report the same, together with all the facts and evidence, to the Superintendent for such action as may be proper. In the case of a student teacher, the county superintendent must also send the report to the appropriate teacher preparation institution. Failure to report such information, if willful, may be grounds for revocation of the certificate of the county superintendent.

4.5. Recalling Certificates for Correction. If a certificate has been granted through an error, oversight, or misinformation, the Superintendent shall have authority to recall the certificate and make such corrections as will conform to the requirements of law and WVBE of Education policy.

4.6. Teaching Certificate Revocation and Suspension Proceedings; Notice. Teaching certificate revocation proceedings shall be conducted before the Hearing Officer. The teacher shall receive notice ten (10) days prior to the hearing.

4.6.1. The notice shall include:

4.6.1.a. the date, time and place of the hearing,

4.6.1.b. a concise statement of the charges,

4.6.1.c. indicate that the Superintendent or his/her designee shall conduct the hearing,

and

4.6.1.d. the possible actions to be taken against the certificate of the teacher.

4.6.2. Upon timely request by the teacher, a more definite statement of the charges shall be received by the teacher at least ten (10) days prior to the hearing.

4.6.3. Appearance Pro Se. Any person may either appear in person with or without a representative or an attorney at law admitted and authorized to practice in this State.

4.6.4. A quorum shall be required. A majority of Professional Practice Panel members shall constitute a quorum.

4.7. Denial for Cause Proceedings. Denial for cause proceedings shall be conducted before the Hearing Officer. The applicant may submit a written request for an appeal hearing within thirty (30) days of notification of a recommendation of a denial for cause from the Office of Professional Preparation. If no such hearing request is timely received, the application may be denied for cause by the Superintendent. If an appeal hearing request is received, the applicant shall receive notice ten (10) days prior to the hearing.

4.7.1. The notice shall include:

4.7.1.a. the date, time and place of the hearing,

4.7.1.b. a concise statement of the reasons for the denial recommendation, and

4.7.1.c. indicate that the Superintendent or his/her designee shall conduct the hearing as the Hearing Officer.

4. 7.2. Appearance Pro Se. Any person may either appear in person with or without a representative or attorney at law admitted an authorized to practice in this State.

4.7.3. A quorum shall be required. A majority of Licensure Appeal Panel members shall constitute a quorum.

4.8. Hearing on Teaching Certification. A teaching certificate suspension, revocation, or denial for cause hearing is a continuation of the Superintendent's investigation into whether a professional teaching or administrative certificate or lesser license, a paraprofessional certificate or lesser license, a service certificate or lesser license, or a coaching certificate or lesser license should be suspended revoked or denied for cause.

4.8.1. A teaching certificate suspension, revocation or denial for cause hearing shall be open to the public, unless the teacher or applicant requests that it be closed.

4. 8.2. The purpose of a teaching certificate suspension, revocation or denial for cause hearing is to allow the teacher or applicant due process regarding the asserted causes for revocation, suspension, or denial of the teaching certificate. The teacher or applicant may present his or her position through presentation of evidence, examination and cross-examination of witnesses, and oral argument.

4. 8.3. The Hearing Officer may also call witnesses and question them, as well as those called by the teacher or applicant. The Hearing Officer may limit the number of witnesses who will be called, within reason, and may also limit the length of oral argument.

4. 8.4. A hearing may be adjourned from one day to another or to another place either by announcement by the Hearing Officer at the hearing or by appropriate notice.

4. 8.5. The Superintendent or his or her designee may grant a continuance for good cause shown by the requesting party or upon his/her own motion.

4.9. Authority of Hearing Officer. The Hearing Officer shall have authority to administer oaths and affirmations; examine witnesses and receive evidence; rule upon offers of proof; issue subpoenas; take or cause depositions to be taken whenever the ends of justice would, in the Hearing Officer's opinion, be served thereby; regulate the course of the hearing; and dispose of procedural requests or similar matters.

4.9.1. The Hearing Officer shall have authority to recommend that a teacher's certificate be revoked, suspended, or denied for cause by the Superintendent.

4.10. Evidence. The formal rules of evidence shall be relaxed. Evidence will be admissible if it is material and relevant to the matter before the Hearing Officer; however, irrelevant, immaterial or unduly repetitious evidence shall be excluded. All evidence, including any records, investigations, reports and documents which the Hearing Officer desires to consider as evidence in making a decision, shall be offered and made a part of the record in the proceeding. The Hearing Officer may take official notice of any fact which may be judicially noticed by a Court and, in addition, may take official notice of general, technical or scientific facts within the Hearing Officer's knowledge. Parties may be given a fair opportunity to refute the facts so noticed. The requirements of this rule shall not apply to cases in which the truth of the particular fact or matter is admitted, or to a determination of appropriate relief. Revocation, suspension, or other action against the certificate of a teacher in another jurisdiction or refusal by another jurisdiction to issue a teacher certificate shall

be prima facie evidence of grounds for revocation, suspension, denial for cause or other action against the certificate in West Virginia.

4.11. Stenographic Transcript. Where there is available a stenographic transcript of proceedings before a county board of education, or before any court of record or other official or body concerning issues which form or support the basis for the hearing before the Hearing Officer, either party may provide to the Hearing Officer and the other party copies of said transcripts to be used as substantive evidence in the proceedings. The transcript of testimony of any witness or witnesses may be used in lieu of producing said witness or witnesses at the hearing. The use of transcripts may also be directed by the Hearing Officer in the interest of time.

4.12. Briefs and Oral Argument. All parties shall have the opportunity to submit briefs on the matter, and to present oral argument if requested. Oral argument shall be limited to thirty (30) minutes for each party, unless the Hearing Officer shall otherwise order. Briefs, if any, shall be submitted within the time fixed by the Hearing Officer.

4.13. Failure to Participate. Upon failure of a teacher or applicant to contest the asserted causes for revocation of a certificate or lesser license or for the denial for cause of a certificate or lesser license, or upon failure of a party respondent to appear and defend against the petitioner's claims, all of the allegations/claims duly made may be accepted by the Hearing Officer as confessed.

4.14. Failure to Cooperate. The Superintendent, on his or her own initiative or at the request of the designee, may institute judicial proceedings for punishment of persons for contemptuous conduct directed to the Hearing Officer in the course of a proceeding.

4.15. Written Decision. Every decision of the Hearing Officer shall be embodied in a written recommendation which shall contain both findings of fact and conclusions of law and an appropriate recommended order. Such written decisions shall be issued by the Hearing Officer to the Superintendent. An appropriate Order setting forth a decision regarding revocation of certification, denial for cause or other action shall be issued by the Superintendent. The Order shall either adopt the recommendation of the Hearing Officer or contain a factual or legal basis for varying from the recommendation of the Hearing Officer. When the case is heard directly by the Superintendent, the Superintendent shall issue a written decision which shall set forth the findings of fact and conclusions of law and an appropriate order. Said Orders shall be filed in the office of the Superintendent and copies thereof shall be served or mailed to the parties of record affected thereby or their attorneys of record within thirty (30) days following the receipt of the recommendations by the Superintendent or within thirty (30) days of the hearing if the same was conducted by the Superintendent.

4.16. Waiving of Rules. Any of the provisions of these rules relating to the presentation of his/her case or argument may be waived by any party or his/her attorney.

4.17. Hearings shall be recorded by electronic means or by a court reporter.

#### **§126-4-5. Other Hearings.**

5.1. Hearing on Removal of a School Official. Hearings conducted for removal of a county school official shall be conducted following the general rules in §126-4-3 of this policy.

#### **§126-4-6. Appeal to Circuit Court.**

6.1. Any party not satisfied with the decision rendered by the Superintendent or his or her designee may appeal the same to the Circuit Court within 30 days of mailing of the order to the last known address of the party.

6.2. Upon the West Virginia Department of Education's receipt of notice of an appeal, a transcript of the proceedings held in accordance with the provisions of this policy shall be forwarded to all named parties at the expense of the West Virginia Department of Education.

**§126-4-7. Severability.**

7.1. If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**Policy 4336: APPENDIX N**  
**TITLE 126**  
**LEGISLATIVE RULE**  
**WEST VIRGINIA BOARD OF EDUCATION**

**SERIES 51**  
**COMMUNICABLE DISEASE CONTROL (2423)**

**§126-51-1. General.**

1.1. Scope. - The legislative rule requires establishment of county policies related to communicable disease control.

1.2. Authority. – West Virginia Constitution, Article XII, §2, W. Va. Code §§16-3-4, 16-3-4a, 16-3-5, 16-3C-1 through 16-3C-9, 18-2-5, 18-5-9, 18-5-22, 18-5-34 and 18A-5-1.

1.3. Filing Date. - September 14, 2007

1.4. Effective Date. - October 15, 2007

1.5. Repeal of Former Rules. - This rule amends W. Va. §126CSR51 “Communicable Disease Control (2423),” filed May 12, 2006 and effective July 1, 2007.

**§126-51-2. Purpose.**

2.1. Good health and safety are essential to student learning. The education and monitoring of communicable diseases during the school year is necessary to keep students healthy and learning. This policy establishes the standards that must be placed in county policy for addressing issues and educating students and school personnel on communicable diseases. The knowledge of standard/universal precautions, transmission, prevention and treatment of communicable diseases will enhance health education, prevention and equality for all.

2.2. The objective of this policy is to allow for procedures to be in place for detection of potential communicable diseases, inclusion and exclusion, standard/universal precautions and enhancement of knowledge to ensure preventative measures occur for students and school personnel. This policy will assist in developing a working relationship with school personnel, parents/guardians, the students’ medical home and the local health department while decreasing duplication of health services offered by the school and the medical home and/or the community serving the students.

**§126-51-3. Application.**

3.1. County boards of education shall develop or amend communicable disease policies to reflect understanding of disease transmission in the school setting and to reflect understanding of student/staff rights to attend school or remain employed. The goal of the policy is to protect individual students, staff members and the school population in general.

3.2. The potential for unnecessary exclusion from the school setting is cause for concern. This problem makes it necessary for counties to develop a policy that is protective of the educational process and the health and safety rights of students and staff.

3.3. Each county should seek the assistance of school nurses, school personnel, parents and guardians, public health, medical personnel and community leaders in developing the communicable disease policy. Technical assistance will be provided by the West Virginia Department of Education to any county upon request.

3.4. The county school system will work cooperatively with the county health department to enforce and adhere to the W. Va. Code §§18A-5-1, 16-3-4, 16-3D-1, 16-3-5, 16-3C-1 through 16-3C-9, 18-2-5, 18-5-9, 18-5-22, and 18-5-34 for prevention, control and containment of communicable disease in schools.

#### **§126-51-4. Definitions.**

4.1. “Airborne Pathogens” are defined as the transmission of infectious agents through either airborne droplet nuclei (small-particle residue [five µm or smaller in size] of evaporated droplets that may remain suspended in the air for long periods of time) or dust particles containing infectious agents. These pathogens include but are not limited to tuberculosis (TB), rubella (measles) and varicella (chickenpox).

4.2. “Airborne Precautions” are not normally utilized in the school setting. It is defined as the isolation of an airborne pathogen to reduce the risk of airborne transmission of infectious agents. Airborne precautions entail wearing a respiratory protection mask (N95 respirator) when entering the room of a student receiving home/hospital instruction with known or suspected disease transmitted via airborne droplet nuclei, student placement in private hospital room with negative air pressure and placing a mask on the student for hospital transporting.

4.3. “American Academy of Pediatrics” also known as the AAP, is defined as a national organization of pediatricians, founded in 1930, committed to the attainment of optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults.

4.4. “Blood Borne Pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), hepatitis B virus (HBV) and hepatitis C virus (HCV).

4.5. “Casual Contact” means day-to-day interaction between individuals and others in the home, at school or in the work place. It does not include intimate contact, such as sexual or drug use interactions, and it implies closer contact than chance passing in the hallway or sharing a lunch table.

4.6. “Centers for Disease Control and Prevention” also known as CDC, is defined as one of the thirteen major operating components of the United States Department of Health and Human Services (USDHHS), which is the principal agency in the United States government for protecting the health and safety of all Americans and for providing essential human services, especially for those people who are least able to help themselves. CDC remains at the forefront of public health efforts to prevent and control infectious and chronic diseases, injuries, workplace hazards, disabilities and environmental health threats.

4.7. “Communicable Disease” means a disease that may be transmitted directly or indirectly from one individual to another.

4.8. “Direct Contact” means a disease that is spread through the exposure of blood and/or body fluids to mucus membranes, open skin wounds, semen or intravenous transfusion. HIV/AIDS is spread by direct blood transmission into the blood stream of another and by semen or vaginal fluid contact. Hepatitis A can be spread by direct or indirect contact with feces while Hepatitis B and C can be spread by direct contact with semen and blood. These diseases do not pose a risk in school if body fluids such as blood and feces are handled using standard/universal precautions.

4.9. “Droplet Contact” means contact of the conjunctivae or the mucous membranes of the nose or mouth of a susceptible person with large-particle droplets (larger than five  $\mu\text{m}$  in size) containing microorganisms generated from a person who has a clinical disease or who is a carrier of the microorganism. Droplets are generated from the source person primarily during coughing, sneezing, or talking and during the performance of certain procedures such as suctioning. Transmission via large-particle droplets requires close contact between source and recipient persons, because droplets do not remain suspended in the air and generally travel only short distances, usually three feet or less, through the air. These pathogens include, but are not limited to, bacterial infections, such as Pertussis (whooping cough), streptococcal (group A) pharyngitis, pneumonia or scarlet fever, Diphtheria (pharyngeal), Haemophilus influenzae type b and Neisseria meningitis disease, including meningitis, pneumonia and sepsis. Serious viral infections spread by droplet contact include but are not limited to adenovirus, influenza (flu), mumps and rubella (German measles).

4.10. “Droplet Precautions” is defined as droplet pathogen isolation utilized around individuals known or suspected to be infected with microorganisms transmitted by droplets (large-particle droplets [larger than five  $\mu\text{m}$  in size] that can be generated by the person during coughing, sneezing, talking, or the performance of procedures). Droplet precautions entail being in the a private environment, like the student’s home, wearing a mask while within three feet of the individual infected and utilizing standard/universal precautions. Because droplets do not remain suspended in the air, special air handling and ventilation are not required to prevent droplet transmission. Masks may be worn to protect the health of a student who is immunocompromised.

4.11. “Health or Safety Emergency Situation” is determined on a case-by-case basis, and is defined as a specific situation that presents imminent danger or threat to students or other members of the community, or requires an immediate need for information in order to avert or diffuse serious threats to the safety or health of a student or other individuals. Any release of confidential medical information must be narrowly tailored considering the immediacy and magnitude of the emergency and must be made only to parties who can address the specific emergency in question. This exception is temporally limited to the period of the emergency and generally does not allow a blanket release of personally identifiable information from a student’s education records to comply with general requirements under state law. Certainly an outbreak of diseases such as measles, rubella, mumps, and polio not only pose threat of permanent disability or death for the individual, but have historically presented themselves as epidemic in nature. Thus, disclosure of personally identifiable information from students’ education records to state health officials for an outbreak of a communicable disease would generally be permitted under Family Educational Rights and Privacy Act’s (FERPA) health or safety emergency provisions.

4.12. “Immunocompromised” is defined as reduced immune response due to immunosuppressive drugs, radiation, disease or malnutrition.

4.13. “Legitimate Educational Reason” is defined as school officials who have been determined to have genuine concern related to the student’s educational achievement and performance allowing access and review pertinent educational records including medical and health information. A record of disclosure must be maintained and include: (1) the parties who have requested the information from the education records, and (2) the legitimate interests the parties had in requesting or obtaining the information.

4.14. “Occupational Safety and Health Administration (OSHA)” is defined as a division of the United States Department of Labor that provides standards and guidelines for the health and safety of America’s workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health.

4.15. “School Nurse” is defined as a registered professional nurse, licensed by the West Virginia Board of Examiners for Registered Professional Nurses (W. Va. Code §30-7-1, et seq.), who has completed a West Virginia Department of Education approved program as defined in 126CSR114 West Virginia Board of Education Policy 5100, Approval of Educational Personnel Preparation Programs and meets the requirements for certification contained in 126CSR136 West Virginia Board of Education Policy 5202, Minimum



Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification. The school nurse must be employed by the county board of education or as specified in W. Va. Code §18-5-22.

4.16. "Standard/Universal Precautions" is a body substance isolation approach to infection control. Standard Precautions apply to 1) blood; 2) all body fluids, secretions, and excretions, except sweat, regardless of whether or not they contain visible blood; 3) non-intact skin; and 4) mucous membranes. According to the concept of standard/universal precautions, all human blood and all other human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. There are three types of transmission: contact, airborne and droplet.

4.17. "West Virginia Department of Health and Human Resources (WVDHHR)" is the lead public health agency in West Virginia working to help shape the environments within which people and communities can be safe and healthy.

4.18. "West Virginia Education Information System (WVEIS)" is a comprehensive, uniform, integrated, on-line management information system (MIS) for schools and county school systems (districts). The system began implementation in 1991 with all schools and districts currently participating. The system provides for doing the business of the schools and districts in areas such as student demographics, special programs participation, grades, schedules, attendance, payroll, accounts payable, warehousing, student health records, immunizations, etc. Districts submit to the West Virginia Department of Education data from WVEIS required for state and federal reporting.

#### **§126-51-5. Disease Prevention Measures.**

5.1. All county boards of education must incorporate hand washing, as defined and outlined in The Basic and Specialized Health Care Procedures Manual for West Virginia Public Schools that accompanies 126CSR25A, West Virginia Board of Education Policy 2422.7, Standards For Basic and Specialized Health Care Procedures, into the county board of education communicable disease policy. It is best practice to wash the hands with soap and clean running water for twenty seconds. However, if soap and clean water are not available, use an alcohol-based product to clean the hands. Alcohol-based hand rubs significantly reduce the number of germs on skin and are fast acting. Good hand hygiene is the single most effective procedure to prevent the spread of communicable disease in the school setting. An allowance for hand washing should be incorporated into the daily routine of all students in West Virginia public schools, especially before eating, after blowing the nose, coughing, or sneezing, after going to the bathroom and as deemed necessary by the school.

5.2. Students must be in compliance with the required immunization schedule as set forth by the WVDHHR State Health Officer. The WVDHHR State Health Officer, or his/her designee (local health officer) shall make the final determination in cases in which an authorized medical practitioner's written medical exemption is challenged by school personnel as inappropriate or invalid. The immunization record shall be entered and reviewed annually into the West Virginia Education Information System (WVEIS).

5.2.1. All children entering prekindergarten (Pre-k), kindergarten and a West Virginia public school for the first time must have immunizations and show proof upon enrollment as defined by W.Va. Code §16-3-4. All Pre-k students shall also meet requirements in 126CSR28 West Virginia Board of Education Policy 2525, West Virginia's Universal Access to a Quality Early Education System.

5.2.2. It is strongly recommended that          students entering grades six and nine receive adolescent immunizations as defined by the United States Department of Health and Human Services (USDHHS), Centers for Disease Control and Prevention (CDC) and WVDHHR State Health Officer. The immunization record for each student in grades six and nine shall be entered into the West Virginia Education Information System (WVEIS) in order to ensure that updated immunization information is readily available to health officials

in the event of a communicable disease outbreak that presents an imminent danger to students or other members of the community.

5.3. Instruction on the principle modes by which communicable diseases, including, but not limited to, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) are prevented, spread and transmitted shall be taught to students as outlined in 126CSR44E West Virginia Board of Education Policy 2520.5, Health Content Standards and Objectives. An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission and spread of HIV/AIDS and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in such instruction. The parent or guardian may exempt such child from participation in such instruction by giving notice to that effect in writing to the school principal as set forth in W. Va. Code §18-2-9.

5.4. An educational inservice on the prevention, transmission and treatment of current communicable diseases shall include, but not limited to, human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), shall be provided to all school personnel every two years by the county boards of education, as specified in W. Va. Code §18-2-9 and §18- 5-15d.

### **§126-51-6. Disease Control Measures.**

6.1. Distinctions will be made related to diseases that are communicable in the school setting versus those known not to be spread by casual contact e.g. AIDS, Hepatitis B, Hepatitis C and other like diseases.

6.2. Each reported case of disease known not to be spread by casual contact will be validated by a designated individual such as a school nurse (W. Va. §18A-5-1 and W. Va. §18-5-22).

6.3. The administrator or school nurse shall exclude from the school any pupil or pupils known to have or suspected of having any infectious disease known to be spread by casual contact and is considered to be a health threat to the school population. The superintendent has the authority to exclude a staff member from school when reliable evidence or information from a qualified source confirms him/her of having a potential communicable disease that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or staff member shall be excluded in accordance with guidelines of American Academy of Pediatrics and WVDHHR unless his/her physician approves school attendance and the condition is no longer considered contagious. All reportable communicable diseases will be referred to the county health department, without disclosure of personally identifiable information, as set forth in West Virginia Bureau for Public Health Legislative Rule 64CSR7, Reportable Diseases, Events and Conditions. The county health department is able to provide reportable communicable disease guidance or go to <http://www.wvdhhr.org/idep/#Disease%20%20Reporting>.

6.4. Mandatory screening for communicable diseases that are known not to be spread by casual contact is not warranted as a condition for school entry or for employment or continued employment, nor is it legal based on W. Va. Code §16-3C-1. All screenings performed in the public school setting should be age appropriate deemed effective and necessary through evidence-based and scientific researched-based practice utilizing standard procedures and with the Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h. W. Va. Code §18-5-22 allows county boards to provide proper medical and dental inspections for all students attending school and gives authority to take any other necessary actions to protect students from infectious diseases.

6.5. Irrespective of the disease presence, standard/universal precautions shall be used and adequate sanitation facilities will be available for handling blood or body fluids within the school setting or school buses. Blood and body fluids from any person in the school setting shall be treated with standard/universal precautions; no exception shall be made when handling blood and body fluids. School personnel will be

trained in standard/universal precautions as set forth by the Occupational Safety and Health Administration recommendations and guidelines at <http://www.osha.gov/>.

**§126-51-7. Confidentiality.**

7.1. All persons privileged with any medical information that pertains to students or staff members shall be required to treat all proceedings, discussions and documents as confidential information. Before any medical information is shared with anyone in the school setting a “legitimate educational reason” or “health or safety emergency situation” must exist, all other releases of confidential medical and health information shall be released only with the consent of the parent/guardian, student if over 18, employee or their representative as outlined in 126CSR94, West Virginia Board of Education Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data, Family Educational Rights and Privacy Act of 1988 and Family Educational Rights and Privacy: Final Regulations. Part II, 34 CFR Part 99.

7.2. Information from health records is part of the educational record and should be shared with the child’s parents/guardians and pass freely among the school and medical home/health care provider to enhance student health and prevent duplication of services, only after permission is obtained from the student’s parent/guardian.

**§126-51-8. Severability.**

8.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.