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### **Revised Policy - Vol. 42, No. 2**

#### **8600.04 - BUS DRIVER CERTIFICATION**

It is the policy of the Board of Education that all bus drivers obtain and hold proper certification under standards for school bus drivers established within the Ohio Revised Code. It is also the purpose of this Board to protect its students from drivers whose certification is invalidated by the Ohio Point Law or point standards of this District.

A copy of each new school bus driver's complete driving record must be obtained from the Ohio Department of Education **and Workforce ("DEW")** prior to allowing the school bus driver to operate a school bus or school **vehicle** for the first time. In accordance with State transportation regulations, the Superintendent shall request the administrator in charge of transportation to conduct at least a semi-annual review of each school bus driver's (i.e., current bus drivers and those newly hired bus drivers who remain employed with the Board) driving record through the **DEW** ~~Ohio Department of Education~~ to determine that such drivers have:

- A. no more than six (6) points within the last twenty-four (24) month period;
- B. not been convicted of driving while under the influence of alcohol and/or a controlled substance during the past ten (10) years (i.e., not been convicted of a violation of R.C. 4511.19) or a substantially equivalent municipal offense;
- C. not received two (2) (or more) of the following serious traffic violations as defined in R.C. 4506.01 (II) during the last twenty-four (24) month period:
  1. a single charge of any speed in excess of the posted speed limit by fifteen (15) miles per hour or more;
  2. violation of R.C. 4511.20 (i.e., operation in willful or wanton disregard of the safety of persons or property) or R.C. 4511.201 (i.e., operation off street or highway in willful or wanton disregard of the safety of persons or property) or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;
  3. violation of a law of this State or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;
  4. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated for the passengers or type of cargo being transported;
  5. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

6. violation of R.C. 4511.33 (i.e., driving in marked lanes) or R.C. 4511.34 (i.e., space between moving vehicles) or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;
  7. violation while operating a commercial motor vehicle of a law of the state, any municipal ordinance, any county or township resolution, or any substantially similar law of another state or political subdivision of another state, which prohibits texting while driving or using a handheld mobile device (except when a person is texting or using a mobile device to contact law enforcement or other emergency services);
  8. violation of any other law of this State or ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Director designates such by rule; and
- D. no railroad crossing violations during the last twelve (12) months (as evidenced by a conviction, video, or report by a railroad official);
- E. (X) not received any violations that render the bus driver uninsurable by the District's Fleet Insurance Carrier;
- F. ( ) \_\_\_\_\_ [other].

The records obtained from the annual records check will be maintained for a minimum of ten (10) years. **DRAFTING NOTE: Drafting note: It is recommended that a District maintain the annual records check for ten (10) years because a conviction of Operating a Vehicle While Under the Influence has a ten (10) ten year look back period.]**

A driver having any of the above-referenced violations will be disqualified from operating a bus. The driver will also be notified that the driver's/his/her school bus certification will be reviewed by the Superintendent and the driver's/his/her employment as a school bus driver may be terminated.

A driver involved in a preventable school bus accident, or judged guilty of a minor traffic violation, shall be subject to the disciplinary action established in the Superintendent's administrative guidelines. Further, no driver who is convicted of a traffic violation or has their/his/her commercial driver's license (CDL) suspended will be permitted to operate a school bus or school vehicle/van until the driver files a written notice of the conviction or suspension. Such written notice must be immediately filed with the Superintendent or administrator in charge of transportation, irrespective of whether the traffic violation occurred while operating a Board-owned vehicle or a private vehicle or during school or non-school hours. Failure to file the required written notice of conviction or suspension will result in the revocation of the driver's certificate and/or disciplinary action, up to and including termination.

If a school bus driver has an interruption in driving a school bus or school vehicle/van for a period of one (1) year or longer, the school bus driver/s/he will not be permitted to resume operating a school bus or school vehicle/van until a copy of the school bus driver's complete driving record has been obtained.

In addition to the required driving record check, the administrator in charge of transportation shall obtain a satisfactory BCII report prior to hiring an individual as a new school bus or school vehicle/van driver, along with an FBI background check (i.e., an FBI background check will also be required prior to hiring new employees). An updated, satisfactory criminal background check report shall be obtained for each school bus driver every six (6) years with driver re-certification. Each six (6) year criminal records check request shall be made to the Superintendent of the Bureau of Criminal Identification and Investigation/investigation and include both a BCII and FBI report unless both of the following conditions apply so that only records of the FBI are required:

- A. a BCII report was obtained at the time of hire; and
- B. the employee presents proof that the employee/s/he has been a resident of this state for the five (5) year/five year period immediately prior to the date the recertification is requested.

Satisfactory shall be defined by the same standards applied to other public school employees. Such records shall also be maintained for a minimum of six (6) years (see Policy 4121 for criminal history record check requirements). Any driver who has been convicted of or pleaded guilty to any disqualifying offense shall not be hired or shall be released from employment ( ) unless the person meets the rehabilitation standards prescribed for non-licensed school employees.

No bus driver will be permitted to drive a school bus or school vehicle/van unless the bus driver/s/he meets all other requirements contained in the rules adopted by the DEW/Ohio Department of Education prescribing qualifications of drivers of school buses and other student transportation. In addition, no bus driver will be permitted to drive a school bus or school vehicle/van unless:

- A. information pertaining to the bus driver has been submitted to the ~~DEW~~Ohio Department of Education, including the name of the Board, name of the bus driver, ~~driver's driver~~ license number, date of birth, date of hire, status of physical evaluation and status of training; and
- B. the most recent criminal records check, including information from the Federal Bureau of Investigation, has been completed and received by the Superintendent.

[ ☒ The Superintendent

~~[OR]~~

~~[ ] The Educational Service Center Superintendent (if transportation is contracted through the ESC)~~

shall provide for an annual physical examination conforming to ~~DEW~~Ohio Department of Education standards to determine the driver's physical fitness for employment.

Drivers of ~~school buses, vans, or other school vehicles, who are~~school buses or vans employed by entities other than the District ~~and who are~~ not subject to ~~DEW rules, Ohio Department of Education rules~~ must receive the certificate described by R.C. 3327.10(B) from the school administrator to contractor prior to being employed. These drivers also must have an annual physical conforming to State Highway Patrol rules performed in accordance with R.C. 3327.10(B). Any bus driver not employed by ~~the School District a school district,~~ who drives a bus or ~~vehicle~~van owned by the ~~District District,~~ must give satisfactory and sufficient bond.

#### **[Cross References**

**po8600**

**po8640**

**po8650]**

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Legal A.C. 3301-51-10, 3301-83-01 et seq., 3301-83-05, 3301-83-06, 3301-83-07  
R.C. 3327.10, 3327.01 et seq., 4511.01(F), 4511.75 et seq.

Cross References po8600 - TRANSPORTATION  
po8640 - TRANSPORTATION FOR NON-ROUTINE TRIPS  
po8650 - TRANSPORTATION BY VEHICLES OTHER THAN SCHOOL BUSES