

**EL DORADO UNION HIGH SCHOOL DISTRICT
ADMINISTRATIVE REGULATION**

**Business and Noninstructional
Operations**

**TRANSPORTATION
SAFETY AND EMERGENCIES
AR 3543**

***Cautionary Notice:** AB 1610 amended Government Code 17581.5 to relieve districts from the obligation to implement specified statutes whenever they are identified in the Budget Act as being ones for which state mandate reimbursement is not provided for that fiscal year. As a result, certain provisions of the following administrative regulation that reflect those requirements may be suspended. It is recommended that districts consult legal counsel prior to suspending any provisions.*

Each day, prior to driving a school bus, each school driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment listed in 13 CCR 1215, including any deficiency discovered by or reported to him/her which would affect safe operation or result in mechanical breakdown of the bus, or indicating that no defect or deficiency was discovered or reported. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

*(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 3542 - School Bus Drivers)*

In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1215)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

PASSENGER RESTRAINT SYSTEMS

Note: Per Vehicle Code 27316 and 27316.5, any school bus or student activity bus purchased or leased for use in California must be equipped with a passenger restraint system if the bus was manufactured on or after the dates specified in law, as described below. Although it is the manufacturer's responsibility to ensure installation of appropriate passenger restraint systems, the district should be aware that buses manufactured or purchased outside of California may need to be modified to comply with the state's requirements. In addition, according to the CDE's Passenger Restraints Frequently Asked Questions, district may, but are not required to, retrofit older school buses with passenger restraint systems with the original equipment manufacturer's approval. In determining whether to retrofit buses, the CDE recommends that districts consider the age of the bus, the total cost of the retrofit, and the required reinspection of the bus by the CHP.

The Superintendent or designee shall ensure that any school bus or student activity bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designed seating positions if that bus: *(Vehicle Code 27316, 27316.5; 13 CCR 1201)*

1. Is a Type 1 school bus manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver
2. Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meeting one of the following criteria:
 - a. Is designed for carrying 16 or fewer passengers and the driver
 - b. Has a manufacturer’s vehicle weight rating of 10,000 pounds or less, and is designed for carrying 20 or fewer passengers and the driver

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. *(5 CCR 14105)*

Bus drivers shall be instructed regarding procedures to enforce proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)

FIRE EXTINGUISHERS

Each school bus shall be equipped with at least one fire extinguisher located in the driver’s compartment which meets the standards specified in law. Each wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. *(Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)*

ELECTRONIC COMMUNICATIONS DEVICES

Note: Vehicle Code 23123 prohibits any person from driving a motor vehicle while using a wireless telephone, except under the conditions described below. Per the definitions in Vehicle Code 415 and 545, a ‘motor vehicle’ would include a school bus or student activity bus. In addition, Vehicle Code 23125 prohibits a person from driving a school bus while using a wireless telephone except for work-related or emergency purposes.

A bus driver shall not drive a school bus or student activity bus while using a wireless telephone, except under the following conditions: *(Vehicle Code 23123, 23125)*

1. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving
2. For emergency purposes, including, but not limited to, a call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity
3. For work-related purposes.

Note: Vehicle Code 23123.5 generally prohibits any person from driving a motor vehicle while using an electronic wireless communications device for text-based communication. AB 1536 amended Vehicle Code 23123.5 to add an exception for the use of voice-operated and hands-free operation of an electronic wireless communications device.

A bus driver shall not drive while using an electronic wireless communications device to write, send, or read a text-based communication, including, but not limited to, text messages, instant message, and email, unless the device is specifically designed and configured to allow voice-operated and hands-free operation and is used in that manner. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. *(Vehicle Code 23123.5)*

SAFE BUS OPERATIONS

Note: Per Education Code 38934, any Governing Board member, employee, or other person who knowingly operates or permits operation of a school bus in excess of its seating capacity is guilty of a misdemeanor. However, the Board is authorized to adopt policy that allows seating capacities to be exceeded in cases of emergency.

School buses and school student activity buses ~~also~~ shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety. *(Education Code 39834)*

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: Vehicle Code 34501.6 mandates any district that provides student transportation to adopt procedures that limit bus operation when atmospheric conditions reduce visibility, as described below, and that give drivers for school activity trips discretionary authority to discontinue operation when it is unsafe.

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to school transportation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. *(Vehicle Code 34501.6)*

UNAUTHORIZED ENTRY

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (*Education Code 39842; 13 CCR 1256.5*)

(cf. 3515.2 - Disruptions)

TRANSPORTATION SAFETY PLAN FOR BOARDING AND EXITING BUSES

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall include procedures for boarding and exiting a school bus at a school or other trip destination. (*Education Code 39831.3*)

(cf. 3542 - School Bus Drivers)

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (*Education Code 39831.3*)

STUDENT INSTRUCTION

Students who are transported in a school bus or school student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows. (*Education Code 39831.5; 5 CCR 14102*)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.
2. As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction.
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol.

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to:
(*Education Code 39831.5*)
 - a. Location of emergency exits
 - b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit.

Legal Reference:

EDUCATION CODE

39830-39842 Transportation, school buses

51202 Instruction in personal and public health and safety

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

415 Definition of motor vehicle

545-546 Definition of school bus and school pupil activity bus

22112 Loading and unloading passengers

23123 Use of wireless telephone prohibited while driving motor vehicle

23123.5 Text communications prohibited while driving motor vehicle

23125 use of wireless telephone prohibited while driving school bus

27316-27316.5 Passenger restraint systems

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.5 California Highway Patrol responsibility to adopt rules re: equipment and operations of school buses

34501.6 School buses; reduced visibility

34508 California Highway Patrol responsibility to adopt rule re: equipment and operations of school buses

CODE OF REGULATIONS, TITLE 5

14100-14105 School buses and student activity buses

CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety

2480 Airborne toxic control measure; limitation on bus idling

CODE OF REGULATIONS, TITLE 19

574-575.3 Inspection and maintenance of fire extinguishers

CODE OF FEDERAL REGULATIONS, TITLE 49

571.1-571.500 Motor vehicle standards, including school buses

Management Resources:

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

California Association of School Transportation Officials: <http://www.castoways.org>

CDE, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>

CHP: <http://www.chp.ca.gov>

National Coalition for School Bus Safety: <http://www.ncsbs.org>

National Transportation Safety Board: <http://www.nts.gov>

U.S. Department of Transportation, National Highway Traffic Safety Administration:
<http://www.nhtsa.dot.gov>