

# Ohio Department of Education and Workforce Pupil Transportation Operations and Safety Manual



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**Department of  
Education &  
Workforce**

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## Rule 3301-83-01 | Calculation of pupil transportation operation payments.

### (A) Formula for calculation of regular education payment amounts.

#### (1) Type I (board-owned and operated school buses):

(a) Funding is computed and distributed as specified in section [3317.0212](#) of the Revised Code.

(b) Qualifying ridership is defined according to division (A) of section [3317.0212](#) of the Revised Code.

#### (2) Type II (contractor-owned and operated school buses):

(a) Funding is computed and distributed as specified in section [3317.0212](#) of the Revised Code.

(b) Qualifying ridership is defined according to division (A) of section [3317.0212](#) of the Revised Code.

(3) Other types of transportation service: In accordance with division (G) of section [3317.0212](#) of the Revised Code, payment will be made to each district for transportation service provided for students on other than board-owned or contractor-operated buses. This payment applies to eligible students that use transportation services, as reported on the T-1 and T-2 reports submitted to the department of education and workforce.

(a) Type III (public utility) - an amount per pupil equal to thirty-five per cent of the amount as calculated in division (C) of section [3317.0212](#) of the Revised Code.

(b) Type V (board-owned vehicles other than school buses) - an amount per pupil equal to fifty per cent of the amount as calculated in division (C) of section [3317.0212](#) of the Revised Code.

(c) Type VI (privately-owned vehicles other than school buses) - an amount per pupil equal to fifty per cent of the amount as calculated in division (C) of section [3317.0212](#) of the Revised Code.

### (B) Reimbursement for special education transportation.

(1) Reimbursement for special transportation may be approved by the department for children with disabilities attending a special education program approved by the department of education and workforce and/or attending a regular class in a public school, and who have transportation appropriately identified as a related service on their individual education plans.

(2) For eligible children with disabilities, the department will calculate reimbursement in accordance with division (C) of section [3317.024](#) of the Revised Code.

(3) Reimbursement may be made for transportation of pupils in authorized vehicles as defined in rule [3301-83-19](#) of the Administrative Code. A privately owned vehicle utilized to transport a pupil of the family is not subject to regulation other than that required by state law.

(4) Special education transportation reimbursement does not apply to transportation of children with disabilities who ride on regular school buses on regular routes. They are to be counted and reported on the department's T-1 and T-2 forms as regular education riders;



except that if fifty per cent or more of the passengers on a route are children with disabilities, the cost can be prorated and reported to the department for reimbursement.

(5) The department will provide forms for reporting reimbursement claims for transportation of eligible children with disabilities.

(C) Reporting and annual adjustments

(1) In order to receive transportation operation payments each school district will file annual reports of all pupils transported, miles traveled, actual costs, and other necessary information for the purposes of calculation and adjustments in amount due. Pupils transported and miles traveled are to be reported by vehicle as the average daily number of eligible pupils actually transported and miles traveled during the first full week of October that school is in session for five days. Actual cost is to be reported by vehicle on or before the last day of August following the close of the fiscal year.

(2) All adjustments by transportation service type are to be made within the first quarter following the close of the fiscal year.

(D) Vehicles approved for use and operational payment: Transportation operation payments may be made for the use of authorized vehicles, as described in rule [3301-83-19](#) of the Administrative Code, for transportation of pupils to and from school and school related events that conform to state and federal law.

(E) Operational regulations

(1) Funding will be received for pupils who are eligible for transportation services according to section [3327.01](#) of the Revised Code.

(2) Miles traveled to transport eligible pupils participating in an open enrollment program may be reported for payment purposes by the resident district from home to the designated border pick-up point and by the educating school district from the border pick-up point to the building of attendance in the educating district. If the educating district or the resident district provides all the open enrollment transportation for a student, the miles may be reported by the district providing the service.

(3) Miles traveled from bus storage location or school building to first student pick-up, all route miles, and return to storage both a.m. and p.m., including kindergarten miles, are approved for payment purposes.

(4) Miles traveled to and from storage locations outside the county or counties of the school district location are not approved miles for payment purposes. Miles traveled from county line to first pick-up and return to county line are approved miles.

(5) Total annual miles for payment purposes are calculated by multiplying total daily miles by one hundred eighty days.

(6) Recalculation of pupil transportation operation payment amount due may be approved when:

- (a) Local board policy or routing is revised to provide transportation service for additional pupils or increased miles on or before the first of February, and providing such change in policy is to continue in effect for the remainder of the school year; or
- (b) A community or nonpublic school is chartered for operation subsequent to the initial reporting period; or
- (c) School district erroneously reports or the department errs in actual calculation of amount due.

(7) School districts contracting with transit authorities for the purpose of transporting eligible pupils to and from school may be reimbursed if:

- (a) The transit authority director files with the district board of education actual costs in excess of, or less than, reimbursement as provided for by paragraph (A)(3) of this rule by the close of each fiscal year; and
- (b) The district board of education files with the department all transit authority and local board costs on or before the twentieth day of July of each year.

## **Rule 3301-83-04 | Scope and definitions.**

### **(A) Scope.**

- (1) The rules in this chapter are designed to establish minimum requirements for a safe pupil transportation program, including management, general operation, maintenance of school buses and other transportation vehicles, training of personnel, pupil management, driver qualifications and emergency procedures.
- (2) The rules in this chapter apply to all student transportation operations pursuant to section [4511.76](#) of the Revised Code.
- (3) The rules in this chapter do not apply to parental transportation that is provided outside the authority of a school or education program, or by any parent for their own children.

### **(B) Definitions. As contained in this chapter:**

- (1) "Barrier" is the restraining barrier that meets the specifications in paragraph (RR)(1) of rule [4501-5-02](#) of the Administrative Code.
- (2) "Designated place of safety" means the place assigned to each pupil on the residence side of the roadway on which the vehicle is scheduled to stop, in accordance with paragraph (B)(6) of rule [3301-83-13](#) of the Administrative Code.
- (3) "Measurement of distance," unless otherwise specified, means measurement originating at a point on the traveled portion of the roadway nearest the primary entrance to the place of residence and then along the most direct route traversable excluding interstate routes by motor vehicle to the school bus loading area nearest and opposite the entrance door used by pupils transported.
- (4) "Motor van " means a vehicle originally designed for not more than twelve passengers, not including the driver.
- (5) "Non-routine student transportation," "non-routine trips", or "non-routine use" means transportation of passengers for purposes other than regularly scheduled routes to and from school, including but not limited to transportation to school-related events.

(6) "School bus owner" or "motor van owner" means the board of education of a city, local or exempted village school district, the governing board of an educational service center, county boards of developmental disabilities, and the governing authority of all non-public schools, community schools, private contractors and head start programs.

## **Rule 3301-83-05 | Administration.**

Responsibility for administration of pupil transportation operation and safety rules

(A) The state agencies responsible for pupil transportation may assist in pupil transportation operation and safety by providing:

- (1) Leadership;
- (2) Management;
- (3) Safety programs;
- (4) Training programs.

(B) The state agencies responsible for pupil transportation will assist in pupil transportation operation and safety by providing:

- (1) Disbursement of state funding;
- (2) Standards for school bus construction;
- (3) Rules for pupil transportation operations;
- (4) Forms and reports.

(C) All school bus owners may designate a transportation director/supervisor to administer the transportation program and be responsible for the management and supervision of:

- (1) Personnel;
- (2) Safety;
- (3) Training;
- (4) Operations;
- (5) Maintenance.

(D) School bus owners will implement personnel policies and/or programs for bus drivers that include, but are not limited to:

- (1) Opportunities for professional development as discussed in rule [3301-83-10](#) of the Administrative Code;
- (2) Annual performance reviews, that are recommended to include driving evaluations, implemented no later than the next effective applicable collective bargaining unit agreement date;
- (3) Implementing wellness support programming offered by the department of education and workforce and the department of public safety specific to bus drivers and encouraging drivers to utilize the programming.

(E) The department of education and workforce will assist city, exempted, village and local school districts by performing official timings to determine whether pupils attending non-public or community schools are eligible for transportation in accordance with section [3327.01](#) of the Revised

Code. In performing the timings, the department will use the procedures set forth in the current version of the "Transportation Services for Chartered Nonpublic and Community School Students Handbook," located on the department's website ([education.ohio.gov](http://education.ohio.gov)), including but not limited to:

- (1) Eligibility will be determined by measuring the most direct route, which may include the interstate, by school bus from the public-school building to which the pupils would be assigned if attending the public school designated by the district of residence to the school bus loading area nearest and opposite the entrance door used by pupils transported at the attending non-public or community school;
- (2) Timings will be conducted in a school bus, when both schools are in session, during the regular attendance times that the bus would travel to the school, and the bus should arrive at the building entrance or drop off location at the attending school at a reasonable time, based on the attending school's bell schedule; and
- (3) Timings conducted by a department representative are final. A second timing will not be conducted unless it can be demonstrated that the conditions pertaining to the original timing have substantially changed and the department approves it. The department's determination regarding a second timing is final.

## **Rule 3301-83-06 | Personnel qualifications.**

(A) The qualifications for the transportation director/supervisor are:

- (1) A satisfactory driving record as verified through checks made by the employing agency.
- (2) A satisfactory work history as verified through professional references as determined by the employing agency.
- (3) A satisfactory criminal background report in accordance with divisions (J) and (K) of section [3327.10](#) of the Revised Code.
- (4) Post-high school education or work experience in education, business administration, management or transportation as determined by the employing agency.
- (5) Completion of annual training as specified in paragraph (D) of rule [3301-83-10](#) of the Administrative Code.
- (6) Completion of the classroom portion of the Ohio preservice driver training program set forth in paragraph (A)(2) of rule [3301-83-10](#) of the Administrative Code within six months of appointment to the position, and at least once every six years after appointment.
- (7) Compliance with training for supervisors of commercial motor vehicles set forth in 49 C.F.R. 382.603.

(B) The qualifications for a school bus or motor van driver are:

- (1) Having an understanding of the role of pupil transportation in the educational program and meeting all the qualifications established by federal rule, state laws and this chapter of the Administrative Code.
- (2) Meeting applicable age qualifications under 49 C.F.R. 391.11 and section [3327.10](#) of the Revised Code, and having a minimum of two years driving experience.
- (3) Being physically qualified pursuant to rule [3301-83-07](#) of the Administrative Code.



(4) Completion of initial and semi-annual driver record checks according to division (F) of section [3327.10](#) of the Revised Code through the department of education and workforce with records to be maintained by the employer and/or school district for a minimum of six years. School bus or motor van drivers with any of the following are disqualified from operating a school bus or motor van:

- (a) More than six points during the past two years;
- (b) A guilty plea or conviction of driving while under the influence of alcohol and/or a controlled substance during the past ten years as set forth in division (F) of section [3327.10](#) of the Revised Code;
- (c) Two (or more) serious traffic violations, as defined in division (II) of section [4506.01](#) of the Revised Code, during the past two years;
- (d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official; or
- (e) Any other disqualifying offense, as set forth in rule(s) adopted by the Ohio state board of education pursuant to division (K) of section [3327.10](#) of the Revised Code.
- (f) Nothing in paragraph (B) of this rule limits any district or employer from adopting more stringent qualifications.

(5) All drivers are to hold a valid driver's license, and school bus drivers will hold a valid commercial driver's license, with school bus and passenger endorsements, in accordance with sections [4506.03](#) and [4506.12](#) of the Revised Code.

(6) Holding school bus or motor van driver certification by a city or exempted village superintendent, a community school superintendent, a county educational service center, county board of developmental disabilities, head start program administrator, non-public administrator, or contractor.

(7) Completion of pre-service and in-service training as specified in rule [3301-83-10](#) of the Administrative Code.

(8) Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.

(9) Ability to cope with stressful situations.

(10) Possessing or upgrading skills through formal and/or in-service training.

(11) A satisfactory criminal background report in accordance with divisions (J) and (K) of section [3327.10](#) of the Revised Code.

(a) A new report is to be obtained every six years with driver re-certification pursuant to divisions (J) and (K) of section [3327.10](#) of the Revised Code.

(b) A driver is not qualified for employment unless the driver has been enrolled in the retained applicant fingerprint database by the state board of education according to division (B) of section [3319.316](#) of the Revised Code and division (J)(4) of section [3327.10](#) of the Revised Code.

(c) Records are to be maintained by the employer and/or school district for a minimum of six years.

(12) A negative pre-employment drug test.

(13) Participation in drug and alcohol testing as mandated by the federal motor carrier safety administration (FMCSA) pursuant to 49 C.F.R. 382. Individuals who refuse to participate in testing are disqualified from operating a school bus. Employers will implement drug and alcohol testing for motor van drivers and impose standards for motor van driver disqualification.

(C) The qualifications for maintenance personnel are:

(1) Being qualified to perform quality preventive and regular maintenance programs and understanding the relationship of vehicle maintenance to a safe pupil transportation program.

(2) Meeting qualifications determined by the employer, including:

(a) Work history.

(b) Education and professional development.

(c) Testing.

(d) On-the-job performance evaluations.

(3) Completion of training as specified in paragraph (E) of rule [3301-83-10](#) of the Administrative Code.

(4) For individuals who operate a school bus with pupils on board, bus driver qualifications as listed in paragraph (B) of this rule apply.

(D) The qualifications for bus aides are:

(1) Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.

(2) Ability to cope with stressful situations as related to preschool and special needs children.

(3) Possessing or upgrading skills through formal and/or in-service training related to transportation of preschool and special needs children.

(4) A satisfactory criminal background report in accordance with section [3319.391](#) of the Revised Code. A new report will be conducted every five years and the standard for evaluation of this report will be as provided for in rule [3301-20-01](#) of the Administrative Code.

(5) Completing the training specified in paragraph (C) of rule [3301-83-10](#) of the Administrative Code.

(E) The qualifications for on-the-bus instructors are:

(1) Completing the training specified in paragraph (F) of rule [3301-83-10](#) of the Administrative Code.

(2) Meeting the qualifications for a school bus driver as listed in paragraph (B) of this rule.

(3) Skills necessary to plan and organize instruction.

(4) Ability to communicate effectively.

(5) Capability of coordinating instruction for pre-school and special needs transportation.

(6) Be currently employed in a role that includes school bus driving duties and be listed as an active driver with the department.

- (7) Passing a driving and pre-trip skills evaluation at least once every six years with a state pre-service instructor.
- (8) Being sponsored by a school transportation provider or preservice instructor.

## **Rule 3301-83-07 | School transportation driver physical qualifications rule.**

(A) A person who meets the physical qualifications set forth in this rule as certified by a proper medical authority may be authorized to operate a school bus, as defined by division (F) of section [4511.01](#) of the Revised Code, or a motor van as defined in rule [3301-83-04](#) of the Administrative Code, for the purpose of transporting pupils.

(B) Annual physical exams are to be performed for operators of school buses and motor vans as set forth in divisions (A) and (B) of section [3327.10](#) of the Revised Code by one or more medical examiners annually appointed by the school bus or motor van owner. For purposes of this rule, a "medical examiner" is one of the professionals listed in those divisions of section [3327.10](#) of the Revised Code.

(C) Physical examination time schedule

- (1) School bus and motor van drivers' medical examinations are to be scheduled after the first day of May and the completed medical examination is valid for the upcoming school year. A completed T-8 form is to be on file in accordance with procedures established by the department of education and workforce and completed before drivers will be qualified to operate a school bus or motor van with passengers on board for the next school year.
- (2) Persons employed as new drivers before January first are to meet the physical qualifications as defined in paragraph (E) of this rule prior to operating a school bus or motor van with passengers on board and be re-examined if re-employed as a school bus or motor van driver for the next school year.
- (3) Persons employed as new drivers on or after January first are to be examined prior to operating a school bus or motor van with passengers on board and the examination will remain valid throughout the following school year.

(D) A person may be certified by the appointed medical examiner as physically qualified to operate a school bus or motor van if the person:

- (1) Has no loss of a foot, a leg, a hand, fingers, or an arm. Upon request to the department, a driver applicant missing a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the person's ability to control and safely operate a school bus or motor van and satisfactorily

perform other related duties. Individuals who are granted an impaired or missing limb waiver are to be re-evaluated prior to applying for renewal of a T-9 certificate;

(2) Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation which is likely to interfere with a person's ability to control and safely operate a school bus or motor van. Upon request made to the department, a driver applicant with an impairment of a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the applicant's ability to control and safely operate a school bus or motor van and satisfactorily perform other related duties. Individuals who are granted an impaired or missing limb waiver are to be re-evaluated prior to applying for renewal of a T-9 certificate;

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. Drivers who are insulin dependent are not eligible to operate school buses or motor vans unless they have obtained a waiver from the department pursuant to paragraph (F) of this rule;

(4) Annual urinalysis screening for glucose is to be performed. If glucosuria is detected, a medical examiner's statement regarding the potential condition of diabetes mellitus and any necessary treatment is to be attached to the T-8 form. If the medical examiner determines diabetes mellitus is not likely to impair the ability to operate school buses or motor vans, and the individual is not insulin dependent, a medical examiner will provide certification to that effect with the examination report;

(5) 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. A person with a history of cardiovascular surgery or abnormality will be given a more stringent examination (example: stress testing, holter monitoring, angiography or other examinations) to determine whether or not the surgery or abnormality is likely to impair a person's ability to control, inspect, and safely operate a school bus or motor van. If it is determined that the surgery or abnormality is not likely to impair the ability, a medical examiner will provide certification to that effect with the examination report;

(6) Has no history of transient ischemic attack (TIA), carotid insufficiency, cerebral vascular accidents (stroke) or other vascular abnormalities which are unstable or uncontrolled and/or likely to interfere with a person's ability to control and safely operate a school bus or motor van;

(7) Has no established medical history or clinical diagnosis of respiratory dysfunction likely to interfere with a person's ability to control and safely operate a school bus or motor van;

(8) Has blood pressure not higher than 160/90 mmHg. If the blood pressure is greater than 160/90 mmHg, a medical certificate is to be attached referencing the hypertension. To be eligible to drive a school bus or motor van, the medical certificate is to establish the nature of the treatment, that the blood pressure is now controlled at or below 160/90 mmHg, with treatment documented, and that the hypertension and treatment are not likely to interfere with a person's ability to control and safely operate a school bus or motor van. If initial blood pressure systolic is 161-180 and/or diastolic is 91-104, a non-renewable temporary certificate

may be issued for up to ninety days pending control of blood pressure at or below 160/90 mmHg. In all cases where blood pressure is initially greater than 160/90 mmHg, a six month follow-up certificate will be furnished to the employer by the driver's treating medical examiner stating the blood pressure remains at or below 160/90 mmHg and under good control;

(9) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, or neuromuscular disease which is likely to interfere with a person's ability to control and safely operate a school bus or motor van;

(10) Has no established medical history or clinical diagnosis of epilepsy or any other seizure disorder and has no other condition which is likely to cause loss of consciousness or any loss of a person's ability to control and safely operate a school bus or motor van;

(11) Has no mental, emotional, nervous, organic, or functional disease or psychiatric disorder which is likely to interfere with a person's ability to control and safely operate a school bus or motor van;

(12) 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 seventy 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. Persons may use corrective lenses to attain these standards;

(13) Screening audiometer test does not indicate an average hearing loss in the better ear greater than forty decibels at five hundred Hz, one thousand Hz, and two thousand Hz with or without a hearing aid when the audiometric device is calibrated to "American National Standard" (formerly ASA standard) Z24.5. (Hearing in at least one ear is to meet the preceding criteria). The hearing qualification does not apply to drivers employed by Ohio deaf and blind education services when transporting students enrolled at any division of Ohio deaf and blind education services, interpreters, and authorized passengers as provided within rule [3301-83-17](#) of the Administrative Code, after pre-trip procedures are conducted for each trip, including confirming communication capability to ensure the driver has the ability to communicate with passengers. The deaf driver's ability to communicate may be satisfied by transporting groups of students and employees that can communicate using both speech and sign language or a group that includes a sighted individual that can communicate using speech and sign language;

(14) Has no current clinical evidence or clinical record of use of illegal substances, or the use of prescription drugs not in accordance with a current, valid prescription, and has no current clinical evidence or clinical record of use of legally prescribed medication which is likely to interfere with a person's ability to control and safely operate a school bus or motor van;

(15) Has no recent history of alcohol abuse and has no current clinical diagnosis of alcoholism;

(16) Has no neurologic deficit that would impair a person's ability to control and safely operate a school bus or motor van;



- (17) Does not show clinical evidence of active pulmonary tuberculosis or other communicable diseases; and
- (18) Has speech and other communication capabilities to give clear and understandable directions or commands.

(E) Administration

- (1) School bus or motor van drivers who have experienced a prolonged period of absence due to illness or injury or who have a significant change in their state of health are to be re-examined at the discretion of the school bus or motor van owner in accordance with this rule.
- (2) Currently employed school bus or motor van drivers disqualified by the appointed medical examiner are to be notified by the school bus or motor van owner within fifteen days following receipt of the examination report. Currently employed school bus or motor van drivers desiring to appeal a disqualification may file the appeal in writing within no more than fifteen days with the school bus or motor van owner.
- (3) Upon receipt of an appeal, the school bus or motor van owner is to arrange for a medical re-examination. The re-examination may be conducted by a public health board or private medical examiner who was not the medical examiner that performed the original examination.
- (4) All re-examinations will be based on the school bus or motor van driver physical qualifications set forth in this rule and are final.
- (5) Physical qualification examination reports are to contain a release authorization to be signed by the examinee for purposes of evaluation by the medical examiner.
- (6) Costs for examinations are the responsibility of the school bus or motor van owner.
- (7) Physical examination reports for persons certified by the medical examiner as meeting this rule are to be retained for a period of six years by the school bus or motor van owner.

(F) Insulin dependent waivers

The department may grant waivers to insulin using individuals under the following conditions:

- (1) The individual has not had a previously issued insulin waiver revoked or lapsed;
- (2) The individual completes an insulin dependent waiver packet and submits the packet to the department's pupil transportation office;
- (3) The individual has passed all other components of the Ohio school transportation vehicle physical;
- (4) The individual possesses a currently valid operator's driver license and has had a driving record for a two-year period immediately preceding the date of application that:
  - (a) Contains no suspensions or revocations of their licenses for the operation of any motor vehicle, including their personal vehicle, except for suspensions or revocations due to nonpayment of fines;
  - (b) Contains no involvement in a reportable accident in any vehicle with an associated citation for a moving traffic violation; and
  - (c) Contains no involvement in more than one serious traffic violation in any vehicle as defined in division (II) of section [4506.01](#) of the Revised Code.

(5) Medical components for application

(a) The individual has provided a licensed endocrinologist with a complete medical history including, but not limited to, the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, special studies pertaining to the diabetes, all follow-up reports, and reports of any hypoglycemic insulin reactions within the last three years;

(b) The individual has been examined by a licensed endocrinologist and a complete medical evaluation concerning their medical history and current status has been made, including, at a minimum, the following:

- (i) Fasting blood studies (glucose, glycosylated hemoglobin/Hb A1c, including lab reference range) and urinalysis performed during the last six months; and
- (ii) A detailed report of insulin dosages and types, diet utilized for control, and any significant factors such as smoking, alcohol use, and other medications or drugs taken; and
- (iii) Assessment of proliferative diabetic retinopathy.

(c) The individual submits a signed statement prepared by the examining endocrinologist whose license status is indicated. The signed statement is to include separate declarations indicating the following medical determinations:

- (i) That the endocrinologist is familiar with the applicant's medical history for the past three years either through actual treatment over that time or through consultation with a medical examiner who has treated the applicant during that time;
- (ii) That the applicant has been using insulin to control the applicant's diabetes on the date of the application;
- (iii) That the applicant does not have severe hypoglycemia or episodes of altered consciousness requiring the assistance of another person to regain control;
- (iv) The applicant does not have hypoglycemia unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, and light-headedness;
- (v) That, within the past three years, the applicant has not had a hypoglycemic reaction at any time that resulted in any change in mental status that would have been, in the endocrinologist's opinion, detrimental to safe driving;
- (vi) That the applicant's diabetic condition will not adversely affect the applicant's ability to operate a school bus or a motor van;
- (vii) That the applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures that are to be followed to monitor and manage the applicant's diabetes, and what procedures should be followed if complications arise; and
- (viii) That the applicant has the ability and has demonstrated willingness to properly monitor and manage the applicant's diabetes.

- (d) The individual submits a separate statement from an examining ophthalmologist that the applicant has been examined and that the applicant does not have unstable proliferative diabetic retinopathy or unstable advancing disease of blood vessels in the retina and has stable visual acuity of at least 20/40 (Snellen) in each eye separately, with or without corrective lenses.
- (6) Maintaining a valid waiver.

Each insulin-dependent driver will:

- (a) Carry, use, and record readings from a portable self-monitoring blood glucose device (SMBG) that is equipped with a computerized memory. Blood glucose monitoring is to be performed one hour prior to and approximately every four hours while on duty. The driver will present the glucometer or a printout of the device's electronic records, showing the preceding three months of blood glucose values, to any authorized enforcement official upon request;
  - (b) Carry, upon their person, and use, as necessary, a source of rapidly absorbable glucose;
  - (c) Carry insulin and the equipment/materials necessary for administering the medication;
  - (d) Report, in writing, any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the issuance of such citation. A photostatic copy of the citation issued is to accompany the written report;
  - (e) Report, in writing, the judicial or administrative disposition of any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the notice of disposition;
  - (f) Report, in writing, any involvement in an accident whatsoever, regardless of whether the driver was cited, while operating any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the accident, and include in that report, any state, insurance company, and/or motor carrier accident reports;
  - (g) Submit any medical information derived from medical assistance or treatment arising from any accident involvement to the department upon request following the accident. A copy of the attending medical specialist and laboratory reports may be provided to satisfy this paragraph;
  - (h) Submit a signed statement from a licensed endocrinologist, upon request of the employer, that the driver has been examined and that any diabetic condition is currently stable and under control. Log records of blood glucose values for the preceding three months are to be made available to the examining endocrinologist at the time of the examination.
- (7) All documentation described in paragraph (F)(5) of this rule is to be submitted by secured electronic transmission to [waiverapp@education.ohio.gov](mailto:waiverapp@education.ohio.gov) or mailed to the department's

pupil transportation office, 25 South Front street, Columbus, Ohio 43215-4183. Failure to timely submit reports may be cause for waiver revocation.

(8) Any individual driver operating a school bus or motor van granted a waiver pursuant to this rule remains subject to the provisions of section [3327.10](#) of the Revised Code, including providing written notice of incidents as set forth in division (D) of section [3327.10](#) of the Revised Code.

(9) Applicants for a waiver from the insulin-using diabetes mellitus qualification are to submit applications on plain paper and include all supporting documents and the information as set forth in this paragraph. Each information item is to contain a complete and appropriate answer, or, if an item is not applicable, marked with "none."

(a) Vital statistics

- (i) Name of applicant (first name, middle initial, last name);
- (ii) Address (street number and name);
- (iii) City, state, and zip code;
- (iv) Telephone number (including area code);
- (v) Sex (male or female);
- (vi) Date of birth (month, day, and year);
- (vii) Age;
- (viii) State driver's license number and a list of all licenses held during the three-year period immediately preceding the date of application to operate a school transportation vehicle;
- (ix) Issuing state;
- (x) Driver's license expiration date;
- (xi) Driver's license classification; and
- (xii) Employer's or prospective employer's name, address, and telephone number.

(b) Experience

- (i) Number of years and approximate miles driving school buses;
- (ii) Approximate number of years and miles driving a commercial motor vehicle (CMV) as defined in rule [4901:2-5-01](#) of the Administrative Code; and
- (iii) Number of years driving vehicles other than a CMV or school bus.

(c) Experience factor

- (i) Unless the department is satisfied otherwise, the driver has accumulated at least two years' experience operating a motor vehicle on a regular basis and that experience is recent enough to reflect the driver's capabilities; and
- (ii) Additionally, to qualify for a waiver, a driver has a clean driving record as described in paragraph (F)(4)(a) of this rule for the three years immediately preceding the date of the application.

(d) Applications will include supporting documents necessitated by this rule and any other documents deemed necessary by the department.

(G) The following applies to waivers under this rule:

- (1) A waiver issued by the department is valid for six years from the date of issuance unless the waiver is revoked by the department for cause or based on a change in statute or rule.
- (2) A waiver issued by the department may be revoked for failure to comply with this rule.
- (3) All medical documentation submitted to the department according to this rule may be reviewed by a panel of physicians appointed by the department. This panel of physicians is to make a recommendation on whether a waiver should be issued based upon medical documentation.
- (4) The department has final approval say on all waiver determinations.

## **Rule 3301-83-08 | Pupil transportation management policies.**

Pupil transportation management policies and procedures are to be developed cooperatively by administrators and transportation personnel. Policies and procedures will be designed to ensure the safety and welfare of all school bus passengers and include the following:

- (A) The school bus driver's authority and/or responsibility to maintain control of the pupils.
- (B) The pupil's right to "due process" as provided for by the policies and procedures of the educating agency.
- (C) Pupil management and safety instruction policies will include the following. Pupils are to:
  - (1) Arrive at the bus stop before the bus is scheduled to arrive.
  - (2) Wait in the school bus or motor van driver designated place of safety in a location clear of traffic and away from the bus stops.
  - (3) Not engage in behavior at the school bus stop that may threaten life, limb or property of any individual.
  - (4) Go directly to an available or assigned seat so the bus may safely resume motion.
  - (5) Remain seated behind the barrier, keeping aisles and exits clear.
  - (6) Observe classroom conduct, or the bus conduct established by administrators and transportation personnel, and obey the driver promptly and respectfully.
  - (7) Not use profane language.
  - (8) Refrain from eating and drinking on the bus except as necessitated for medical reasons or as permitted by the school district for non-routine trips during which the pupils on the bus are to be supervised by a chaperone(s) as described in rule [3301-83-16](#) of the Administrative Code, a school administrator or school personnel.
  - (9) Not use nicotine products, or any cigarette, tobacco, alternative to nicotine product, vapor product, or electronic smoking device, as those terms are defined in section [2927.02](#) of the Revised Code, on the bus.
  - (10) Not have alcohol or drugs in their possession on the bus except in accordance with medication policies adopted under Chapter 3313. of the Revised Code, as applicable.
  - (11) Not throw or pass objects on, from or into the bus.



(12) Carry on the bus only objects that can be held in their laps. Any objects that cannot be held are to be secured according to paragraph (H) of rule [3301-83-20](#) of the Administrative Code. Guidelines are to be formulated for the use and storage of equipment and other means of assistance for preschool and special needs children.

(13) Leave or board the bus at locations to which they have been assigned unless they have parental and administrative authorization to do otherwise.

(14) Not put head or arms out of the bus windows.

(D) Drivers and bus aides are to have access to appropriate information about the child to the degree that such information might affect safe transportation, pupil management and medical well-being. This information is to be readily accessible in the transportation office. All such information is strictly confidential.

(E) Suspension, expulsion or immediate removal from bus

(1) The superintendent or superintendent designees, or principals are authorized to suspend or remove pupils from school bus riding privileges in accordance with section [3327.014](#) of the Revised Code.

(2) Immediate removal of a pupil from transportation is authorized. A pupil immediately removed from transportation will be given notice as soon as practicable of a hearing which will be held within seventy-two hours of the removal. The notice is to also include the reason for removal. Immediate removal is authorized when the pupil's presence poses a danger to persons or property or a threat to the safe operation of the school bus. Length of time removed from ridership will be in accordance with policies of the school bus owner.

(3) School bus drivers will report in writing to the appropriate administrator all rule violations or conduct that justify immediate removal, suspension or expulsion.

(4) Modification of procedures may be needed for suspension or immediate removal of preschool and special needs children.

## **Rule 3301-83-09 | Pupil instruction.**

(A) Student, parent and/or guardian school bus safety orientation program. At the beginning of each school year, school districts will:

(1) Offer opportunities for students, along with their parents or guardians, to meet their bus drivers, tour a bus and learn about school safety;

(2) Provide families with take-home materials that parents and guardians can use to encourage positive school bus behaviors;

(3) When possible, school bus safety orientations should be incorporated into existing school-required orientations, meetings or assemblies.

(B) All school districts will implement a program to provide safety instruction to all regularly transported pupils in grades kindergarten through third within two weeks after the commencement of classes each school year pursuant to section [3327.16](#) of the Revised Code. The program will include but not be limited to:

- (1) Safe walking practices to and from the bus stop.
- (2) Wearing of light-colored or reflective clothing when going to and from the bus stop in darkness.
- (3) How and where to wait safely for the bus including how to avoid personal risks involving strangers.
- (4) What to do if the bus is late or does not arrive.
- (5) How to enter and leave the bus safely. This instruction will include the potential hazards regarding the snagging of clothing, backpacks, or other items, as well as items which may be dropped around or under the bus.
- (6) Safe riding practices (including instruction on rule [3301-83-08](#) of the Administrative Code, pupil transportation management policies).
- (7) Safely crossing the street or roadway before boarding and after leaving the bus.
- (8) Respect for the rights and privileges of others.
- (9) The dangers of trespassing in a railroad right-of-way and other dangerous areas.

(C) Pupils enrolled in grades four through twelve and regularly transported are to be properly instructed in safety procedures on and around the school bus.

(D) Passengers participating in nonroutine use of school buses are to receive safety instructions at the beginning of the bus trip. (This does not apply to the return portion of a round trip event.) Instruction is to include identification of safety exits, keeping aisles clear, remaining seated behind the barrier while the bus is in motion, and other rules as adopted by local policy.

(E) The procedure in paragraphs (A), (B), and (C) of this rule may need to be modified for preschool and special needs children.

## **Rule 3301-83-10 | Personnel training program.**

### **(A) Minimum school bus driver training**

Before a school administrator or contractor may issue a certificate to qualifying drivers to be employed to operate a school bus, in accordance with division (A) or (B) of section [3327.10](#) of the Revised Code, drivers will successfully complete the Ohio pre-service school bus driver training program. Successful completion of training, annual in-service training, and the driver qualifications set forth in rule [3301-83-06](#) of the Administrative Code, are documented in the department of education and workforce's web-based driver's record and through a school bus driver training completion certificate issued by an Ohio pre-service school bus driver training instructor, which expires six years from the date of issuance.

- (1) To achieve an acceptable level of competence, a minimum of twelve hours of on-the-bus instruction will be completed prior to a driver being assigned to operate a school bus with pupils on board. This instruction will consist of:
  - (a) Pre-trip inspection, control systems and dashboard instrumentation and mirror adjustment;

- (b) Identification of acceptable driving techniques;
- (c) Starting the engine;
- (d) Position of hands for steering;
- (e) Shifting the automatic and/or standard transmissions;
- (f) Off road CDL maneuvers;
- (g) Starting into traffic and pulling to the curb;
- (h) Entering and leaving the freeway;
- (i) Stopping for emergencies;
- (j) Speed control;
- (k) Changing lanes;
- (l) Passing;
- (m) Intersections - stop and through;
- (n) Left and right turns;
- (o) Turn-arounds;
- (p) Loading and unloading pupils;
- (q) Railroad crossings;
- (r) Practice driving utilizing a detailed route sheet;
- (s) Emergency evacuation procedures;
- (t) Miscellaneous items to include at least the following:
  - (i) Special driving situations;
  - (ii) Special trips;
  - (iii) Regular trip restrictions;
  - (iv) Environmental compliance issues;
  - (v) Fatigue and wellness;
  - (vi) Handling equipment and cargo;
  - (vii) Hours of service conditions.
- (u) Student management;
- (v) School bus security; and
- (w) Defensive driving.
  - (2) A minimum of fifteen hours of pre-service classroom instruction prior to operating a school bus with pupils on board. Alternatively, an individual may complete the department of education and workforce on-line pre-service school bus driver training course as authorized under section [3327.101](#) of the Revised Code. This instruction will consist of the following:
    - (a) School bus and commercial driver license provisions;
    - (b) Public relations;
    - (c) Pre-driving instructions;
    - (d) Driving the bus;
    - (e) Defensive driving;
    - (f) Pupil management, including bullying behaviors;
    - (g) Safety and emergency procedures;
    - (h) Use of first aid and blood borne pathogens equipment;

- (i) Transporting the preschool and special needs children, including a practical overview of the characteristics and needs of those individuals;
  - (j) Fuel conservation and air quality and other environmental issues;
  - (k) Radio/cellular phone communication;
  - (l) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
  - (m) School district policies;
  - (n) Drug and alcohol testing conditions; and
  - (o) Liability and responsibility.
- (3) The school bus driver will demonstrate familiarity with the topics covered in the pre-service training at the completion of the pre-service training.
- (4) A valid commercial driver's license with school bus and passenger endorsements, in accordance with sections [4506.03](#) and [4506.12](#) of the Revised Code, is a precondition for the school bus driver training certificate to be issued.
- (5) After a driver has received a school bus driver training certificate and before transporting pupils, the driver will:
- (a) Observe a route with an experienced driver with students onboard; and
  - (b) Drive a route with an experienced driver and students onboard.
- Prior to a school bus driver training certificate being issued, records of time, test scores, names, districts and other documentation of on-the-bus instruction will be maintained and filed with the department of education and workforce in the method prescribed by the department. Copies of original records are to be maintained by the school bus owner.
- (6) Each school bus owner will provide additional training for drivers and bus aides who transport preschool and special needs students. Such training will be completed prior to operating a bus with preschool and special needs children on board and will include:
- (a) Appropriate behavior management, including bullying behaviors;
  - (b) Physical handling;
  - (c) Effective communication;
  - (d) Use and operation of adaptive equipment;
  - (e) An understanding of related behaviors and/or the particular disabling conditions; and
  - (f) Administer health care according to their qualifications and the needs of the student.
- (7) To be considered valid, all portions of the training set forth in this rule will be completed and electronically reported to the department of education and workforce, according to division (G) of section [3327.10](#) of the Revised Code, within a twelve-month period. Pre-service and re-certification classes are valid for twelve months from the last day class is completed. After training set forth in paragraph (A) of this rule is completed, but before the school bus driver training certificate may be issued:
- (a) The on-the-bus instructor will sign the driver's application for the school bus driver training certificate; and

(b) The school bus owner will sign, and electronically submit, a T-9 form with the department within thirty days of the application.

(c) Supporting documentation of records of completion of the training in paragraph (A) of this rule will be submitted to with the department in the method prescribed by the department prior to a school bus driver training certificate being issued. Copies of original records will be maintained by the school bus owner for a minimum of six years.

(8) Upon approval of the department and in the case of unusual circumstances, with the exception of safety and emergency procedures, pupil management, and school bus owner policies, the pre-service training components set forth in paragraphs (A)(2) and (G)(1) of this rule may be completed within forty-five days of employment. A temporary certificate will be issued for the operation of a school bus during the training period. A satisfactory state and federal criminal background check will be completed prior to the issuance of the temporary certificate. Temporary certificates may only be issued to first time drivers seeking certification.

#### (B) Minimum motor van driver training

(1) Before a certificate to operate a motor van, as defined in rule [3301-83-04](#) of the Administrative Code, may be issued under division (A) or (B) of section [3327.10](#) of the Revised Code, drivers will successfully complete pre-service motor van driver training. This training will include completion of:

(a) A four-hour minimum Ohio preservice driver curriculum or other course approved in advance by the department of education and workforce. A current school bus driver certificate may also fulfill the curriculum component of training; and

(b) A driving performance evaluation and review by a certified on-the-bus-instructor, or by another individual employed and designated by an educational service center, school or district, demonstrating that the driver is accustomed to the vehicle.

(2) Each motor van owner will provide additional training for drivers who transport preschool and special needs students. Such training will be completed prior to operating a motor van with preschool and special needs children on board and will include:

(a) Appropriate behavior management, including bullying behaviors;

(b) Physical handling;

(c) Effective communication;

(d) Use and operation of adaptive equipment;

(e) An understanding of related behaviors and/or the particular disabling conditions; and

(f) Administer health care according to their qualifications and the needs of the student.

#### (C) Annual in-service training



The board of education or governing board/administrator is to offer annual in-service training for all regular and substitute school bus drivers, all drivers of vehicles other than school buses, and bus aides and ensure that all drivers and aides complete the training. This training may be offered in one session, or multiple sessions as determined by each employer. The employer may also recognize training offered by other sources in lieu of their own program. School bus drivers and aides will participate in a minimum of four hours of training. The training will be based on a needs assessment that includes one or more of the following:

- (1) School bus and commercial driver license provisions;
- (2) Public and staff relations;
- (3) Equipment and care, including the operation of all adaptive equipment needed to safely transport pre-school and special needs students;
- (4) Driving the bus;
- (5) Defensive driving;
- (6) Highway/railroad grade crossing safety;
- (7) Pupil management, including bullying behaviors;
- (8) Safety and emergency procedures;
- (9) Use of first aid and blood borne pathogens equipment;
- (10) Transporting the preschool and special needs children;
- (11) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
- (12) Signs, signals and pavement markings;
- (13) Fuel conservation;
- (14) Radio/cellular phone communications;
- (15) Detailed route sheets.

(D) Pupil transportation director/supervisor training

Pupil transportation administrators are to participate in a minimum of four hours of related training annually. School bus owners should encourage and support directors/supervisors of pupil transportation to attend local, regional, state and national workshops and conferences devoted to the management, supervision, organization and technical components of pupil transportation.

(E) School bus mechanic training

Each school bus owner will provide the opportunity for school bus maintenance personnel to participate in an annual workshop or training seminar, with a minimum of four hours of instruction, in one or more of the following areas:

- (1) Preventive maintenance procedures;
- (2) Repair procedures for each type of vehicle in the fleet and its special equipment;
- (3) Servicing procedures for equipment;
- (4) Inspection of the vehicle and its equipment;
- (5) Recovery procedures for vehicles involved in an accident or breakdown;
- (6) Preparation of maintenance records;
- (7) Parts and equipment purchasing and storage; and
- (8) Establishment of parts inventory control procedures.

(F) On-the-bus instructors

- (1) All school bus owners are to select and have a designated on-the-bus instructor or contract to obtain the services of a certified on-the-bus instructor.
- (2) On-the-bus instructor(s) will be trained and certified by an Ohio pre-service school bus driver training instructor. On-the-bus instructor(s) will attend annual in-service trainings as scheduled and provided by the Ohio pre-service school bus driver training instructor.
- (3) An on-the-bus instructor verification is to be indicated in the department's web-based driver's record and remains valid unless revoked by the Ohio pre-service school bus driver training instructor.
  - (a) The Ohio pre-service school bus driver training instructor will revoke the on-the-bus status in the event the driver or an on-the-bus instructor does not attend the annual in-service training conducted by the Ohio pre-service school bus driver training instructor, or does not receive an individual recertification evaluation by the Ohio pre-service school bus driver training instructor;
  - (b) The Ohio pre-service school bus driver training instructor may revoke or suspend the on-the-bus instructor status upon the request of the school bus owner.
- (4) When appropriate, the Ohio pre-service school bus driver training instructor or other certified on-the-bus instructor may provide all or part of on-the-bus instruction in lieu of the assigned on-the-bus instructor.

(G) School bus driver training certificate renewal

A school bus driver will be issued a new school bus driver training certificate upon successful completion of the qualifications every six years. Application for a renewal certificate will be made no later than thirty days prior to the expiration of the current certificate. The completion of the following school bus driver certificate qualifications may occur anytime in the twelve months prior to application. No school bus driver will transport pupils without a current certificate:

- (1) A minimum of nine hours of the Ohio pre-service school bus driver training classroom instruction will be completed prior to applying for renewal certification. Alternatively, an individual may complete the department of education and workforce on-line pre-service school bus driver training course as authorized under section [3327.101](#) of the Revised Code. That instruction consists of the following:
  - (a) Public relations;
  - (b) Pupil management, including bullying behavior;
  - (c) Pre-trip inspection;
  - (d) Driving the bus;
  - (e) Defensive driving;
  - (f) Fuel conservation;
  - (g) Transporting preschool and special needs children;
  - (h) Safety and emergency procedures;
  - (i) Radio/cellular phone communications; and
  - (j) Motor vehicle laws and Ohio pupil transportation operation and safety rules.

(2) The driver will demonstrate their familiarity with the topics covered at the completion of the class.

(3) A driving performance evaluation and review will be completed prior to applying for certification. The driving skills evaluation and review consists of the following:

(a) Identification of acceptable driving techniques, including the following:

- (i) Position of hands for steering;
- (ii) Braking;
- (iii) Following distance;
- (iv) Speed control; and
- (v) Observing traffic conditions ahead.

(b) Intersections - stop and through;

(c) Left and right turns;

(d) Curves;

(e) Changing lanes;

(f) Passing;

(g) Railroad crossings;

(h) Loading and unloading pupils;

(i) Turn-arounds;

(j) Entering and leaving the freeway;

(k) Starting into traffic and pulling to the curb;

(l) Stopping for emergencies;

(m) Pre-trip inspection; and

(n) Mirror adjustment.

(4) The driver may have no more than four opportunities to successfully demonstrate the driving skills as follows:

(a) A certified on-the-bus instructor designated by the school district or private operator will administer the first three opportunities.

(b) A fourth opportunity to demonstrate driving skills, if necessary, will be administered by an Ohio pre-service instructor. The driver will be offered appropriate driving instruction prior to this fourth opportunity.

(c) Drivers that fail to successfully demonstrate driving skills on the fourth opportunity will repeat the initial training set forth in paragraph (A) of this rule in order for the driver's certificate to be renewed.

(5) The certification qualifications for classroom instruction, pursuant to paragraphs (G)(1) and (G)(2) of this rule, may be substituted with successful completion of the Ohio pre-service advanced school bus driver training course if completed during the driver's current six-year certification period.

(6) The certification qualifications for driving skills, pursuant to paragraphs (G)(3) and (G)(4) of this rule, may be substituted with participation in a state and/or regional school bus driver safety road-e-o, and achieving a minimum of eighty per cent of the possible points, if completed during the driver's current six-year certification period.

(7) All other qualifications for school bus drivers as described in paragraph (B) of rule [3301-83-06](#) of the Administrative Code are to be met prior to application for a renewal certificate.

(8) Records of completion of the qualifications in paragraphs (G)(1) to (G)(7) of this rule will be maintained and filed with the department in the method prescribed by the department before a certificate of successful completion is issued. Copies of original records will be maintained by the school bus owner for a minimum of six years.

(9) The certificate of any person who cannot provide proof of having operated a school bus during the previous twenty-four months will be considered invalid. That person is to then successfully satisfy the certification qualifications described in paragraphs (A)(1) to (A)(7) or (G)(1) to (G)(7) of this rule, as applicable, prior to resuming transportation of pupils.

(H) A driver's completion of training certificate issued by a pre-service instructor may be rescinded in the department's web-based driver's record if the driver fails to :

(1) Complete annual in-service training;

(2) Meet the qualifications set forth in section [3327.10](#) of the Revised Code or rule [3310-83-06](#) of the Administrative Code.

(I) Districts will identify, share, and encourage bus drivers to participate in professional development opportunities.

## **Rule 3301-83-11 | School bus inspections.**

(A) Ohio state highway patrol safety inspection for school buses

The school bus owner, operator, lessee, or designee is responsible for presenting all school buses for the Ohio state highway patrol safety inspections and will be responsible for the pre-inspection, repair and preparation of each school bus.

(B) Qualified mechanic safety inspection for school buses and motor vans

The school bus or motor van owner, operator, lessee or designee is responsible for ensuring inspections by a qualified mechanic of all vehicles used by school districts, chartered nonpublic and community schools for pupil transportation in accordance with rule [3301-83-22](#) of the Administrative Code to ensure the vehicle is safe for pupil transportation.

(C) Daily inspection of the school bus and motor van

It is the responsibility of each school bus or motor van driver to complete and document a daily pre-trip inspection of the school bus or motor van, on the day students are to be transported and before transporting students on that day. The school bus or motor van owner, operator, lessee, or designee may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the school bus or motor van driver. Any defects will be reported in writing to the school bus or motor van owner or designee. It is the responsibility of the school bus or motor van owner to provide each driver with all inspection forms for reporting purposes, which document inspections that include the following:

(1) Stationary inspection of the school bus

(a) Pre-starting inspection:

Raise the hood and visually check the safety latch or hinges, then check belts, hoses and wiring for frayed, cracked and/or deteriorated conditions.

(b) Walk around inspection:

Place the transmission in neutral and set the parking brake. Start the engine and check the following:

- (i) Tires: underinflated, flat, evidence of oil on wheels and tires, excessive wear (tread depth) or damaged.
- (ii) Wheels: loose or missing nuts, damage, and rear mud flaps.
- (iii) Battery compartment (secure and no loose connections).
- (iv) Observe the bus for evidence of oil, fuel, or coolant leaks and vandalism.
- (v) All school bus windows should be clean.
- (vi) All outside mirrors: clean, mounted securely and not cracked or broken.
- (vii) Warning systems: headlights (high/low beam), brake lights, backup lights and alarm, clearance and marker lights, all signals and signs, reflectors, turn signals, stop lights and warning flashers clean and working properly.
- (viii) Exhaust system: visually check for leaks and proper support.
- (ix) Fuel tank secure - visually inspect for damage.
- (x) Exits: check service and emergency doors for ease of operation and verification that lights and alarms are operating properly.
- (xi) Check wheelchair lift operation, (if installed).

(c) Inside safety check:

- (i) Check service door steps and handrail.
- (ii) Check driver's seat and seat belt.
- (iii) With the engine running check or inspect the following instruments and controls:

(a) Warning lights, if installed:

- (i) Oil pressure warning light.
- (ii) Service brake warning light.
- (iii) Alternator warning light.
- (iv) Ampmeter and/or voltmeter, if applicable.
- (v) Water temperature gauge or warning light.

(b) Indicator lights.

- (i) Amber warning light.
- (ii) Red warning light.
- (iii) Red over-ride switch.
- (iv) Indicator lights.
- (v) Head light high beam.
- (vi) Panel lights.
- (vii) Left and right turn signal indicators.
- (viii) Hazard indicators.
- (ix) Strobe indicator light.

(c) Horn.



- (d) Mirrors properly adjusted, sunshade mounted and not broken.
- (e) Wipers and washer fluid.
- (f) Heaters, fans and defrosters.
- (g) Dome lights.
- (h) Brake system for leaks
  - (i) Storage tanks - two psi, one minute.
  - (ii) Service brake - three psi, one minute.
  - (iii) Low air pressure light and buzzer - sixty psi.
  - (iv) Emergency brake - twenty to forty psi.
  - (v) Hydraulic - pump three times hold five seconds.
- (i) Air pressure gauge or hydraulic brake warning lights.
- (j) Oil pressure gauge.
- (k) Check passenger seats, frames, emergency exits, windows, and adaptive equipment needed for the transportation of pre-school and special needs students.
- (l) Check emergency equipment: first-aid kit, fire extinguisher and emergency reflectors.

## (2) Operation inspection for the school bus

A planned road pre-check when driving between storage and first pupil pickup enables the driver to evaluate the steering, suspension, clutch, transmission, driveline, engine and brakes. The following items are to be checked and, if found in need of repair, a written report will be submitted to the school bus owner or designee:

- (a) Parking brake: check by slowly engaging the drive train while the parking brake is on. (In air brake systems, the parking brake will remain applied if there is a partial or complete air pressure loss in the service brakes.)
- (b) Service brakes: test at low speeds and bring the bus to a complete stop. The bus should stop in a straight line without skidding, swerving or pulling to one side.
- (c) Steering: check for any unusual handling characteristics.
- (d) Transmission operation: an automatic transmission should not slip and a manual transmission should allow for easy and smooth gear changes throughout the entire shifting range.
- (e) Clutch: the clutch should engage easily and smoothly without jerking, slipping excessively or "chattering." A properly adjusted clutch should have some "free play" when the pedal is fully released.
- (f) Engine: listen for unusual engine noises.
- (g) Suspension: check for any unusual ride or handling characteristics.

## (3) Stationary inspection of the motor van

### (a) Pre-starting inspection:

Raise the hood and visually check the safety latch or hinges, then check belts, hoses and wiring for frayed, cracked and/or deteriorated conditions.

### (b) Walk around inspection:

Place the transmission in park and set the parking brake. Start the engine and check the following:

- (i) Note whether the vehicle is level or leaning to one side;
  - (ii) Check for vehicle body damage;
  - (iii) Doors, windows, and wiper blades are properly operating;
  - (iv) Driver and passenger seats belts and belt indicators are properly operating;
  - (v) Heater, fan, and defrosters are properly operating;
  - (vi) Locks and child locks are properly operating;
  - (vii) Check gauges and/or indicator lights;
  - (viii) Test horn;
  - (ix) Mirrors properly adjusted;
  - (x) Check emergency equipment: first-aid kit, fire extinguisher and emergency reflectors.
  - (xi) Warning systems: headlights (low/high beam), brake lights, backup lights, all signals and signs, and turn signals;
  - (xii) Check for exhaust leaks and proper support.
- (c) Inside safety check:
- (i) Steering wheel has no more than ten degrees, or two inches play in the wheel;
  - (ii) Conduct three separate brake checks:
    - (a) Hydraulic brake: pump brake pedal three times and hold down (pedal should not fade);
    - (b) Parking brake: set parking brake and put vehicle in gear (vehicle should not move);
    - (c) Service brake: drive vehicle forward, apply firm pressure to the brake pedal vehicle should not pull left or right to ensure proper adjustment.
  - (iii) Doors, windows, and wiper blades are properly operating;
  - (iv) Driver and passenger seats belts and belt indicators are properly operating;
  - (v) Heater, fan, and defrosters are properly operating;
  - (vi) Locks and child locks are properly operating;
  - (vii) Check gauges and/or indicator lights;
  - (viii) Test horn;
  - (ix) Mirrors properly adjusted;
  - (x) Check emergency equipment: first-aid kit, fire extinguisher and emergency reflectors.
- (4) Post-trip check for the school bus and motor van:
- (a) Ensure all passengers have left the vehicle by visually inspecting each seat position;
  - (b) Clean the vehicle and remove all loose belongings.

## **Rule 3301-83-12 | Safety procedures.**

### **(A) School bus stops**

All school districts and bus owners are to develop policies and procedures for drivers making school bus stops for purposes of receiving and discharging pupils consistent with section [4511.75](#) of the

Revised Code and procedures described in the current version of the school bus driving evaluation form ([www.education.ohio.gov](http://www.education.ohio.gov)). The following are to be included in those policies and procedures:

- (1) Alternately flashing amber lamps are to be used to warn motorists that the bus is stopping to take on or to discharge passengers. They are to be activated approximately three-hundred feet prior to a stop whenever practical.
- (2) Alternately flashing red lights and a stop sign are to be used to inform motorists that the bus is stopped on the roadway to take on or discharge passengers.
- (3) Bus drivers are to only activate amber and red visual signals, and extended stop warning signs in accordance with section [4511.75](#) of the Revised Code.
- (4) Before receiving or discharging pupils, the bus will be driven to the right side of the paved or traveled portion of the roadway and brought to a full stop.
- (5) School buses operating on divided highways or highways with four or more traffic lanes are to receive and discharge passengers on the passenger's residence side of the highway in accordance with section [4511.75](#) of the Revised Code.
- (6) The bus will stop along the driveway entrance or along the curb when receiving or discharging passengers with special needs that require the use of special equipment.
- (7) The parking brake is to be set at all stops whenever pupils are being received or discharged unless the vehicle has an interlock device approved by the state highway patrol.
- (8) The transmission is to be placed into park if available, and if not, into the neutral gear for both manual and automatic transmissions.
- (9) The driver is to use an approved hand signal and eye contact with students outside the bus at any stop where students are in the process of loading and unloading.
- (10) The driver will ensure students to be discharged remain seated until the bus comes to a complete stop.
- (11) The driver will not move the bus until after a passenger has reached a designated place of safety on the passenger's residence side of the road in accordance with section [4511.75](#) of the Revised Code or is safely seated behind the barrier.
- (12) The bus driver is to be the only operator of the service entrance door. The driver will not load or unload pupils until it is safe to do so.
- (13) The door will remain in a securely closed position while the bus is in motion.

(B) Railroad grade crossings

- (1) The school bus driver will follow procedures described in the current version of the school bus driving evaluation form ([www.education.ohio.gov](http://www.education.ohio.gov)).
- (2) General procedures
  - (a) For improved vision and hearing, a window at the driver's left will be opened and radios and other noisy equipment (e.g. fans) will be turned off upon approaching the crossing and remain off until the bus has cleared the crossing.
  - (b) The driver of any school bus, with or without passengers, will come to a complete stop, set the parking brake, shift to neutral, engage the noise suppression switch, fully open the service door, and look and listen in both directions along the track or tracks for approaching engines, trains, or train cars.

- (c) After a train has passed the crossing, the bus driver will not drive the bus onto any tracks until the driver is certain that no train, hidden by the first train, is approaching on an adjacent track.
- (d) The school bus driver is to shift the bus into gear, look and listen, close the service door, release the parking brake, and when the driver is certain the crossing can be made safely, drive across the tracks in an appropriate gear without shifting.
- (e) Crossing when flashing or audible signals malfunction is only permitted when authorized in accordance with section [4511.62](#) of the Revised Code.
- (3) Weather conditions - during wet, stormy or foggy weather, before placing part of the bus on the tracks, the driver is to determine that the crossing can be made safely.
- (4) Behavior of passengers at railroad crossings - when any school bus is stopped for any railroad track, the driver is to direct all passengers to be silent until the crossing is completed. A signal for silence will be given by the school bus driver approximately three hundred feet from the crossing.
- (5) Other vehicles authorized for student transportation
  - (a) Drivers of vehicles other than school buses that are authorized for student transportation, as defined in rule [3301-83-19](#) of the Administrative Code, including motor vans, will:
    - (i) Comply with the provisions of division (A) of section [4511.63](#) of the Revised Code; and
    - (ii) Follow procedures described in the current version of the Ohio pre-service driver training manual for student transportation for vehicles other than school buses ([www.education.ohio.gov](http://www.education.ohio.gov)).

(C) School bus turn-around

- (1) Whenever possible, the bus will be clearly visible to the other motorists five hundred feet in both directions.
- (2) Whenever possible, turn-arounds will not be scheduled at intersections where the vehicle would need to cross a lane of traffic to back.
- (3) Four-way hazard lights will be actuated unless prohibited by local ordinance.
- (4) The driver will sound the horn twice before backing or have an audible signal while backing.
- (5) The driver will not back the school bus at pick-up or discharge locations while pupils are outside the vehicle.

(D) Loading and unloading at school facilities

- (1) When it is necessary to load or unload pupils off the school grounds, the bus will be positioned and parked (with parking brake set) so that pupils do not cross the roadway to get to or from the bus.
- (2) Student warning lights will be deactivated when loading and unloading on school grounds or when loading and unloading from a school bus stopped in a school zone curbside on the roadway adjoining the school grounds.

- (3) Parking for loading and unloading on school grounds is to be bumper to bumper or diagonal. Either method used is to exclude any necessity for backing the school bus. The rear and/or side emergency exits will remain accessible at all times.
- (4) Pupils in the loading area will be properly supervised by the building principal or designee.
- (5) Except when loading or unloading pre-school or special needs children, the driver will remain on the bus while pupils are loading and unloading.

(E) General operations:

- (1) Headlights will be actuated during operation of the school bus.
- (2) A white, flashing strobe light, individually switched, may be used, when unfavorable atmospheric conditions or time of day limit visibility (e.g. fog, rain, snow, darkness).
- (3) Four-way hazard lights will be activated at railroad crossings and turn-arounds unless prohibited by local ordinance.
- (4) The school bus driver will not leave a vehicle unattended with pupils on board except when loading or unloading pre-school and special needs children or in the event of an emergency. Drivers who need to leave the bus for these purposes will not leave the immediate vicinity of the bus, except in an emergency.
- (5) The school bus driver will not leave the vehicle until the brakes are set, the engine is stopped and the ignition key is removed, with the exception for buses equipped with wheelchair lifts or diesel engines that need the engine to be running.
- (6) At the conclusion of each route or trip, the driver will ensure all passengers have left the bus by visually inspecting each seat position. Additional procedures for driver's post-trip inspections are detailed in the current version of the "Ohio Preservice School Bus Pre-Trip/Post-Trip Evaluation Form" (<https://www.education.ohio.gov>).

## **Rule 3301-83-13 | School bus routes and stops.**

(A) Designation of school bus stops

- (1) It is the responsibility of the superintendent or designee to determine the location of all school bus stops to be approved annually by the districts' board of education. Authority to designate or relocate subsequent school bus stops may be delegated by the board of education to the superintendent or designee. Bus stops and a time schedule will be adopted and put in force by the board not earlier than thirty days prior to and not later than thirty days after the beginning of the school term.
- (2) Districts will comply with section [3327.016](#) of the Revised Code for eligible student riders who are enrolled in a community or chartered nonpublic school.

(B) School bus stop location

Policies and procedures will be developed by administrators and transportation personnel to ensure school bus stop locations are designated in safe locations and will include the following:

- (1) Pupils in grades kindergarten through eight may walk up to not more than one-half mile to a designated bus stop.
- (2) School bus stop locations will provide for the maximum safety of pupils giving consideration to distance from residence, traffic volume, physical characteristics, residences of persons on the state registry of sex offenders and child-victim offenders established under section [2950.13](#) of the Revised Code, and visibility and weather conditions.
- (3) School bus stops will be established on the residence side of all four-lane highways and on the residence side of other roadways posing potential hazards to students as determined by school bus owners.
- (4) School bus stops will be located at a distance from the crest of a hill or curve to allow motorists traveling at the posted speed to stop within the sight distance. If the line of sight is less than five hundred feet in either direction, a request will be submitted to the appropriate authority to install an approved "school bus stop ahead" sign at least five hundred feet in advance of the school bus stop.
- (5) Each pupil will be assigned to use a specific school bus stop except in unusual circumstances as approved by the school bus owner or designee.
- (6) Each pupil will be assigned a designated place of safety on the residence side of the roadway on which the vehicle is scheduled to stop. The driver will account for each pupil at the designated place of safety before leaving. Pupils are not to proceed to their residence until the school bus has departed.
- (7) The school bus driver will use the established route and make stops only at points designated by the school vehicle owner or the administrator who is authorized to designate such stops. School districts and community schools offering pupil transportation will have a documented routing plan in place for all established routes.
- (8) The school bus driver will operate the bus on the time schedule for the established route and wait for pupils if ahead of schedule.
- (9) The superintendent or designee is to communicate changes to bus stop locations and drop off/pick up times to parents or guardians of pupils impacted by the changes as soon as practicable in order to ensure pupil safety and timely transportation to school.

(C) School bus stop procedures

School bus drivers are subject to school bus stop and safety procedures set forth in section [4511.75](#) of the Revised Code and rule [3301-83-12](#) of the Administrative Code.

(D) Each bus will have a detailed route sheet on board which will include the following:

- (1) Direction to designated stops;
- (2) Time schedule;
- (3) Designated stop;
- (4) Driver-designated place of safety;
- (5) Number of riders at each stop location and residence side; and
- (6) List identifying road hazards.



(E) If practical, each route will have a responsible student designated to assist a substitute bus driver with each route.

(F) School districts will conduct safety audits of their bus routes, bus stops, and school pick-up/drop off sites on school property, not less than annually, to reduce safety risks and mitigate the severity of school bus accidents. It is recommended that district bus drivers' input be considered in conducting audits. Safety audits include an examination of:

- (1) Left turns, to determine whether route adjustments can be made to avoid crossing oncoming lanes of traffic;
- (2) Structural components of bus routes that can impact bus safety such as high speed limits, traffic congestion, areas of low visibility, and areas with steep drop-offs adjacent to the roadway;
- (3) School bus stops, to minimize school bus stops that necessitate students crossing a roadway;
- (4) The efficiency of individual bus routes.

## **Rule 3301-83-14 | Records and reports.**

Each school transportation vehicle owner or operator shall maintain and make available for inspection, upon request of the Ohio state highway patrol or the department of education and workforce, the following records for the management and reporting of the pupil transportation program.

(A) Maintenance and repair:

- (1) Records to document that reported mechanical deficiencies discovered during inspections were corrected.
- (2) A maintenance and repair record for each school transportation vehicle.
- (3) Documented proof of pre-trip inspection for each school transportation vehicle will be kept on file for no less than twelve months.

(B) An accounting system for fuel consumption and costs for routine and non-routine use of school buses and annual operating costs by vehicle and by fleet needed to submit T-2 data electronically to the department of education and workforce if applicable.

(C) A pupil accounting system that details assigned:

- (1) School bus;
- (2) School bus stop;
- (3) School of attendance, student name and address, telephone number, date of birth, and grade.

(D) A record of routine and non-routine daily and annual miles driven by vehicle and by fleet.

(E) A reporting of the numbers of regular and substitute school bus drivers, mechanics, supervisors, secretaries, clerks and drivers' aides.

(F) Maintain and file a copy of the following documents:

- (1) Driver training records
  - (2) Ohio pre-service driver training certificate
  - (3) Drug and alcohol training certificate
  - (4) Blood-borne pathogens training certificate
  - (5) Biannual BMV reports
  - (6) Annual in-service training records
  - (7) Criminal record check
  - (8) Physical examination report
  - (9) Local certificate issued pursuant to section [3327.10](#) of the Revised Code.
- The physical examination, criminal record, BMV reports, and the drug and alcohol test results are to be kept confidential.

(G) Vehicle accident data:

- (1) Report T-10 accident data electronically to the department of education and workforce, and submit a copy by email to the Ohio state highway patrol at: [adlcs@dps.ohio.gov](mailto:adlcs@dps.ohio.gov), for any school bus or motor van accident that results in a fatality, an injury, or vehicle or property damage in excess of one thousand dollars. Accident data will be submitted within fifteen days of the accident or occurrence.
- (2) The Ohio state highway patrol is to be notified within forty-eight hours of when any school bus, or other vehicle authorized in rule [3301-83-19](#) of the Administrative Code for pupil transportation, is involved in a motor vehicle accident involving injury or property damage.
- (3) For purposes of this rule, "accident" has the same meaning as in paragraph (B) of rule [4501-31-01](#) of the Administrative Code.

(H) Submit reports according to instructions provided by the department of education and workforce and the Ohio state highway patrol.

## **Rule 3301-83-15 | Emergency and evacuation procedures.**

(A) Emergency procedure -

Each school bus and motor van owner will adopt a policy and provide training for handling emergencies on school buses and motor vans while pupils are being transported including but not necessarily limited to:

- (1) Procedures for handling any medical emergencies of pupils while they are being transported. Each school bus or motor van owner will provide training to all school bus and motor van drivers transporting pupils to ensure that the drivers understand the

policy and their responsibilities. No school bus or motor van driver will transport pupils unless the driver has received such training.

(2) Training for bus drivers in seizure disorders according to section [3313.7117](#) of the Revised Code.

(3) Procedures for when and how to notify parents if their students were on a transportation vehicle involved in an accident.

(B) Policies will be developed in cooperation with all those whose services are needed in the event of emergencies. The transportation director/supervisor, school administrators, teachers, drivers, maintenance and service personnel and students will be provided instruction in the procedures to be followed in the event of:

(1) Accident procedure -

The policy will describe how to protect the accident scene; evacuate and control students; evaluate the need for medical assistance; notify the responsible law enforcement agency, the Ohio state highway patrol according to rule [3301-83-14](#) of the Administrative Code, school officials and emergency services; collect and record data essential to the preparation of necessary reports; and communicate with parents and/or guardians.

(2) Disability of driver procedure -

The policy will describe situations in the event of illness, injury, or disability of the vehicle driver.

(3) School vehicle failure procedure -

The policy will describe procedures for securing the vehicle, discharging and controlling passengers, notifying school officials, securing alternate equipment, and repairing and recovering the disabled school vehicle.

(4) Inclement weather conditions procedure -

The pre-emergency policy will provide instruction as to school closings, delayed take-ups and/or early dismissals.

(5) Tornado procedure -

The policy will provide procedures for drivers and students in the event of tornado sightings and/or warnings.

(6) Policies will also be developed to address other dangerous and/or threatening situations (e.g., weapons, assaults, unauthorized attempted boardings, and impeding the movement of the school vehicle).

(7) Policies adopted under this paragraph will be posted by school bus and motor van owners online if feasible or will be made available upon request, subject to redactions that may be necessary in accordance with section [149.433](#) of the Revised Code.

(C) Evacuation procedure -

The superintendent or designee will organize and conduct three emergency exit drills for all students who ride school buses to and from school.

(1) Each of the following emergency procedures will be conducted at least once annually:

(a) Everyone exits through the front entrance door;

- (b) Everyone exits through the rear emergency door; and
- (c) Front half exits through the front door and rear half exits through the rear door.
- (2) The transportation director/supervisor in cooperation with building principals will arrange and schedule all drills. The drills will be supervised by at least one staff person other than the driver assigned to the route.
- (3) Drills will be held on school property when possible and not on the bus route.
- (4) The driver is to remain in the bus during evacuation drills. The parking brake will be set, the ignition turned off and the transmission placed in neutral or park.
- (5) Pupils are not to take lunch boxes, books, etc., when they leave the bus.
- (6) Pupils are to assemble at a distance of at least one hundred feet from the bus during an "emergency drill" and remain there until given further directions.
- (7) Emergency evacuation drills of preschool and special needs children may necessitate modification of the procedures listed in this paragraph.

## **Rule 3301-83-16 | Non-routine use of school buses.**

"Non-routine student transportation" as defined in rule [3301-83-04](#) of the Administrative Code means the transportation of passengers for purposes other than regularly scheduled routes to and from school. School buses and motor vans may be used for non-routine trips only when such trips will not interfere with routine transportation services. Passengers participating in non-routine use of school vehicles will receive safety instructions at the beginning of the non-routine trip including, for school buses, identification of safety exits, keeping aisles clear, remaining seated behind the barrier while the bus is in motion, and for all school vehicles, safe riding practices including instruction on rules as adopted by the vehicle owner's policy.

School bus and motor van owners using school buses or motor vans for purposes other than transporting enrolled students to or from a school session or a school function may need to obtain approval of the vehicle and operator as a commercial motor carrier pursuant to federal motor carrier safety administration ([fmcsa.dot.gov](http://fmcsa.dot.gov)), public utilities commission of Ohio, and Ohio department of transportation regulations, and, in accordance with section [4511.01](#) of the Revised Code and rule [3301-83-19](#) of the Administrative Code.

### **(A) Permits**

School bus or motor van owners, superintendents or their designees are to issue a trip permit that will accompany the driver on any non-routine student transportation trip. The permit will provide the following information:

- (1) Date of trip;
- (2) Destination;
- (3) Purpose of trip;
- (4) Name of school district;
- (5) Driver's name;
- (6) Bus or motor van registration number or vehicle license number;

- (7) Total miles of trip;
- (8) Designated stops;
- (9) Route map and/or written directions for destination;
- (10) School bus or motor van owners, superintendent or designee signature.

(B) Chaperones

One or more adult chaperones, as approved by the school bus or motor van owner, superintendent or designee, may accompany each school bus or motor van used for any non-routine trip involving school-age passengers. The chaperone's responsibility is to assist the school transportation vehicle driver in maintaining passenger control and in enforcing procedures for the safety of all passengers. A person holding a current bus driver or motor van certificate may serve as a chaperone and driver concurrently.

(C) Out-of-state trips

The board of education of any school district that owns and operates motor vehicles for transporting pupils may permit such vehicles to be used outside of Ohio for any lawful purpose provided the entire distance traveled outside Ohio on any trip does not exceed one-thousand miles. Mileage is calculated from point of exit from the state to the point of entry to the state.

(D) Driver selection for assignment to non-routine trips should be based upon a policy adopted by the school bus or motor van owner which gives consideration to driver knowledge, skill, experience, vehicle familiarity and experience in operating a school transportation vehicle in the area to be traveled.

(E) A pre-trip inspection as detailed in rule [3301-83-11](#) of the Administrative Code will be completed and documented immediately prior to departure of a school bus or motor van on a non-routine trip. Such pre-trip inspection will not be necessary provided the school transportation vehicle received a documented pre-trip inspection during routine service on the same day and by the same driver.

(F) Transportation coordination

- (1) Each school transportation vehicle owner or district may participate in the written county transportation plan that establishes policies regarding the transportation needs of Ohio works first participants seeking or striving to retain employment. A copy of the plan will be maintained by the school bus or school transportation vehicle owner for reference.
- (2) School bus owners or districts may enter into contractual agreements with entities according to section [3327.018](#) of the Revised Code.  
Mileage under such contract/agreement is not reimbursable by the department of education and workforce.
- (3) The first priority for the use of school transportation vehicles is for the purposes outlined in Chapter 3301-83 of the Administrative Code.

- (4) Transportation coordination will not be conducted during those times the school transportation vehicle is in regular use and pupils, or persons attending programs offered by county boards of developmental disabilities, are being transported.
- (5) It will be the responsibility of the school transportation vehicle owner or district to ensure compliance with all laws and regulations applicable to such additional use of the school transportation vehicles.

## **Rule 3301-83-17 | Authorized and unauthorized passengers**

### **(A) Authorized passengers:**

- (1) Pupils enrolled in approved programs who are eligible for transportation services according to state and federal law and school bus owner policy.
- (2) Children attending an approved preschool program authorized and directed by a district or educational service center board of education, governing board of a community school or chartered nonpublic school, or county board of developmental disabilities.
- (3) Resident preschool children and parent(s) or guardian(s) who are participating in school-sponsored special programs that demand attendance of both, including participation in a graduation, reality, and dual-role skills (e.g, GRADS) or similar type program.
- (4) School officials may authorize transportation of a school-age visitor to the home of a regular school bus passenger upon proper parental authorization on a space-available basis which does not displace regular riders.
- (5) Resident preschool children and school age pupils may be transported to preschool programs and school-age child-care programs (for example, latchkey programs).
- (6) Resident preschool special needs children are to be transported to school district preschool special education programs within the district and outside the district if assigned by the school district of residence. If transportation is necessary for preschool special needs children to receive a free and appropriate education it will be provided at no cost to the parent or guardian.
- (7) School districts may enter into contractual agreements to provide transportation service for latchkey programs under the provisions of sections [3313.207](#), 3313.208, and 3313.209 of the Revised Code; and to provide transportation service for preschool and childcare providers under provisions of division (C) of section [3313.646](#) of the Revised Code.
- (8) Ohio works first participants and the aged may be transported under the provisions of paragraph (F) of rule [3301-83-16](#) of the Administrative Code and according to policy and procedure of the school bus owner.
- (9) School bus owners may establish a volunteer bus rider assistance program pursuant to section [3327.16](#) of the Revised Code. Qualified adults, including parents, or responsible older pupils may be authorized.



(10) School employees may be authorized passengers on school buses used for non-routine trips according to rule [3301-83-16](#) of the Administrative Code.

(B) Unauthorized passengers:

For purposes of this paragraph, "approved programs" refers to programs discussed in paragraph (A) of this rule.

(1) Family members of school bus drivers who are not enrolled in any approved programs, except for adults appointed as chaperones on non-routine trips.

(2) School employees, on routine bus routes, unless assigned by proper school officials as part of their duties.

(3) Adults not enrolled in any of the approved programs, unless by proper school officials as bus monitors.:

(a) Assigned by proper school officials as bus monitors; or

(b) According to policies adopted by the district or educational service center board of education or governing body of the community or chartered nonpublic school, that owns the bus, authorizing its buses to be used in emergency situations to transport passengers.

## **Rule 3301-83-18 | Passenger capacity.**

(A) School bus seating will be provided permitting each passenger to sit in a position which provides maximum protection by the barrier and does not exceed the school bus manufacturer's rated capacity if applicable, and will be adjusted according to each passenger's individual physical size.

(B) No person will stand while the school bus is in motion, with the exception of bus aides and driver training staff, in the official performance of their duties.

(C) Passengers in motor vans will be seated in a manner compliant with applicable state and federal standards for passenger seat belts or restraints.

## **Rule 3301-83-19 | Authorized vehicles for transportation of pupils to and from school and school-related events.**

The following are authorized vehicles for the transportation of pupils to and from school and school-related events:

(A) School buses

All vehicles designed to carry more than nine passengers, not including the driver, and used to transport pupils to or from school or school-related events shall meet or exceed all applicable federal regulations and the Ohio school bus construction standards. Refer to division (F) of section [4511.01](#) of the Revised Code and rules [4501-5-01](#) to [4501-5-04](#) of the Administrative Code.

(B) Public transit vehicles

Public transit vehicles includes vehicles owned and operated by regional transit authorities or community transit authorities, or which are privately owned, under contract with a board of education or county board of developmental disabilities and operated on routes designed for the purpose of transporting fare-paying passengers and eligible pupils simultaneously.

Nonconforming vehicles (i.e. ten to fifteen passenger motor vehicles not meeting the FMCSR's for a school bus) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry more than sixteen passengers including the driver.

(C) Vehicles other than school buses

Vehicles originally designed and constructed at the factory for nine or fewer passengers, not including the driver, to be used when school bus transportation cannot be reasonably provided, shall not be routinely used for service to and from regularly scheduled school sessions except for preschool children, special needs children, homeless children, foster children, children inaccessible to school buses, students placed in alternative schools or for work programs. This paragraph does not apply to parental transportation of children as set forth in rule [3301-83-04](#) of the Administrative Code.

Requirements for vehicles identified in this section shall include the following:

- (1) The vehicle shall be equipped with safety equipment including a fire extinguisher, first-aid kit, body fluid cleanup kit, fuses, spare fuses, and emergency reflectors.
- (2) The vehicle shall have a rooftop sign marked "School Transportation."
- (3) The name of the school district, or the name of the contractor, if applicable, shall be clearly marked on the side of the vehicle.
- (4) These vehicles shall be inspected by a qualified mechanic not less than two times per year. This inspection shall cover at the minimum all applicable sections of the school bus inspection detailed in paragraph (B) of rule [3301-83-11](#) of the Administrative Code. In addition, periodic maintenance intervals shall be established and implemented. Documentation and proof of these inspections and service procedures, in addition to all other vehicle records required under rule [3301-83-14](#) of the Administrative Code, shall be kept on file with the school district transportation department.
- (5) It is the responsibility of each vehicle driver to complete and document a daily pre-trip inspection before transporting pupils. The vehicle owner may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the vehicle driver. Pre-trip inspection records shall be kept on file for a minimum of twelve months.
- (6) Loading of these vehicles shall be performed in compliance with the passenger, weight, and other associated restrictions as identified by the original equipment manufacturer.

(7) Drivers of these vehicles shall meet all qualifications for school transportation drivers as identified in paragraph (F) of rule [3301-83-06](#) of the Administrative Code and section [3327.10](#) of the Revised Code.

(D) Commercial carriers

Commercial carriers include carriers that are licensed and inspected by the appropriate government agencies to transport passengers for hire. Examples would include railroads, airlines, commercial watercraft, or commercial buses. Nonconforming vehicles (i.e. ten to fifteen passenger vehicles not meeting the FMCSR's for school buses) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry sixteen or more passengers including the driver.

(E) Taxicabs

Taxicabs may be used for transportation of pupils when the use of other modes of transportation as described in this rule are not reasonable as determined by the public school district.

Taxicabs shall be originally designed and constructed at the factory for nine or fewer passengers, not including the driver, and shall, with the exception of the rooftop sign marked "School Transportation," which shall not be required, comply with paragraph (F) of this rule.

The owner or operator of taxicabs shall provide documentation to the school district confirming compliance with this chapter.

The owner or operator of taxicabs shall provide proof of insurance to the school district in the amounts as specified in section [3327.09](#) of the Revised Code for vehicles used in the transportation of school children.

(F) Vehicles not meeting the definitions listed in paragraphs (A) to (E) of this rule do not conform to state and federal law/rule and shall not be used for transportation of pupils to or from school or school related events.

## **Rule 3301-83-20 | General rules.**

(A) For purposes of this paragraph, "vehicle(s)" means school buses and motor vans, as defined in rule [3301-83-19](#) and rule [3301-83-04](#) of the Administrative Code.

(1) The use of alcohol, nicotine products, or any cigarette, tobacco, alternative to nicotine product, vapor product, or electronic smoking device, as those terms are defined in section [2927.02](#) of the Revised Code, and non-prescribed drugs is prohibited in the vehicle.

(2) Firearms, ammunition, weapons, explosives or other dangerous materials or objects are prohibited on school buses. Animals are also prohibited, with the exception of those identified as service animals as defined by 28 C.F.R. 35.104 and C.F.R. 36.104.

(3) All vehicles will be kept clean on the inside and on the outside. Front and rear windows, lights and mirrors should be clean and all markings clearly visible.

(4) The following equipment may be installed or stored in the vehicle: broom, snow brush, ice scraper, and trash container. All equipment will be properly secured.

- (5) All vehicles will be equipped with emergency assistance cards which list three telephone numbers to call. The cards are to provide space for describing the location of the vehicle and the type of emergency.
- (6) The vehicle driver will use the seat belt whenever the vehicle is in motion.
- (7) Identified route hazards will be documented and provided to vehicle drivers whose routes are affected. Vehicle drivers should report any such regular pedestrian or vehicular concerns as the following:
  - (a) Construction sites;
  - (b) Areas of poor visibility;
  - (c) Restricted sight distances;
  - (d) Railroad crossings.
  - (e) Other route hazards as noted by the vehicle driver.
- (8) Fueling
  - (a) Vehicles will not be fueled while the engine is running.
  - (b) Smoking will not be permitted while fueling.
  - (c) Vehicles will not be fueled with pupils on board.
- (9) Except in cases of extreme-emergency, cellular telephones, including hands-free and wireless devices, or other portable communication devices will not be used by the driver while the vehicle is in motion or while the driver is supervising the loading or unloading of students.
- (10) Medically necessary oxygen for students may be transported provided it is properly secured. The oxygen will be housed in portable units less than fifteen pounds total weight each. Guidelines for transporting oxygen developed by the department of education and workforce are available at: [education.ohio.gov](http://education.ohio.gov).
- (11) Districts will adopt engine idling time policies that minimize the amount of time diesel engines are left idling. Diesel engine idling in excess of five minutes in school loading zones is not permitted unless a wheelchair lift is needed.

(B) When school buses are transporting items such as music instruments, athletic equipment, etc., which cannot be held by passengers in their laps, the items will be stored in the rear of the school bus. The placement of such items in the rear of the bus will not displace students. When it is necessary to transport such equipment concurrently with pupils, space is to be provided to comply with this rule without having standees in the bus. A clear aisle to all doors and emergency exits will be maintained at all times. Equipment needed to assist preschool and special needs children will be safely and properly secured.

(C) When motor vans are transporting items such as music instruments, athletic equipment, etc., which cannot be held by passengers in their laps, the items will be properly secured in the storage compartment of the van. The placement of such items in the storage compartment will not obscure the driver's vision through the rear window. Equipment needed to assist preschool and special needs children will be safely and properly secured.

(D) Maximum hours. The school bus driver will not operate the bus for more than ten hours in any one twenty-four-hour period. Operation means on-road driving. Lay-over time does not count as operating time.

## **Rule 3301-83-21 | Supplementary provisions for county boards of developmental disabilities.**

(A) As used in this rule, the following definitions apply:

- (1) "Behavioral intervention plan" means a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills and by providing positive behavior intervention and supports and services to address behavior, as set forth in rule [3301-35-15](#) of the Administrative Code.
- (2) "Individualized education program" has the same meaning as used in rule [3501-51-07](#) of the Administrative Code.
- (3) "County board" means a county board of developmental disabilities.
- (4) "Department" means department of education and workforce.

(B) The county board may provide transportation services for children ages three to twenty-one eligible for transportation and enrolled in department-funded programs, subject to an agreement with the district in which the child resides, the county board and the parent or guardian. The nature and extent of transportation services to be provided to each individual served will be determined through the individualized education program that may include a behavioral intervention plan. The determination will be reviewed annually.

- (1) When it is determined through the individualized education program and behavioral intervention plan process that transportation other than that provided by the county board is an integral part of the education or habilitation of the individual, the county board may provide reimbursement for transportation by the parent or guardian. Under these circumstances, a written agreement between the county board and the parent or guardian will be obtained prior to the provision of such transportation services. Documentation of this agreement will be kept on file.
- (2) The county board will report its transportation costs to the department according to rule [3301-83-01](#) of the Administrative Code.

(C) The county board will maintain insurance for transportation vehicles and pupils as identified in section [3327.09](#) of the Revised Code.

(D) A school bus driver will have a current and valid "American Red Cross" first-aid certificate or equivalent first aid training.

(E) All new bus drivers, assistants, and substitutes will attend, prior to their assignment to a bus with passengers on board, an orientation which includes a review of the vehicle operator's manual and a practical overview of the characteristics and needs of individuals to be transported.

(F) The county board will adopt a policy and procedures that ensure assistance is provided to individuals while being transported on county board vehicles according to the individualized education program or behavioral intervention plan indicates indicating a need for such assistance.

(G) Individuals will be picked up and returned to the location of their residences unless other arrangements have been agreed upon by the county board program and the responsible parent or guardian.

(H) All pupil transportation provided for children ages three through twenty-one will comply with all pupil transportation rules as identified in Chapter 3301-83 of the Administrative Code and rule [3301-51-10](#) of the Administrative Code. As provided in section [3327.01](#) of the Revised Code, a board of education will provide transportation as a related service for all children with disabilities living in the school district who are enrolled in a nonpublic school if the school district is provided with supporting documentation from the child's individual education program developed pursuant to Chapter 3323. of the Revised Code or an individual service plan developed pursuant to section [5126.41](#) of the Revised Code.

## **Rule 3301-83-22 | Vehicle maintenance.**

School buses and other vehicles used to transport school children will be maintained in safe operating condition through a systematic preventative maintenance program, to include, for school buses, inspections on not less than a quarterly basis, and for other vehicles inspections not less than twice per year, by a qualified mechanic.

All school buses being used for pupil transportation will be presented to the Ohio department of public safety for inspection, and will not be operated with students on board without a current inspection sticker signifying that they have passed such inspection.

## **Rule 3301-83-23 | Employment of school bus and van drivers with certain criminal convictions.**

### **(A) Definitions**

(1) "Applicant" means one who is under final consideration for appointment or employment as a pupil transportation driver.

(2) "Criminal records check" has the same meaning as in section [109.572](#) of the Revised Code. For the purposes of this rule, "date of criminal records check" shall mean the date of receipt of



the results of a background check requested by a district or employer, which shall be time-stamped by the district on the date of receipt by the district.

(3) "School" means a school district as described in section [3311.01](#) of the Revised Code, a municipal school district as described in section [3311.71](#) of the Revised Code, an educational service center, a community school, a county department of developmental disabilities, a chartered non-public school, or a preschool program.

(4) "Employee" means a current employee of a school district or employer as a school transportation driver who is subject to the requirements of a background check pursuant to section [3327.10](#) of the Revised Code.

(5) "Offense" for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, another state, or the United States that is substantially equivalent to one of the offenses referred to in this rule.

(6) "Non-rehabilitative offense" means a criminal offense that would prohibit an employer from hiring or continuing employment of such an individual, and are the following:

(a) Sexually-oriented offenses: section [2907.02](#) (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (sexual imposition), 2907.07 (importuning), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.23 (procuring), 2907.25 (prostitution; after positive HIV test), 2907.31 (disseminating matter harmful to juveniles), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving a minor), 2907.322 (pandering sexually oriented matter involving a minor), or 2907.323 (illegal use of a minor in nudity-oriented material or performance) of the Revised Code or a violation of former section [2907.12](#) (felonious sexual penetration) of the Revised Code.

(b) Child-related violent offenses: section [2905.01](#) (kidnapping), 2905.02 (abduction), 2905.05 (criminal child enticement), or 2919.23 (interference of custody) of the Revised Code that would have been a violation of section [2905.04](#) (child stealing) of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, division (B)(1), (B)(2), (B)(3), or (B)(4) of section [2919.22](#) (endangering children) of the Revised Code.

(c) Violent offenses: section [2903.01](#) (aggravated murder), 2903.02 (murder), 2903.03 (voluntary manslaughter), 2903.04 (involuntary manslaughter), 2903.06 (vehicular manslaughter and assault), 2903.08 (vehicular manslaughter and assault), 2903.09 (vehicular manslaughter and assault), or 2909.24 (terrorism) of the Revised Code.

(d) "Other violence-related offenses," which mean a violation of the following sections that occurred either within twenty years prior to the date of the current application for a position as a school transportation driver or, for a current employee, within twenty years prior to the date of the current criminal records check: 2903.11 (felonious assault), 2903.12 (aggravated assault), 2911.01 (aggravated robbery), 2911.02 (robbery), 2911.11 (aggravated burglary), or 2923.161 (improper discharge firearm at or into habitation; school-related offenses) of the Revised Code; 3716.11 (placing harmful objects in food/confection), 2919.12 (unlawful abortion) of the Revised Code.

(e) "Drug offenses," which mean a violation of the following sections that occurred either within ten years prior to the date of the current application for a position as a school transportation driver or, for a current employee, within ten years prior to the date of the current criminal records check: section [2925.02](#) (corrupting another with drugs), 2925.03 (trafficking in drugs), 2925.04 (illegal manufacture of drugs or cultivation of marihuana), 2925.05 (funding of drug or marihuana trafficking), or 2925.06 (illegal administration or distribution of anabolic steroids) of the Revised Code.

(f) "Non-violent theft offense," which means a violation of section [2911.12](#) (burglary) of the Revised Code that occurred either within ten years prior to the date of the current application for a position as school transportation driver with the district or, for a current employee, within ten years prior to the date of the current criminal records check.

(g) "Major motor vehicle offenses," which means a violation of section [4511.19](#) (operating a motor vehicle under the influence) of the Revised Code, that occurred within ten years prior to the date of the current application for a position as a student transportation driver or within ten years prior to current records check for a current employee; and 4511.20 (reckless operation), 4510.11 (driving under suspension), 4510.14 (driving under OVI suspension), or 4511.194 (physical control while under the influence) of the Revised Code, that occurred either within six years prior to the date of the current application for a position as student transportation driver, or for a current employee, within six years prior to the date of the current records check.

(h) "Other offenses," which mean a violation of the following sections that occurred either within five years prior to the date of the current application for a position as school transportation driver, or for a current employee, within five years prior to the date of the current criminal records check: 2903.13 (assault), 2903.16 (failing to provide for a functionally impaired person), 2903.21 (aggravated menacing), 2903.34 (patient use or neglect), 2907.08 (voyeurism), 2907.09 (public indecency), division (A) of section [2919.22](#) (endangering children), 2919.24 (contributing to unruliness or delinquency of a child), 2919.25 (domestic violence), 2923.12 (carrying concealed weapons), 2923.13 (having weapons while under disability), or 2925.11 (possession of a controlled substance that is not a minor drug possession offense) of the Revised Code.

(i) "Other motor vehicle offenses," which means a violation of section [4511.75](#) (violation of school bus warning lights), 4511.21 (school zone speed limit) while operating a school vehicle, or 4511.62 (railroad crossing violation) of the Revised Code; that occurred either within one year prior to the date of the current application for a position as student transportation driver, or for a current employee, within one year prior to the date of the current records check.

(B) No provider of school transportation services shall employ an applicant upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. In addition, the district shall release an employee from employment upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. Likewise, a district shall release from employment an individual if the results of a criminal records check indicate that, pursuant to this rule, the applicant does not qualify for employment.

(C) A provider of school transportation services maintains the discretion whether to employ or retain in employment an individual who has been deemed rehabilitated pursuant to this rule. A provider of school transportation services may employ an applicant or continue to employ an individual that has previously pled guilty to, been found guilty by a jury or court of, or convicted of an offense listed in division (B)(1) of section [3319.39](#) of the Revised Code, if all of the following conditions for rehabilitation are met:

- (1) The offense is not a non-rehabilitative offense as listed in paragraph (A)(6) of this rule;
- (2) At the time of the offense, the victim of the offense was not a person under eighteen years of age or enrolled as a student in a school.
- (3) The applicant or employee provides written confirmation of his/her efforts at rehabilitation and the results of those efforts. Written confirmation may include a statement by a court, parole officer, probation officer and/or counselor, or another source as approved by the employer that the applicant or employee has been rehabilitated.
- (4) A reasonable person would conclude that the applicant's hiring or the retention of the employee would not jeopardize the health, safety, or welfare of the persons served by the employer, based upon information pertinent to the following factors:
  - (a) The nature and seriousness of the crime;
  - (b) The extent of the applicant or employee's past criminal activity;
  - (c) The age of the applicant or employee when the crime was committed;
  - (d) The amount of time elapsed since the applicant or employee's last criminal activity;
  - (e) The conduct and work activity of the applicant or employee before and after the criminal activity;
  - (f) Whether the applicant or employee has completed the terms of his probation or deferred adjudication;
  - (g) Evidence of rehabilitation;
  - (h) Whether the applicant fully disclosed the crime to the district and/or employer;
  - (i) Whether employment could have a negative impact on the local education community;
  - (j) Whether employment could have a negative impact on the state-wide education community;

- (k) If the employer is a private employer, information regarding the individual's criminal background check and any subsequent actions by the contractor must be disclosed to any entity contracting for school transportation services;
- (l) Any entity contracting for transportation services is not bound by the determination of a private employer to re-employ an individual in accordance with this section; and
- (m) Any other factor the employer considers relevant.

(D) It is the applicant or employee's duty to provide written evidence that the conditions specified in paragraph (C) of this rule are met. If the applicant or employee fails to provide such evidence or if the employer determines that the proof offered by the applicant or employee is inconclusive or does not establish proof of rehabilitation, the applicant shall not be hired or the employee shall be released from employment. Any doubt shall be resolved in favor of protecting the persons served by the school transportation provider.

(E) Except as otherwise specified in this rule, the provisions of this rule are also applicable to records of convictions that have been sealed pursuant to section [2953.32](#) of the Revised Code or any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to section [2953.32](#) of the Revised Code.

(F) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of an offense listed in division (B)(1) of section [3319.39](#) of the Revised Code shall not prevent an applicant's hiring or the retention of an employee if the applicant or employee has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(G) As a condition of initial or continued employment pursuant to the requirements of this rule, the district may request the applicant or employee to be evaluated by a licensed provider (e.g. physician, psychologist, psychiatrist, independent social worker, professional counselor, chemical dependency counselor, etc.) and/or successfully complete a recognized and/or certified treatment program relevant to the nature of the conviction. (Unless otherwise specified in an employee contract, labor agreement, or other similar agreement, the employee or applicant shall bear all direct and associated costs of the evaluation and treatment program.) Failure on the part of an applicant or employee to comply with the district's request pursuant to this paragraph may be considered by the district as a factor against initial or continued employment.

(H) Prior to rendering a decision on employment, the employer shall provide an opportunity for a meeting to an employee, if requested by the individual, so that he/she may provide evidence of rehabilitation pursuant to the requirements of this rule.

(I) The decision of the employer on whether to employ or continue to employ an individual pursuant to the requirements of this rule cannot be appealed to the Ohio department of education or state board of education.

(J) If a person who is employed by a school or school transportation provider is arrested, summoned, or indicted for an alleged violation of a listed offense, the superintendent of the school or chief executive officer of the transportation provider shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person.

(K) This rule is promulgated under the state board and the department's rule-making authority under division (E) of section [3319.39](#) of the Revised Code.

## **Rule 3301-83-24 | School transportation fees.**

(A) Fees for routine school transportation:

(1) No school vehicle owner will charge for transporting pupils to and from regular day classes when that transportation is provided in accordance with section [3327.01](#), 3326.20, and 3314.091 of the Revised Code. This applies equally to buses or other vehicles authorized for pupil transportation owned by school boards, non-public schools, community schools, STEM schools, and the county boards of developmental disabilities as well as buses and other vehicles authorized for pupil transportation operated under contract for one of these agencies.

This rule does not apply to private transportation arranged for or by parents or other groups not related to the educating school board, non-public school, community school, STEM school, or county board of developmental disabilities.

(2) The governing authority of a chartered nonpublic school may charge for transportation of pupils in a manner consistent with section [3327.07](#) of the Revised Code. Vehicles used by the governing authority of the chartered nonpublic school or its contractor will comply with section [4511.76](#) of the Revised Code and rule [3301-83-19](#) of the Administrative Code. Drivers employed or contracted by the governing authority of the chartered nonpublic school or its contractor will comply with all provisions for school bus drivers and motor van drivers in Chapter 3327. of the Revised Code and Chapter 3301-83 of the Administrative Code.

(B) Fees for non-routine school transportation during the school day:

No school vehicle owner will charge for transporting pupils to and from educational field-trips during school days. This applies equally to buses and vehicles authorized for pupil transportation owned by school boards, non-public schools, community schools, STEM schools, and county boards of developmental disabilities as well as buses and vehicles authorized for pupil transportation operated under contract for an agency described in paragraph (A) of this rule.

(C) Fees for non-routine school transportation outside of the school day:

No school vehicle owner will charge a fee that exceeds the actual costs assessed for transportation to and from educational field trips on non-school days.

(D) Recovery of cost:

The board of education or county board of developmental disabilities may recover an amount not to exceed the actual operational costs associated with non-routine use of school buses when that transportation is provided for agencies other than those directly related to the bus owner.

(E) Identification of costs when costs are to be recovered:

Districts may charge both an hourly rate and mileage fee when costs are to be recovered.

The following costs, as reported on the district or community school that provides transportation T-2 reports, will be used in determination of fees to be charged when costs are to be recovered:

- (1) Driver salary and benefits;
- (2) Fuel;
- (3) Maintenance;
- (4) Service;
- (5) Supervision;
- (6) Insurance.

## **Rule 3301-83-25 | Transportation collaboration grant.**

(A) As used in the rule:

- (1) "Shared resource management" means school district resources that are collaboratively agreed upon and shared between at least two city, local, or exempted village school districts to reduce transportation costs.
- (2) "Routing consolidation" means reducing the number of routes by collaborating with one or more school districts to reduce transportation costs.
- (3) "Regional collaboration" means identifying opportunities within a given region that includes at least two city, local, or exempted village school districts working together collaboratively to reduce transportation costs.

(B) A city, local or exempted village school district may apply to the department of education and workforce in accordance with paragraph (C) of this rule for a transportation collaboration grant.

(C) Application Process

- (1) A city, local or exempted village school district may apply for a transportation collaboration grant by submitting an application to the department by the thirtieth day of September in any fiscal year for which this grant is authorized and funds are appropriated for its administration.
- (2) The application will include all of the following information:



(a) A description of the proposed activity or activities that will lead to a reduction of the district's overall transportation operation costs. Allowable activities include those that lead to:

- (i) Shared resource management;
- (ii) Routing consolidation;
- (iii) Regional collaboration; or
- (iv) Other activities that have the potential to reduce transportation operating costs.

(b) A list of all school districts involved as partners in the planned activity or activities. An educational service center may be included as a partner. The application will include the signature of the superintendent and treasurer of the applying city, local, or exempted village school district and any partners indicating that each participating partner agrees to participate in the proposed activities.

(c) The estimated transportation cost reduction that the city, local or exempted village district anticipates through implementation of the activities in the proposal that will be saved by city, local or exempted village school district as a result of this activity.

(d) Evidence to support the estimated reduction in transportation costs.

(D) Each city, local, or exempted village school district awarded a grant under this rule is to submit a report to the department by the thirtieth day of September following the fiscal year in which the grant was administered. The report will include:

- (1) The activities conducted using grant funds; and
- (2) Reductions in operating costs resulting from grant activities.

(E) In order for a grant recipient to be eligible for subsequent fiscal year grant awards, the recipient is to either:

- (1) Demonstrate on the report submitted under paragraph (D) of this rule that the activities conducted using grant funds resulted in transportation operating cost reductions; or
- (2) If the activities in the prior grant cycle did not lead to reductions in transportation operating costs, demonstrate that new approaches will lead to reductions in transportation operating costs through the allowable activities under paragraph (C)(2)(a) of this rule.

(F) The grants administered under this rule were available for fiscal years 2022 and 2023. In the event that the general assembly appropriates funds and reauthorizes the administration of this grant in subsequent fiscal years, this rule will apply to subsequent grants.

# Other Relevant Pupil Transportation Safety Rules

[3301-51-10 Transportation of children with disabilities](#)

[4501-5-01 General provisions.](#)

[4501-5-02 School bus construction standards.](#)

[4501-5-03 School buses used to transport pupils with special needs](#)

[4501-5-04 Evaluation of new equipment or changes to existing equipment on school buses.](#)

## Pupil Transportation Related Laws

The following are links to some of the laws related to student transportation as in effect at the time of this publication. The full text of frequently cited laws are printed for quick reference. A complete, current source of Ohio law is available at [Ohio Laws](#).

### [Section 3327.01 | Transportation of pupils.](#)

Notwithstanding division (D) of section [3311.19](#) and division (D) of section [3311.52](#) of the Revised Code, this section and sections [3327.011](#), [3327.012](#), and [3327.02](#) of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the director of education and workforce prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section [3327.02](#) of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the department of education and workforce under section [3313.90](#) of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation

from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the director of education and workforce prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section [3327.02](#) of the Revised Code.

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the director of education and workforce prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the department of education and workforce.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term. The operator of every school bus or motor van owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state shall deliver students enrolled in preschool through twelfth grades to their respective public and nonpublic schools not sooner than thirty minutes prior to the beginning of

school and to be available to pick them up not later than thirty minutes after the close of their respective schools each day. Further, operators shall not deliver students late to school.

The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the department.

No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

A board of education shall provide transportation as a related service for all children with disabilities living in the school district who are enrolled in a nonpublic school if the school district is provided with supporting documentation from the child's individual education program developed pursuant to Chapter 3323. of the Revised Code or an individual service plan developed pursuant to section [5126.41](#) of the Revised Code.

### **Section 3327.011 | Coordinators of school transportation.**

In determining how best to provide transportation, where persons or firms on or after April 1, 1965, were providing transportation to and from schools pursuant to contracts with persons or agencies responsible for the operation of such schools, the board of education responsible for transportation in accordance with section [3327.01](#) of the Revised Code shall give preference if economically feasible during the term of any such contract to the firm or person providing such transportation. The boards of education within the county or group of counties shall establish transportation routes, schedules, and utilization of transportation equipment. The appeals from the determination of the board of education responsible for transportation shall be taken to the department of education and workforce.

### **Section 3327.012 | Payments for transportation to be made on current basis - contract to provide transportation service.**

Payments to school districts for transportation of school pupils shall be made on a current basis according to an estimate which shall be filed with the department of education and workforce by respective school districts in accordance with rules which the department shall promulgate. The sum due the respective school district as calculated from approved cost in accordance with the rules of the board of education shall be adjusted annually in the quarter next following the end of the school year. The department may contract with any firm, person, or board of education to provide pupil transportation services authorized by this section. In no event shall the payment for such contract service exceed the average transportation cost per pupil, such average cost to be based on the cost of transportation of children by all boards of education in Ohio during the next preceding year.

### **Section 3327.013 | Transportation for preschoolers.**

(A) A board of education, other than a board of a cooperative education school district established pursuant to divisions (A) to (C) of section [3311.52](#) of the Revised Code, that operates a preschool program under section [3313.646](#) of the Revised Code may provide transportation for children participating in the program.

(B) If the board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section [3311.52](#) of the Revised Code operates a preschool program under section [3313.646](#) of the Revised Code, the boards of education of the city, local, or exempted village school districts with territory in the cooperative education school district may provide transportation for children participating in such a preschool program.

### **Section 3327.014 | Suspension from school bus riding privileges.**

The board of education of a city, exempted village, local, joint vocational, or cooperative education school district may adopt a policy authorizing the district superintendent or other district administrative personnel as provided in the policy to suspend a student only from school bus riding privileges for a period of time as provided in the policy. A policy adopted under this section shall provide a student notice of an intended suspension under the policy and an opportunity to appear before the district superintendent or other district personnel as provided in the policy before a suspension under the policy is imposed. If a board of education adopts a policy under this section, the board shall post the policy in a central location in each school building of the district and make it available to students upon request.

### **Section 3327.015 | Reduction of student transportation prohibited.**

No board of education of a school district shall reduce the transportation it provides to students the district is not required to transport under section [3327.01](#) of the Revised Code, but that the district chooses to transport, during a school year after the first day of that school year.

### **Section 3327.016 | Community and nonpublic school transportation plans.**

(A) As used in this section, "eligible student" means a student entitled to transportation services from the city, local, or exempted village school district pursuant to section [3327.01](#) of the Revised Code.

(B) Each community school established under Chapter 3314. of the Revised Code or chartered nonpublic school shall establish the school's start and end times for a particular school year not later than the first day of April prior to that school year. Each community or chartered nonpublic school shall provide such start and end times to each city, local, or exempted village school district that the school expects will be responsible for providing transportation services to eligible students enrolled in the school for that school year.

(C) Each city, local, or exempted village school district that receives start and end times as prescribed under division (B) of this section shall use those start and end times to develop a transportation plan, including transportation routes and schedules, for eligible students who enrolled in a community or chartered nonpublic school shall provide such transportation plan to the community or chartered nonpublic school within sixty days after receiving the information described in that division. If a school provides the start and end times to the school district after the first day of April but before the first day of July, the district shall attempt to provide a transportation plan to the school by the first day of August of that school year. For any eligible student who enrolls in a community or chartered nonpublic school after the first day of July prior to that school year, a district shall develop a transportation plan, including transportation routes and schedules, for that student within fourteen business days of receiving a request for transportation services from the student's parent or guardian.

### **Section 3327.017 | Mass transit to transport community and nonpublic school students.**

(A) As used in this section:

- (1) "Eligible student" has the same meaning as in section [3327.016](#) of the Revised Code.
- (2) "Mass transit system" has the same meaning as in section [4511.78](#) of the Revised Code.

(B) No city, local, or exempted village school district shall provide or arrange for transportation for any eligible student enrolled in any of grades kindergarten through eight in a community school established under Chapter 3314. of the Revised Code or chartered nonpublic school to and from school using vehicles operated by a mass transit system, unless the district enters into an agreement with that school authorizing such transportation. An agreement under division (B) of this section shall not be effective unless both the school district and community or chartered nonpublic school approve it.

(C) A city, local, or exempted village school district that elects to provide or arrange for transportation for any eligible student enrolled in any of grades nine through twelve in a community or chartered nonpublic school to and from school using vehicles operated by a mass transit system shall ensure that the student is assigned to a route that does not require the student to make more than one transfer.

### **Section 3327.018 | Transportation contracts for bus use by outside entities.**

The board of education of each city, local, or exempted village school district that owns and operates buses for transporting students may contract, in writing, with a public or private not-for-profit agency, group, or organization, with a municipal corporation or other political subdivision or agency of the state, or with an agency of the federal government to operate its buses to assist the agency, group, organization, or political subdivision in the fulfillment of its legitimate activities and in times of emergency. These contracts shall be entered into under the authority of the school district as a political subdivision and shall not be considered commerce. When buses are made available to other



agencies, groups, organizations, or political subdivisions under this section, the buses must be operated by individuals holding certificates issued by either the educational service center governing board that has entered into an agreement with the school district under section [3313.843](#) or [3313.845](#) of the Revised Code or the superintendent of the school district certifying that the individuals satisfy the requirements of section [3327.10](#) of the Revised Code. All department of education and workforce regulations governing the operation of school buses when transporting students shall apply when buses are used in accordance with this section. Any board of education of a city, local, or exempted village school district that makes one or more of its vehicles available under this section shall procure liability and property damage insurance, as provided in section [3327.09](#) of the Revised Code, covering all vehicles used and passengers transported under this section. The board of education may recover expenses from contracting entities, not to exceed the costs of operation and insurance coverage.

### **Section 3327.02 | Resolution declaring impracticality of transportation - offer of payment in lieu of transportation.**

(A) After considering each of the following factors, the board of education of a city, exempted village, or local school district, or a community school governing authority providing transportation pursuant to section [3314.091](#) of the Revised Code, may determine that it is impractical to transport a pupil who is eligible for transportation to and from a school under section [3327.01](#) of the Revised Code:

- (1) The time and distance required to provide the transportation;
- (2) The number of pupils to be transported;
- (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
- (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
- (6) Whether other reimbursable types of transportation are available.

(B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality. Such determination shall be made not later than thirty calendar days prior to the district's or school's first day of instruction, or in the case of a student who enrolls within thirty calendar days prior to the first day of instruction or on or after the first day of instruction, not later than fourteen calendar days after the student's enrollment. The determination may be made by the superintendent and formalized at the next following meeting of the board or governing authority.

The board or governing authority shall report its determination to the department of education and workforce in a manner determined by the department.

In addition, the board or governing authority shall issue a letter to the pupil's parent, guardian, or other person in charge of the pupil, the nonpublic or community school in which the pupil is enrolled, and to the department with a detailed description of the reasons for which such determination was made.

(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:

(1) In accordance with guidelines established by the department, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:

(a) The resolution;

(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than fifty per cent, and not more than the amount determined by the department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. A parent, guardian, or other person in charge of the pupil may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf during the mediation proceedings.

(b) If the mediation does not resolve the dispute, the department shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The department may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the department is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.

(F)(1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the department under division (E)(1)(b) of this section, the department shall order the school district

board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to fifty per cent of the cost of providing transportation as determined by the board or governing authority under division (A)(3) of this section, and not more than two thousand five hundred dollars. The school district board or governing authority shall make payments on a schedule ordered by the department.

(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section [3317.0212](#) of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation.

(G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following:

- (1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;
- (2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

(H) At any time after a parent, guardian, or other person in charge of a pupil requests transportation for a pupil, that parent, guardian, or other person may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf for purposes of this section.

### **Section 3327.021 | Compliance with transportation requirements.**

(A) As used in this section, "out of compliance" means that, for a period of five consecutive school days or ten school days within a school year, at least one of the following has occurred on each of those days:

- (1) Students transported to and from school by a school bus arrive more than thirty minutes late to school;
- (2) Students transported to and from school by a school bus are picked up more than thirty minutes after the end of the school day;
- (3) Students scheduled to be transported to and from school by a school bus are not transported by school bus at all due to the failure of the bus to arrive;
- (4) A school district has been noncompliant with any other transportation requirements under Chapter 3327. of the Revised Code.

Any school day in which any of the conditions in divisions (A)(1) to (4) of this section occur due to inclement weather shall not be counted towards the determination of noncompliance under this section.

Any school day in which a condition in division (A)(2) of this section occurs after school shall not be counted towards the determination of noncompliance under this section if the condition occurs promptly after school and the school provides academic services supervised by a school employee to the affected students for not more than sixty minutes after the end of the school day. This exception applies only for students who receive academic services under this section. Any student pickup that occurs more than sixty minutes after the end of the school day shall be considered for an out of compliance determination.

(B) The department of education and workforce shall monitor whether each city, local, or exempted village school district is out of compliance. If the department determines that a district is out of compliance, the department shall notify a school district that it is out of compliance. The first time a district receives notification of noncompliance, it shall create a corrective action plan and submit that plan to the department within one week of receiving notification of the department's determination. If a district is subsequently found to be out of compliance, the department shall withhold twenty-five per cent of the district's daily payment for student transportation under Chapter 3317. of the Revised Code, as computed by the department, for each day that the district is determined to be out of compliance, beginning with the first day after the district has submitted the corrective action plan. A district may be found out of compliance two more times within the same school year, with twenty-five per cent of its daily state transportation funding withheld for each day it is determined to be out of compliance.

If a district is determined to be out of compliance for a fifth time in the course of a school year, the department shall withhold one hundred per cent of its daily state transportation aid until the department determines that a district is no longer out of compliance.

The department shall reset the calculation of a district's noncompliance to zero at the beginning of each school year.

(C) For each day, including the initial period that determined noncompliance, that the district is found to be out of compliance under this section and any of the conditions in divisions (A)(1) to (4) of this section occur, the department of education and workforce shall calculate the daily amount of that payment on a per-pupil basis and disburse that per-pupil amount to the district or school in which the pupil is enrolled. The district or school shall then remit those funds to the parent, guardian, or other person in charge of each pupil who did not receive proper transportation while the district was out of compliance. Funds shall be disbursed out of the amount withheld by the department under division (B) of this section.

(D) This section does not affect the authority of a school district to provide payment in lieu of transportation in accordance with section [3327.02](#) of the Revised Code.

Beginning with disputes regarding determinations of school district noncompliance with transportation obligations arising after December 1, 2023, the department shall issue a determination within thirty days of receiving notice of the dispute. The department may delay a determination to within forty-five days of receiving a dispute notice if the department notifies all affected parties in advance that the determination will be delayed.

### **Section 3327.03 | Designation of depots.**

Notwithstanding division (D) of section [3311.19](#) and division (D) of section [3311.52](#) of the Revised Code, this section does not apply to any joint vocational or cooperative education school district.

The boards of education of city, local, or exempted village school districts may by resolution designate certain places as depots from which to gather children for transportation to school, when such districts provide transportation. The places designated as depots shall be provided with a shelter and be made comfortable during cold and stormy weather.

### **Section 3327.05 | Transportation of nonresident pupils.**

(A) Except as provided in division (B) of this section, no board of education of any school district shall provide transportation for any pupil who is a school resident of another school district unless the pupil is enrolled pursuant to section [3313.98](#) of the Revised Code or the board of the other district has given its written consent thereto. If the board of any school district files with the department of education and workforce a written complaint that transportation for resident pupils is being provided by the board of another school district contrary to this division, the department shall make an investigation of such complaint. If the department finds that transportation is being provided contrary to this section, it may withdraw from state funds due the offending district any part of the amount that has been approved for transportation pursuant to section [3317.0212](#) of the Revised Code or other provisions of law.

(B) Notwithstanding division (D) of section [3311.19](#) and division (D) of section [3311.52](#) of the Revised Code, this division does not apply to any joint vocational or cooperative education school district. A board of education may provide transportation to and from the nonpublic school of attendance if both of the following apply:

- (1) The parent, guardian, or other person in charge of the pupil agrees to pay the board for all costs incurred in providing the transportation that are not reimbursed pursuant to Chapter 3317. of the Revised Code;
- (2) The pupil's school district of residence does not provide transportation for public school pupils of the same grade as the pupil being transported under this division, or that district is not required under section [3327.01](#) of the Revised Code to transport the pupil to and from the nonpublic school because the direct travel time to the nonpublic school is more than thirty minutes.

Upon receipt of the request to provide transportation, the board shall review the request and determine whether the board will accommodate the request. If the board agrees to transport the pupil, the board may transport the pupil to and from the nonpublic school and a collection point in the district, as determined by the board. If the board transports the pupil, the board may include the pupil in the district's enrollment reported to the department for purposes of calculating the district's transportation ADM under section [3317.03](#) of the Revised Code and, accordingly, may receive a state payment under section [3317.0212](#) of the Revised Code or other provisions of law for transporting the pupil.

If the board declines to transport the pupil, the board, in a written communication to the parent, guardian, or other person in charge of the pupil, shall state the reasons for declining the request.

### **Section 3327.07 | Fee for transportation charged by chartered nonpublic schools.**

(A) The governing authority of a chartered nonpublic school that transports a student enrolled in the school to and from school and to and from school-sponsored activities, including extracurricular activities, may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the student using no state or federal funds. The fee shall not exceed the per student cost of the transportation, as determined by the governing authority.

(B) The parent or guardian of a student who is enrolled in a chartered nonpublic school and is eligible for transportation by a school district under section [3327.01](#) of the Revised Code may decline that transportation and accept transportation from the chartered nonpublic school. The governing authority of a chartered nonpublic school may charge a fee under division (A) of this section regardless of whether a student is eligible for transportation under section [3327.01](#) of the Revised Code.

(C) The offering by the governing authority of a chartered nonpublic school of transportation to and from the school does not relieve any school district board of education from any duty imposed by sections [3327.01](#) and [3327.02](#) of the Revised Code with respect to the chartered nonpublic school's students.

### **Section 3327.08 | Purchase of school buses and other transportation equipment.**

Boards of education of city school districts, local school districts, exempted village school districts, cooperative education school districts, and joint vocational school districts and governing boards of educational service centers may purchase on individual contract school buses and other equipment used in transporting children to and from school and to other functions as authorized by the boards, or the boards, at their discretion, may purchase the buses and equipment through any system of centralized purchasing established by the department of education and workforce for that purpose, provided that state subsidy payments shall be based on the amount of the lowest price available to



the boards by either method of purchase. No board shall be deprived of any form of state assistance in the purchase of buses and equipment by reason of purchases of buses and equipment on an individual contract.

The purchase of school buses shall be made only after competitive bidding in accordance with section [3313.46](#) of the Revised Code. All bids shall state that the buses, prior to delivery, will comply with the safety rules of the department of public safety adopted pursuant to section [4511.76](#) of the Revised Code and all other pertinent provisions of law.

At no time shall bid bonds be required for the purchase of school buses, unless the district board or educational service center governing board requests that bid bonds be part of the competitive bidding process for a specified purchase.

### **Section 3327.09 | Procurement of motor vehicle liability and accident insurance.**

The board of education of each school district shall procure for the benefit of its employees who operate a school bus, motor van, or other vehicle used in the transportation of school children motor vehicle liability insurance for injuries to persons and property. Such insurance shall be in amounts not less than one hundred thousand dollars per person, three hundred thousand dollars per occurrence, fifty thousand dollars property damage and three thousand dollars medical payments coverage. If such amounts cannot be procured by a board of education by ordinary methods from insurance companies authorized to do business in this state and the superintendent of insurance has certified that fact in writing, then the board shall procure the next highest amounts which can reasonably be procured. Each board of education may procure uninsured motorists insurance.

The board of education of each school district may procure accident insurance covering all pupils and other authorized passengers transported under the authority of such board. such accident insurance shall provide compensation for injury or death to any pupil or other authorized passenger caused by any accident arising out of or in connection with the operation of such school bus, motor van, or other vehicle used in the transportation of school children or other authorized passengers, in such amounts and upon such terms as may be agreed upon by the board and the insurance company. The insurance procured pursuant to this section shall be from one or more recognized insurance companies authorized to do business in this state.

### **Section 3327.10 | Qualifications of drivers.**

(A) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section [3313.843](#) or [3313.845](#) of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center

governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the department of education and workforce of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:

- (1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;
- (2) A physician assistant;
- (3) A certified nurse practitioner;
- (4) A clinical nurse specialist;
- (5) A certified nurse-midwife;
- (6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section [3319.081](#), or section [124.34](#) of the Revised Code.

(B) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van not subject to the rules of the department pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:

- (1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;
- (2) A physician assistant;
- (3) A certified nurse practitioner;
- (4) A clinical nurse specialist;
- (5) A certified nurse-midwife;
- (6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.

(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.

(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:

- (1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.
- (2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

(F)(1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record.

(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section [4511.19](#) of the Revised Code or a substantially equivalent municipal ordinance.

(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the department prescribing qualifications of drivers of school buses and other student transportation.

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the department.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section [4511.19](#) of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J)(1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code to operate a vehicle used for pupil transportation.

(a) For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section [3319.39](#) of the Revised Code and every six years thereafter.

(b) For each person to whom this division applies who is hired prior to November 14, 2007, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(c) If, on the effective date of this amendment, the most recent criminal records check requested for a person to whom division (J)(1) of this section applies was completed more than one year prior to that date or does not include information gathered pursuant to division (A) of section [109.57](#) of the Revised Code, the employer shall request a new criminal records check that includes information gathered pursuant to division (A) of section [109.57](#) of the Revised Code by a date prescribed by the state board of education and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

(a) For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter.

(b) For each person to whom this division applies who is hired prior to November 14, 2007, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(c) If, on the effective date of this amendment, the most recent criminal records check requested for a person to whom division (J)(2) of this section applies was completed more than one year prior to that date or does not include information gathered pursuant to division (A) of section [109.57](#) of the Revised Code, the employer shall request a new criminal records check that includes information gathered pursuant to division (A) of section [109.57](#) of the Revised Code by a date prescribed by the state board and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section [3319.39](#) of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section [109.57](#) of the Revised Code, on the person in conjunction with a criminal records check requested under section [3319.39](#) of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section [109.572](#) of the Revised Code as if the request had been made under section [3319.39](#) of the Revised Code. However, as specified in division (B)(2) of section [109.572](#) of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(4) Notwithstanding anything in the Revised Code to the contrary, the bureau of criminal identification and investigation shall make the initial criminal records check requested of a person by an employer under division (J)(1) or (2) of this section on or after the effective date of this amendment available to the state board of education. The state board shall use the information received to enroll the person in the retained applicant fingerprint database, established under section [109.5721](#) of the Revised Code, in the same manner as any teacher licensed under sections [3319.22](#) to [3319.31](#) of the Revised Code. If the state board is unable to enroll the person in the retained applicant fingerprint database because the person has not satisfied the requirements for enrollment, the state board shall notify the employer that the person has not satisfied the requirements for enrollment. However, the bureau shall not be required to make available to the state board the criminal records check of any person who is

already enrolled in the retained applicant fingerprint database on the date the person's employer requests a records check of the person under division (J)(1) or (2) of this section.

If the state board receives notification of the arrest, guilty plea, or conviction of a person who is subject to this section, the state board shall promptly notify the person's employer in accordance with division (B) of section [3319.316](#) of the Revised Code.

(K)(1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section [3319.39](#) of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section [3319.39](#) of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section [3319.39](#) of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed by the rule.

(L) The superintendent of a school district or an educational service center governing board shall issue a certificate as a driver of a school bus or motor van or a certificate to operate a vehicle used for pupil transportation in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school bus or motor van driver or a pupil transportation vehicle operator in a state that does not issue one or both of those certificates.

### **Section 3327.101 | Online school bus driver training program.**

Notwithstanding anything to the contrary in this chapter or Chapter 3301-83 of the Administrative Code, the department of education and workforce shall develop an online bus driver training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification. On-the-bus training for drivers shall continue to be completed in person.



### **Section 3327.12 | Maintenance of school bus turn-around points.**

Notwithstanding division (D) of section [3311.19](#) and division (D) of section [3311.52](#) of the Revised Code, this section does not apply to any joint vocational or cooperative education school district.

The board of education of a city, local, or exempted village school district may maintain school bus turn-around points. At the request of such a board, a municipal corporation may maintain turn-around points on municipal roads; the township trustees may maintain turn-around points on township roads; and the county commissioners may maintain turn-around points on county roads.

The municipal corporation, township trustees, or county commissioners may also, at the request of a board of education, maintain turn-around points located on private property after an investigation by such board of education has determined that such maintenance is necessary for the use of such private property as a turn-around point for school buses. Such board of education may provide the cost of the materials utilized for any such maintenance.

### **Section 3327.13 | Lease agreement for buses to transport nonpublic school pupils to and from school related activities.**

The board of education of a school district that owns and operates busses for transporting pupils to and from school may contract with a nonpublic school located within the district to make available to the nonpublic school under a lease agreement, one or more of the district's busses to be used by the nonpublic school for transporting nonpublic school pupils to and from a school related activity that would be an approved school related activity if it were being offered by a public school within the district to public school pupils. All department of education and workforce regulations governing the use of such busses by public schools while transporting pupils to and from school related activities shall be applicable to their use by the nonpublic school.

The cost to the nonpublic school of leasing such busses shall not exceed the costs of operating such busses, as determined by the board of education of the school district. The charge to be made to the nonpublic school for the use of the busses shall be specified in the contract entered into pursuant to this section.

### **Section 3327.15 | Use of vehicles outside state.**

The board of education of any school district that owns and operates motor vehicles for transporting pupils may permit such vehicles to be used outside this state for any lawful purpose provided the entire distance traveled outside this state on any trip does not exceed one thousand miles.

### **Section 4511.01 | Traffic laws - operation of motor vehicles definitions. (F)**

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private

person and operated for compensation for the transportation of children to or from a school session or a school function.

"School bus" does not include any of the following:

- (1) A bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function;
- (2) A van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time;
- (3) An alternative vehicle as defined in section [4511.76](#) of the Revised Code.

### **Section 4511.75 | Stopping for stopped school bus.**

(A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section [4511.771](#) of the Revised Code, and an automatically extended stop warning sign of a type approved by the department of education and workforce, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle, streetcar, or trackless trolley overtaking the school bus shall comply with division (A) of this section.

(D) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(E) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(F)(1) Whoever violates division (A) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (A) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section [4510.02](#) of the Revised Code. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action.

(G) As used in this section:

(1) "Head start agency" has the same meaning as in section [3301.32](#) of the Revised Code.

(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the department, is painted the color and displays the markings described in section [4511.77](#) of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section [4511.771](#) of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

## **Section 4511.76 | Administrative rules for school bus construction, design, equipment, operation and licensing.**

(A) The department of public safety, by and with the advice of the department of education and workforce, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section [4511.771](#) of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education and workforce, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education and workforce or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education and workforce or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section [4511.763](#) of the Revised Code. The rules may relate to the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

(E) A chartered nonpublic school or a community school may own and operate, or contract with a vendor that supplies, alternative vehicles to transport students to and from regularly scheduled school sessions, school-related activities, and school-sanctioned events when one of the following applies:

- (1) A student's school district of residence has declared the transportation of the student impractical pursuant to section [3327.02](#) of the Revised Code;
- (2) A student does not live within thirty minutes of the chartered nonpublic school or the community school, as applicable, and the student's school district is not required to transport the student under section [3327.01](#) of the Revised Code;
- (3) The governing authority of the chartered nonpublic school or the community school has offered to provide the transportation for its students in lieu of the students being transported by their school district of residence.

(F) A school district may own and operate, or contract with a vendor that supplies, alternative vehicles to transport students to and from regularly scheduled school sessions, school-related activities, and school-sanctioned events.

(G) A school district or the governing authority of a chartered nonpublic school or community school that uses an alternative vehicle in accordance with division (E) or (F) of this section, shall ensure that all of the following apply to the operation of that vehicle:

- (1) A qualified mechanic inspects the vehicle not fewer than two times each year and determines that it is safe for pupil transportation;
- (2) The driver of the vehicle does not stop on the roadway to load or unload passengers;
- (3) The driver of the vehicle meets the requirements specified for a driver of a school bus or motor van under section [3327.10](#) of the Revised Code and any corresponding rules adopted by the department of education and workforce. Notwithstanding that section or any department rules to the contrary, the driver is not required to have a commercial driver's license but shall have a current, valid driver's license, and shall be accustomed to operating the vehicle used to transport the students ;
- (4) The driver and all passengers in the vehicle comply with the requirements of sections [4511.81](#) and [4513.263](#) of the Revised Code, as applicable.

(H) As used in this section:

- (1) "Alternative vehicle" means a motor vehicle originally manufactured and designed for not more than twelve passengers, not including the driver.
- (2) "Vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education and workforce by rule and that is subject to Chapter 3301-83 of the Administrative Code.

(I) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section [4511.63](#), [4511.761](#), [4511.762](#), [4511.764](#), [4511.77](#), or [4511.79](#) of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

### **[Section 4511.761 | School bus inspections.](#)**

(A) The state highway patrol shall inspect every school bus to ascertain whether its construction, design, and equipment comply with the regulations adopted pursuant to section [4511.76](#) of the Revised Code and all other provisions of law.

The superintendent of the state highway patrol shall adopt a distinctive inspection decal not less than twelve inches in size, and bearing the date of the inspection, which shall be affixed to the outside surface of each side of each school bus which upon such inspection is found to comply with the regulations adopted pursuant to section [4511.76](#) of the Revised Code. The appearance of said decal shall be changed from year to year as to shape and color in order to provide easy visual inspection.

No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this state unless there are

displayed thereon the decals issued by the state highway patrol bearing the proper date of inspection for the calendar year for which the inspection decals were issued.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section [4511.63](#), [4511.76](#), [4511.762](#), [4511.764](#), [4511.77](#), or [4511.79](#) of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(C) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under section [4511.763](#) of the Revised Code.

### **Section 4511.62 | Stopping at railroad grade crossing.**

(A)(1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

- (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.
- (b) A crossing gate is lowered.
- (c) A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.
- (d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other vehicles, trackless trolleys, pedestrians, or trains, notwithstanding any highway traffic signal indication to proceed.
- (e) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
- (f) There is insufficient undercarriage clearance to safely negotiate the crossing.
- (g) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other on-track equipment.
- (h) Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(2)(a) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (f) of this section exist at the crossing.

(b) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in division (A)(1)(g) or (h) of this section exist at the crossing.



(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(C)(1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(2) In lieu of a fine or jail term for a violation of this section, a court may instead order the offender to attend and successfully complete a remedial safety training or presentation regarding rail safety that is offered by an authorized and qualified organization that is selected by the court. The offender shall complete the presentation within a time frame determined by the court, not to exceed one hundred eighty days after the court issues the order. The offender shall notify the court of the successful completion of the presentation. When the offender notifies the court of the successful completion of the presentation, the court shall waive any fine or jail term that it otherwise would have imposed for a violation of this section.

### **Section 4511.63 | Stopping at grade crossings.**

(A) Except as provided in division (B) of this section, the operator of any bus, any school vehicle, or any vehicle transporting a material or materials required to be placarded under 49 C.F.R. Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

(B) This section does not apply at grade crossings when the public utilities commission has authorized and approved an exempt crossing as provided in this division.

(1) Any local authority may file an application with the commission requesting the approval of an exempt crossing. Upon receipt of such a request, the commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the commission shall notify each railroad operating over the crossing of the comment period.

(2) After considering any comments or other information received, the commission may approve or reject the application. By order, the commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the commission and any other conditions ordered by the commission are satisfied.

(3) By order, the commission may rescind any exempt crossing designation made under this section if the commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(C) As used in this section:

(1) "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(2) "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

(3) "Exempt crossing" means a highway rail grade crossing authorized and approved by the public utilities commission under division (B) of this section at which vehicles may cross without making the stop otherwise required by this section.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section [4511.76](#), [4511.761](#), [4511.762](#), [4511.764](#), [4511.77](#), or [4511.79](#) of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

### **Section 4511.81 | Child restraint system - child highway safety fund.**

(A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section [4511.01](#) of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section [4511.01](#) of the Revised Code or a vehicle that is regulated under section [5104.015](#) of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section [4511.01](#) of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section [4513.263](#) of the Revised Code.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would

be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code, a clinical nurse specialist or certified nurse practitioner licensed to practice in this state under Chapter 4723. of the Revised Code, or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse, or chiropractor as noted on the affidavit.

(I) There is hereby created in the state treasury the child highway safety fund, consisting of fines imposed pursuant to division (L)(1) of this section for violations of divisions (A), (B), (C), and (D) of this section. The money in the fund shall be used by the department of health only to defray the cost of designating hospitals as pediatric trauma centers under section [3727.081](#) of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems and booster seats and the importance of their proper use. The program also shall include a process for providing child restraint systems and booster seats to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and booster seats, and their proper use.

(J) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system or booster seat under the department's child highway safety program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

(K) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(L)(1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

- (b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), (C), or (D) of this section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.
- (2) All fines imposed pursuant to division (L)(1) of this section shall be forwarded to the treasurer of state for deposit in the child highway safety fund created by division (I) of this section.

### **Section 4511.204 | Driving while texting.**

- (A) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.
- (B) Division (A) of this section does not apply to any of the following:
  - (1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
  - (2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties;
  - (3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a highway traffic signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
  - (4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;
  - (5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;
  - (6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;
  - (7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:
    - (a) Manually enter letters, numbers, or symbols into the device;
    - (b) Hold or support the device with any part of the person's body.
  - (8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:
    - (a) Manually enter letters, numbers, or symbols into the device;
    - (b) Hold or support the device with any part of the person's body.

- (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
- (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;
- (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;
- (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
  - (a) Manually enter letters, numbers, or symbols into the device;
  - (b) Hold or support the device with any part of the person's body.
- (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(C)(1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

- (2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:
  - (a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
  - (b) Ensure that such report indicates the offender's race.

(D) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor, and shall be punished as provided in divisions (D)(1) to (5) of this section.

- (1) The offender shall be fined, and is subject to a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, as follows:
  - (a) Except as provided in divisions (D)(1)(b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.
  - (b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.
  - (c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's



license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section [4511.98](#) of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable.

(2) If the offender is in the category of offenders to whom division (D)(1)(a) of this section applies, in lieu of payment of the fine of one hundred fifty dollars under division (D)(1)(a) of this section and the assessment of points under division (D)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in section [4511.991](#) of the Revised Code. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court within 90 days of the violation of division (A) of this section. However, successful completion of the course does not result in a dismissal of the charges for the violation, and the violation is a prior offense under divisions (D)(1)(b) and (c) of this section if the offender commits a subsequent violation or violations of division (A) of this section within two years of the offense for which the course was completed. This division does not apply with respect to any offender in the category of offenders to whom division (D)(1)(b), (c), or (d) of this section applies.

(3) The court may impose any other penalty authorized under sections [2929.21](#) to [2929.28](#) of the Revised Code. However, the court shall not impose a fine or a suspension not otherwise specified in division (D)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in division (D)(2) of this section, points shall be assessed for a violation of division (A) of this section in accordance with section [4510.036](#) of the Revised Code.

(5) The offense established under this section is a strict liability offense and section [2901.20](#) of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(E) This section shall not be construed as invalidating, preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in this section for violations of this section.

(F) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of a substantially equivalent municipal ordinance based on the same conduct. However, the two offenses are allied offenses of similar import under section [2941.25](#) of the Revised Code.

(G)(1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

- (a) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;
- (b) Confiscate the device while awaiting the issuance of a warrant to access the device;
- (c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(H) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

- (a) A wireless telephone;
- (b) A text-messaging device;
- (c) A personal digital assistant;
- (d) A computer, including a laptop computer and a computer tablet;
- (e) Any device capable of displaying a video, movie, broadcast television image, or visual image;
- (f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section [4905.03](#) of the Revised Code.

(4) "Utility service vehicle" means a vehicle owned or operated by a utility.

# Standards for Employment of School Bus and Van Drivers with Criminal Charges and Convictions

Employment of individuals for school transportation is governed by various statutes in the Ohio Revised Code and rules in the Ohio Administrative Code. This document is provided to assist individuals, school district personnel, transportation contractors and others in the education community in understanding criminal background checks for school transportation staff.

## **Criminal background checks, Rapback, and prohibition against employment of drivers with disqualifying offenses**

Ohio Revised Code §[3327.10](#) (J) requires employers to conduct criminal background checks on individuals applying for or employed in a position as a driver of a vehicle used for pupil transportation. Those background checks must be requested prior to the person's hiring, and every six years thereafter.

All school bus and van drivers providing student transportation are required to enroll in the "Retained applicant database" ("Rapback") so that employers are notified if the driver has a new criminal offense. Resource: [How to Enroll in Rapback User Manual.pdf](#).

If a driver holds another position, for example, as a teacher, coach, or custodian, employers need to ensure that criminal background checks are conducted consistent with the driver's status. Example: A substitute teacher is also employed as a school bus driver. The State Board of Education requires a FBI background check (and if the person has not lived continuously in Ohio, a BCI check) every 5 years; the Department of Education and Workforce requirement for bus drivers is every 6 years. In this case, the driver/teacher would need to comply with the 5 year-cycle, but the individual could apply for bus driver recertification at the same time (i.e. 5 years) so that the same criminal background checks can be used for both positions.

Under [3327.10](#) (G), no superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless the most recent criminal records check required by (J) has been completed and received by the superintendent or public or private employer. School districts or community schools using transportation contractors are responsible for ensuring that contractors have complied with the criminal background check requirements for drivers transporting district or community school students.

In addition, if the State Board of Education receives notification of the arrest, guilty plea, or

conviction of a school bus or van driver the State Board must promptly notify the person's employer in accordance with division (B) of section [3319.316](#) of the Revised Code.

Ohio Revised Code Section [3319.40](#) and requires that school districts and chartered nonpublic schools suspend employees who have been arrested, summoned, or indicted for an alleged violation of an offense listed in [3319.39](#) (B)(1) (for non-licensed employees such as school bus or van drivers).

Section [3327.10](#) (K) states that persons who have been convicted or pled guilty to any offense identified in [OAC 3301-83-23](#) shall not be hired or shall be released from employment. As of the date of this publication, a new rule is pending that will replace this rule. The new rule is OAC 3302-83-23 and should be available in Fall 2025 at [Ohio Laws](#).

# Resources

## List of disqualifying offenses under [Rule 3301-83-23 of the Ohio Administrative Code](#)

As of the date of this publication, a new rule is pending that will replace this rule. The new rule is OAC 3302-83-23 and should be available in Fall 2025 at [Ohio Laws](#). For all offenses listed, an applicant cannot be hired or employed as a school bus or other student transportation driver.

For all offenses listed, employers are required to suspend the employee during the pendency of the criminal action. Each district may determine its own policy with regard to continued employment of these individuals during this period.

### Rehabilitation

An employer may, at its discretion, employ an individual who has been deemed rehabilitated. An employer may determine an employee has been rehabilitated once all of the following conditions for rehabilitation have been met:

- (1) The offense is **not** a non-rehabilitative offense and the time period for the offense has expired (see chart below);
- (2) At the time of the offense, the victim of the offense was not a person under eighteen years of age or enrolled as a student in a school;
- (3) The employee provides written confirmation of his/her efforts at rehabilitation and the results of those efforts. Written confirmation may include a statement by a court, parole officer, probation officer and/or counselor, or another source as approved by the employer that the applicant or employee has been rehabilitated; and
- (4) A reasonable person would conclude that the applicant's hiring or the retention of the employee would not jeopardize the health, safety, or welfare of the persons served by the employer, based upon information pertinent to the following factors:
  - (a) The nature and seriousness of the crime;
  - (b) The extent of the applicant or employee's past criminal activity;
  - (c) The age of the applicant or employee when the crime was committed;
  - (d) The amount of time elapsed since the applicant or employee's last criminal activity;
  - (e) The conduct and work activity of the applicant or employee before and after the

- criminal activity;
- (f) Whether the applicant or employee has completed the terms of his probation or deferred adjudication;
  - (g) Evidence of rehabilitation;
  - (h) Whether the applicant fully disclosed the crime to the district and/or employer;
  - (i) Whether employment could have a negative impact on the local education community;
  - (j) Whether employment could have a negative impact on the state-wide education community;
  - (k) If the employer is a private employer, information regarding the individual's criminal background check and any subsequent actions by the contractor must be disclosed to any entity contracting for school transportation services;
  - (l) Any entity contracting for transportation services is not bound by the determination of a private employer to re-employ an individual in accordance with this section; and
  - (m) Any other factor the employer considers relevant.



ORC	Offense	Eligible for Rehabilitation
<b>Sexually oriented offenses</b>		
2907.02	Rape	Non•rehabilitative
2907.03	Sexual Battery	Non•rehabilitative
2907.04	Unlawful Sexual Conduct with a Minor	Non•rehabilitative
2907.05	Gross Sexual Imposition	Non•rehabilitative
2907.06	Sexual Imposition	Non•rehabilitative
2907.07	Importuning	Non•rehabilitative
2907.12	Felonious Sexual Penetration (former section)	Non•rehabilitative
2907.21	Compelling Prostitution	Non•rehabilitative
2907.22	Promoting Prostitution	Non•rehabilitative
2907.23	Procuring	Non•rehabilitative
2907.25	Prostitution – after positive HIV test	Non•rehabilitative
2907.31	Disseminating Matter Harmful to Juveniles	Non•rehabilitative
2907.32	Pandering Obscenity	Non•rehabilitative
2907.321	Pandering Obscenity Involving a Minor	Non•rehabilitative
2907.322	Pandering Sexually Oriented Matter Involving a Minor	Non•rehabilitative
2907.323	Illegal Use of Minor In Nudity Oriented Material or Performance	Non•rehabilitative
<b>Child-related violent offenses</b>		
2905.01	Kidnapping	Non•rehabilitative
2905.02	Abduction	Non•rehabilitative
2905.04	Child Stealing ( <i>as it existed prior to July 1, 1996</i> )	Non•rehabilitative
2905.05	Criminal Child Enticement	Non•rehabilitative
2919.22(B)	Endangering Children ( <i>only for violations of division (B)(1), (2), (3) or (4)</i> )	Non•rehabilitative
2919.23	Interference of Custody ( <i>if the violation of Section 2919.23 of the Ohio Revised Code would have been a violation of Section 2905.04 of the Ohio Revised Code (child stealing) before July 1, 1996</i> )	Non•rehabilitative
<b>Violent offenses</b>		
2903.01	Aggravated Murder	Non•rehabilitative
2903.02	Murder	Non•rehabilitative

2903.03	Voluntary Manslaughter	Non•rehabilitative
2903.04	Involuntary Manslaughter	Non•rehabilitative
2903.06	Vehicular Manslaughter	Non•rehabilitative
2903.08	Vehicular Manslaughter	Non•rehabilitative
2903.09	Vehicular Manslaughter	Non•rehabilitative
2909.24	Terrorism	Non•rehabilitative
<b>Other violence related offenses</b>		
2903.11	Felonious Assault	AFTER 20 YEARS
2903.12	Aggravated Assault	AFTER 20 YEARS
2911.01	Aggravated Robbery	AFTER 20 YEARS
2911.02	Robbery	AFTER 20 YEARS
2911.11	Aggravated Burglary	AFTER 20 YEARS
2923.161	Improper Discharge Firearm at or into Habitation; School• related Offenses	AFTER 20 YEARS
2919.12	Unlawful Abortion	AFTER 20 YEARS
3716.11	Placing Harmful Objects in Food/Confection	AFTER 20 YEARS
<b>Drug offenses</b>		
2925.02	Corrupting Another with Drugs	AFTER 10 YEARS
2925.03	Trafficking in Drugs	AFTER 10 YEARS
2925.04	Illegal Manufacturing of Drugs or Cultivation of Marihuana	AFTER 10 YEARS
2925.05	Funding, aggravated funding of drug or marihuana trafficking	AFTER 10 YEARS
2925.06	Illegal Administration or Distribution of Anabolic Steroids	AFTER 10 YEARS
<b>Non-violent theft offense</b>		
2911.12	Burglary	AFTER 10 YEARS
<b>Major motor vehicle offenses</b>		
4511.19	Operating under the influence	AFTER 10 YEARS
4511.20	Reckless Operation	AFTER 6 YEARS
4510.11	Driving under suspension	AFTER 6 YEARS
4510.14	Driving under OVI suspension	AFTER 6 YEARS
4511.194	Physical control under influence	AFTER 6 YEARS
<b>Other offenses</b>		
2903.13	Assault	AFTER 5 YEARS
2903.16	Failing to provide for a functionally impaired person	AFTER 5 YEARS

2903.21	Aggravated Menacing	AFTER 5 YEARS
2903.34	Patient abuse or neglect	AFTER 5 YEARS
2907.08	Voyeurism	AFTER 5 YEARS
2907.09	Public Indecency	AFTER 5 YEARS
2919.22(A)	Endangering Children (for violations of section (A))	AFTER 5 YEARS
2919.24	Contributing to unruliness or delinquency of a child	AFTER 5 YEARS
2919.25	Domestic Violence	AFTER 5 YEARS
2923.12	Carrying concealed weapons	AFTER 5 YEARS
2923.13	Having weapons while under disability	AFTER 5 YEARS
2925.11	Possession of controlled substance	AFTER 5 YEARS
<b>Other motor vehicle offenses</b>		
4511.75	Violation of school bus lights	AFTER ONE YEAR
4511.21	School zone speed limit (while operating a school vehicle)	AFTER ONE YEAR
4511.62	Railroad crossing violation*	AFTER ONE YEAR

**A conviction of or guilty plea to a violation of any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to any of the offenses listed above.**

*\*Pursuant to [Rule 3301-83-06 of the Ohio Administrative Code](#), drivers shall also be disqualified from operating a student transportation vehicle for one year for any railroad crossing violation that is evidenced by a video or a report by a railroad official, regardless of whether it results in a conviction.*

## Semi-Annual Driver Record Checks

In addition, employers are required by [Rule 3301-83-06 of the Ohio Administrative Code](#) to complete semi-annual driver record checks and maintain those records for a minimum of six years. The employer shall disqualify any drivers with any of the following from operating a school transportation vehicle:

- (a) More than six Bureau of Motor Vehicle points during the past two years;
- (b) A conviction of driving while under the influence of alcohol and/or a controlled substance during the past ten years;
- (c) Two (or more) serious traffic violations, as defined in division (II) of [section 4506.01 of the](#)

[Revised Code](#), during the past two years; or

- (d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official.

Please note, employers are permitted to adopt more stringent qualifications. Employers also need to be aware that any other conviction which directly impacts the status of a driver's license or commercial driver's license may impact the employer's ability to employ this individual as a driver.

*"Serious traffic violation" means any of the following:*

(1) *A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section [4506.03](#) of the Revised Code;*

(2) *(a) Except as provided in division (II)(2)(b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:*

*(i) Texting while driving;*

*(ii) Using a handheld mobile telephone.*

*(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.*

(3) *A conviction arising from the operation of any motor vehicle that involves any of the following:*

*(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;*

*(b) Violation of section [4511.20](#) or [4511.201](#) of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;*

*(c) 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;*

*(d) Violation of section [4506.03](#) of the Revised Code 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 or for the passengers or type of cargo being transported;*

*(e) Violation of section [4506.03](#) of the Revised Code 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;*

*(f) Violation of section [4511.33](#) or [4511.34](#) of the Revised Code, 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;*

*(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:*

*(i) It relates to traffic control, other than a parking violation;*

*(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.*

## School Bus Driver Recertification - Overview

1. Drivers are required to recertify their pre-service training every six years. The six-year cycle begins on the date of issue of their most recent preservice certificate.
2. Drivers need to complete the requirements for recertification during their 6th year of driving after their most recent preservice certificate.

Example: A driver is trained and receives a preservice certificate in February 2024. The first 12-month period is considered year 1 (ending Feb 2025 for this driver) . . . the 6th 12-month period is considered year 6, in this case ending Feb. 2030. The driver must initiate and complete recertification during year six. Without a new certificate, he/she may not drive in March of 2030.

3. A driver may recertify earlier than their 6-year cycle.
  - a) Admission to a recertification class may be limited to space available, with priority given to drivers who must recertify in the year the class is being taken.
  - b) It's not recommended that districts send all their drivers through recertification at the same time.
4. The certificate of any driver who has not driven for two or more years is considered invalid according to OAC 3301-83-10(F). That driver must complete either a new certification program or complete recertification prior to resuming transportation of pupils.
5. There are three separate parts to recertification. All must be completed and documented on a T-9 form available from the regional preservice instructor.
  - 1) Criminal background checks must be completed no more than one year prior to the application for recertification (ORC 3327.10 (J)).
    - i. If the driver has remained a resident of this state for the five-year period prior to the background check, only a federal FBI background check is required to be completed for recertification. Otherwise, both a state BCI and a federal FBI are required.
    - ii. A current list of disqualifying convictions is contained in ORC 3327.10 (F), OAC 3301-83-06, and OAC 3301-83-23. A copy of the law and rules can be found at <https://codes.ohio.gov/ohio-revised-code> and also published in the Ohio Pupil Transportation Operation and Safety Rules book.
    - iii. This check must be completed and written evidence on file with the driver's employer. The evidence of the check is not to be submitted with the application.
  - 2) Attend an Ohio Pre-Service School Bus Driver Training recertification class (3301-83-10(F)(1)). This class is valid for 12 months prior to the application for a certificate. Class schedules can be obtained by contacting the area preservice instructor.

- i. As an alternative to class, drivers may substitute attendance at a recertification class by completing an Ohio Pre-Service Advanced School Bus Driver Training Course no more than 24 months prior to the application for recertification (3301-83-10(F)(5)).
- 3) Complete a driving performance evaluation with a certified On-Bus Instructor (OBI) (3301-83-10(F)(3)). OBIs are selected by their districts and trained and certified by Ohio Preservice Instructors.
  - i. The driving evaluation also includes a pretrip inspection. A prescribed pretrip inspection procedure and form will be demonstrated to the applicant, who will in turn be asked to demonstrate the pretrip inspection when they are comfortable with it. The driver applicant will be allowed to carry the written form with them as they complete the inspection. The form used is located in the *Ohio Preservice School Bus Driver Training Manual*.
  - ii. A driver will have up to three opportunities to successfully demonstrate the driving skills with an OBI designated by the school bus owner.
  - iii. A driver may request a fourth opportunity, if necessary, to be administered by an Ohio Preservice Instructor. The driver must be offered appropriate driving instruction prior to this fourth opportunity.
  - iv. As an alternative to the driving performance evaluation a driver may participate in a state and/or regional school bus driver safety ROAD-E-O, and must achieve a minimum of eighty percent of the possible points. The date of the ROAD-E-O can be no more than 24 months prior to the application for recertification (3301-83-10(F)(6)).
- 6. After all the steps above have been completed the recertification application (T9) must be completed, documenting the above steps and the candidate's successful completion. This form must be electronically submitted to the department NO LATER than 30 days prior to the expiration of the driver's current certificate.
- 7. If the application is submitted late, a certificate may still be issued, but no guarantee will be made that it will be issued prior to the expiration date of the old certificate.
- 8. No driver may operate a school bus with pupils on board without a current preservice certificate. A copy of the current certificate must be on file with the school bus driver's employer and must be available for inspection when requested by the Ohio Department of Education and Workforce or its assignee.
- 9. Temporary preservice certificates are not valid for use with drivers who need to recertify. These certificates may only be used for new drivers who are completing all the required steps for new school bus drivers.



## Use of Preservice Temporary Certificates for New Drivers - Overview

Ohio law requires that new school bus drivers complete the Ohio Preservice Driver Training Program prior to transporting students on a school bus. ORC 3327.10, OAC 3301-83-06.

Under unusual circumstances, OAC 3301-83-10 authorizes a temporary preservice certificate to be issued during the training period in unusual circumstances. This may be valid for **not more than 45 days**.

Typically, temporary certificates are used to accommodate districts when a driver has completed all requirements to driver except for the classroom portion of the preservice training, or for drivers who have completed all requirements including the classroom portion but are waiting on the preservice certificate to be issued.

The conditions for the use of these temporary certificates are as follows:

1. The Department of Education and Workforce has approved issuance of the certificate. Approval may be granted if the driver has:

- Completed all behind-the-wheel training and been successfully evaluated by an on-the-bus (OBI) instructor on both driving and pretrip skills.
- A satisfactory criminal background report is on file with the employer.
- A satisfactory driving history report is on file with the employer.
- A satisfactory T-8 physical is on file with the employer.
- A satisfactory pre-employment drug screen has been completed.
- The driver holds a current, valid CDL with passenger and school bus endorsements.
- The driver has completed training on all district procedures, including but not limited to route procedures, safety and emergency procedures, and local rules and regulations.
- The driver is familiar with all Department Pupil Transportation Operation Safety rules.
- All training information recorded on the T-9 paper form has been entered in the Department's web-based reporting system.

2. Temporary preservice certificates are *not* valid for existing drivers who are applying for recertification.

Districts may obtain temporary certificates from their regional preservice instructor upon Department approval.

## Driver Designated Place of Safety for Students

Ohio law requires that drivers designate a place of safety for students on the residence side of the roadway on which the vehicle is scheduled to stop. Drivers must account for each pupil at the designated place of safety before leaving. Pupils are not to proceed to their residence until the school bus or van has departed. Ohio Administrative Code References: OAC 3301-83-13(B)(6); OAC 3301-83-08 (C)(2)

Drivers are required to complete the Ohio preservice training program to provide pupil transportation. The curriculum for this program includes the following best practices for determining a designated place of safety:

1. The place of safety should be at least 20 or more steps away from the bus stop. [Drivers are instructed to teach 'steps' instead of feet so that the distance will be readily understood by all ages of students being transported.]
2. The place of safety should be far enough away from the bus so that the bus can proceed without any chance of the student running back into the path of school bus as it leaves the designated stop.
3. When possible, the driver should choose a stationary and recognizable object – such as a flagpole, garage door, or signpost.
4. The place of safety should be such that a driver can account for the location of the child before moving the bus. At stops with multiple students, a place of safety should be identified where each student can be seen.
5. School bus drivers who do not believe a place of safety can be determined at a given stop should communicate with their supervisor and ask for assistance.

## Child Safety Restraints and Seat Belts

For federal and state laws that apply to child safety restraint and seat belts, please review the following resources:

- NHSTA: Child Safety Restraint Systems (CSRS) on School Buses National Training <https://www.nhtsa.gov/school-bus-safety/child-safety-restraint-systems-csrs-school-buses-national-training>
- NHTSA: Car Seats and Booster Seats <https://www.nhtsa.gov/vehicle-safety/car-seats-and-booster-seats>
- ORC 4511.81, 4513.263

## RECOMMENDATIONS FOR NON-ROUTINE BUS TRIP INSTRUCTIONS FOR PASSENGERS

This page contains an overview of the items to be reviewed with passengers prior to each non-routine bus trip, and the following page contains a sample script to assist bus drivers with the delivery of this information.

Please refer to OAC 3301-83-16 and ORC 4511.76(C).

### **Aisles and exits:**

Drivers should point out the location of emergency exits in the bus including basic instructions on how to open the exits. Emergency exits and service doors may not be blocked. Equipment may not be stored in the aisle or in any location that blocks an exit.

### **Emergency equipment:**

Show the location of the first aid kit, body fluid cleanup kit, fire extinguisher, flares (if stocked) and reflective triangles. Driver should also demonstrate the use of the emergency override switch for all air or electric service doors.

### **General rules:**

Emphasize the requirement to remain seated; no eating and no drinking; silence at railroad crossings and the need to follow directions from the bus driver. This applies to coaches, chaperones and students equally.

### **Chaperones:**

The bus driver is ultimately responsible for the vehicle and passengers but the chaperone plays an important role in avoiding unnecessary distractions and safety violations. Chaperones should space themselves throughout the bus in order to effectively monitor student behavior. Chaperones should make it a priority to remind students to (a) remain properly seated at all times, (b) keep noise to a minimum, (c) maintain complete silence at railroad crossings, (d) keep the aisles and exits clear at all times, and (e) keep the bus clean.

Chaperones should assist the bus driver in checking the bus for articles left behind by students. 2 | Non-Routine Bus Trip Instructions | Fall 2024

## **BUS DRIVER'S SAMPLE SCRIPT:**

### **Aisles and exits:**

Ohio school bus safety rules require that we take a moment to explain some of the safety features of this bus before departing. First, please note the emergency exit nearest to your seat. There are *[number]* exits on this school bus. *[Demonstrate the use of the emergency exits.]*

No equipment may be stored in the aisle of a school bus. Equipment may not block emergency exits or the service door. If applicable: *This bus is equipped with an air/electric door. The emergency switch*

*is located [here] and allows the door to be opened manually by moving the switch in this manner [demonstrate switch].*

**Emergency equipment:**

The first aid kit and body fluid cleanup kit are located *[show location]*. The fire extinguisher, [flares – if stocked] and reflective triangles are located *[show location]*.

**General rules:**

All passengers are required to remain seated properly on Ohio school buses. Eating and drinking is not permitted. All passengers are required to remain silent at railroad crossings and at any other time silence is requested.

**Chaperones:**

***It is prudent to explain the chaperones' responsibilities in a manner that does not minimize their authority in front of the students. This might involve speaking to them separately prior to boarding the bus.***

The chaperones are responsible for assisting the bus driver in preventing distractions and safety violations by the passengers. This is best accomplished by spreading out throughout the bus. Chaperones must remind students to remain properly seated at all times, to keep the noise inside the bus to a minimum, maintain complete silence at railroad crossings, to keep the aisle and exits clear at all times. Lastly, chaperones must assist the bus driver in keeping the bus clean, in checking for articles left behind by the passengers.

Chaperones are subject to all bus rules – just as the student passengers.

## Blood Pressure Parameters

Rule [3301-83-07](#) of the Administrative Code establishes physical qualifications for pupil transportation drivers, including parameters for blood pressure. This table summarizes the blood pressure information set forth in this rule:

Blood Pressure	Outcome	Required retest	Required retest
Less than 160/90	Passes BP test	n/a	n/a
BP 161-180 diastolic and/or 91-104 systolic	Conditional pass – follow up required	90 day retest by T-8 physician – must be less than 160/90 or driver is disqualified	6 month (from date of T-8) check by treating physician – must be less than 160/90 or driver is disqualified
Greater than 180/104	Fails physical	n/a	n/a

## Guidelines for the Safe Transportation of Oxygen on School Buses and Motor Vans

OAC [3301-83-20](#) provides that medically necessary oxygen for students may be transported provided it is properly secured. The oxygen should be housed in portable units less than fifteen pounds total weight each. This rule requires that guidelines for transporting oxygen will be developed and administered by the Department of Education and Workforce.

The following are guidelines for the safe transportation of oxygen on school buses and motor vans. The information provided in these guidelines does not, and is not intended to, constitute regulatory standards; instead, all content and resources available are for general informational purposes only and may not reflect current information for all specifications related to oxygen management in the school setting.

- Oxygen is to be transported on school buses only when it is medically necessary. The Individualized Education Program (IEP) for a child with disabilities should document the oxygen use requirement. The IEP should be consulted for changes in medical equipment or transportation.
- Prior to initial transportation, school administration and transportation personnel should be informed as to the type and size of the oxygen tank to be transported.
- Regarding a student using oxygen only on an “as needed” basis, the decision as to what is necessary is the responsibility of trained medical personnel only. This decision is not the responsibility of the bus or motor van operator or aide.
  - A determination should be made as to who will load and unload the medical support equipment. Appropriate training should be provided for these procedures.
- The development of an emergency plan is strongly recommended in the event of a medical emergency or equipment failure.
- It is recommended that only one medical support device per student be transported.
- The transportation department should consult with legal counsel regarding not assuming responsibility for storing any medical equipment.
- A contingency procedure should be developed to avoid oxygen being transported without proper securement in the event the regular bus breaks down.
- Oxygen should be transported in a secure container maintained in accordance with the manufacturer’s instructions. The oxygen should be housed in a portable unit and should be less than 15 pounds total weight as specified in OAC [3301-83-20](#).
  - All oxygen units are to have valves and regulators that are protected against breakage. Manufacturer’s precautions are usually printed on a label attached to the cylinder and should be followed whenever possible.
- All oxygen tanks are to be securely attached to prevent movement and leakage. This securement should be located on the sidewall of the school bus in the upright position at a rib or body support in a rack or mounting bracket capable of sustaining five (5) times the weight of the tank and contents.
  - Since they are under pressure and could accelerate a fire, all oxygen tanks (gas or liquid) should be secured away from intense heat or friction.



- In cases where the oxygen is attached to a wheelchair or other support equipment, the tank shall be removed and secured prior to transport.
- Oxygen tanks or other medical support equipment should never be stored or secured in the head impact zone.
- While it is not mandatory to place any placards or labels on the bus, a decal indicating medical support equipment is in use may be helpful to emergency personnel in the event of an accident.

The transportation of oxygen on a school bus creates added concern and responsibility to all involved. However, with prior planning and proper securement, oxygen can be safely transported.

Resources for transporting and handling oxygen at the school site and on pupil transportation vehicles may be accessed at:

- Ohio Department of Health: <https://odh.ohio.gov/know-our-programs/school-nursing-program/media/oxygen-use-in-schools>
- National School Transportation Specifications and Procedures <https://nasdpts.org/NSTSP-Documents>

# School Bus Safety Audit Best Practice Checklist

On January 31, 2024, Governor Mike DeWine announced the release of the [Ohio School Bus Safety Working Group Report](#). This report, a comprehensive examination of all aspects related to school bus safety in Ohio, contains 17 recommendations intended to improve the safety of children being transported by school buses.

The National Highway Traffic Safety Administration ([NHTSA](#)) reports that school buses are one of the safest vehicles on the road. NHSTA also acknowledges, though, that children are at the greatest risk when approaching or leaving school buses. The Ohio School Bus Safety Working Group was made aware of this risk and focused one of their recommendations around this concern by advising districts to complete a comprehensive audit of their transportation practices with a focus on maximizing student safety throughout the transportation process. This recommendation provides:

*School districts should conduct safety audits of their bus routes, bus stops, and school pick-up/drop-off sites on school property to reduce safety risks and mitigate the severity of school bus crashes.*

Safety should always be a priority when mapping bus routes, stops, and a student's designated place of safety. Everyone – from school bus drivers to all staff in schools and districts and members of the public – plays a critical role in the safe transportation of students to and from school. Therefore, it is important for schools and districts to include as many viewpoints as possible when they conduct their annual transportation safety audits.

This document is intended as a starting point to assist districts with conducting more comprehensive annual transportation safety audits. Schools and districts are encouraged to use the School Bus Safety Audit Best Practice Checklist Template to start local discussions about the unique safety concerns they face in their routes, stops, and school zones. *As this template is only a starting point, districts are encouraged to determine which items are relevant for their local needs, as well as to consider what additional items need to be added to ensure a comprehensive review tailored to the individual district.* Reviewing and modifying the School Bus Safety Audit Best Practice Checklist Template to fit each school and district's concerns will help ensure Ohio's students are safe when transported by school buses. The final checklist may also need to be reviewed annually in the event new safety concerns have arisen that have not yet been addressed on the checklist. Please do not hesitate to reach out to the Ohio Department of Education and Workforce's Pupil Transportation team with questions and concerns. We all have a role to play in helping ensure the safe transportation of Ohio's students.

## Bus Safety Audit Best Practice Checklist

Name:	School/District:		Date:
<b>SECTION 1: SCHOOL ZONE</b>	<b>Yes</b>	<b>No</b>	<b>Comments:</b>
School driveways are wide enough and well maintained to accommodate the wide turn of a school bus.			
School zone signage is present, visible, and well maintained.			
School zone roadway is properly marked as a no passing zone.			
School zone advance warning signs and flashing signs are adequately placed and operating during appropriate hours.			
Temporary street closure and one-way streets are accounted for (if applicable).			
School buses are parked bumper to bumper or diagonally when loading or unloading on school grounds. When parked bumper to bumper allow enough space to operate and use emergency exits.			
School zone has adequate barriers from traffic (guardrails, edge line rumble strips, etc.).			
Students are not crossing roadways to get to or from the bus on school grounds.			
School loading zones are designated curbside to minimize other motor vehicles passing the bus while students are present.			
Driver remains on the bus while loading and unloading. (unless it is a special needs or pre-school route).			
Parent and school bus drop-off and pick-up locations are clearly designated.			
Assistants are present to help students enter and exit vehicles.			
The building staff supervises students in the loading zone.			
School buses are never required to back up while in the loading zone.			
Parent and other vehicles are kept separate and prohibited in the school bus loading zone.			
Motor vehicles are separated from pedestrians and bicyclists.			
School zone infrastructure encourages walking, bicycling, and carpooling as applicable.			
Curb striping and pavement markings clearly delineate the flow of students and traffic.			
A delineated queuing lane on roads adjacent to the school is used to avoid blocking non-school traffic.			

All traffic in the loading zones is one way only.			
Crossing guards are in place in the school zone.			
Crosswalks are appropriately marked at all intersections.			
Monitoring and enforcement of drop-off and pick-up policies.			
<b>SECTION 2: TRANSPORTATION ROUTE ZONE</b>	<b>Yes</b>	<b>No</b>	<b>Comments:</b>
Bus stops are not placed at or near intersections or other significant hazards whenever possible (e.g., railroad crossings, low visibility locations).			
Drivers are informed of registered sex offenders living near bus stops. Bus stops are located away from sex offenders' homes when possible.			
Drivers are required to report any route hazards (e.g., construction, road closures, low-hanging limbs, blind curves, railroad crossings, blind spots, and narrow roadways or bridges).			
Bus stops provide sufficient visibility for pedestrians and drivers (sight distance can be impacted by sunrise/sunset, curves, hills, vegetation, parked vehicles, approaching vehicles, snow drifts, etc.).			
On routes where insufficient sight distance is unavoidable, local transportation authority has posted warning signs where needed.			
Routes do not include stops on dangerous roadways or poorly maintained roads.			
Routes are chosen on streets with lower traffic and lower speeds.			
Routes minimize or avoid multi-lane roads.			
Routes choose roads with sidewalks or pedestrian paths or, if unavailable, roads with sufficient space to walk alongside the roadway.			
Street names and route names are clearly labeled.			
Bus stops are not placed too close together to ensure proper stop procedures are performed (i.e., ambers and reds sequenced).			
Number of students per stop is considered.			
Policies are determined for handling mid-block stops versus corner stops.			
Turnarounds are minimal, clearly visible in both directions and noted on the route sheet. The bus should be visible to other motorists five hundred feet in both directions and should not cross a lane of traffic while backing.			

If backing is required on the routes, drivers load students before the bus performs the backing procedure. Stops that require the school bus to back up are avoided when possible. If impossible to avoid, pick up students before backing occurs. During the return trip, only drop off after backing up and positioned to drive the bus forward.			
Student crossovers are avoided when possible.			
Students and parents have adequate pathways to walk home from the bus stop when possible.			
Left turns and other high-risk scenarios are avoided when possible (e.g., crossing divided highways with no traffic lights).			
Students who cross the roadway are noted on the route sheet.			
Students have a driver assigned designated place of safety on their residence side of the road.			
Special guidelines for kindergarten students are included (e.g., door-step pick-up).			
The designated place of safety is safe and noted on the route sheet (e.g., no risk of poor visibility, no crossing dangers, students are clear of the danger zone as the bus arrives).			
Place of safety has sufficient space for parents and students to wait at least 20 steps from the roadway.			
Surrounding environment has minimal distractions that could prevent students from being ready to board the bus at the time of arrival.			
Students with special needs may have individual transportation plans, which include the designation of the school bus stop. Establishing a bus stop waiting area to best serve the student may be required (e.g., driveway stop, wheelchair loading accessibility, aide assistance).			
The student waiting area provides sufficient room for all students to wait safely.			
Student waiting areas have proper illumination.			
Student waiting areas have adequate protection from weather when possible.			
Bus stops are not located near an intersection, merge lane, turn lane, or dedicated pull-out area.			
Contact the county engineer or ODOT for assistance with roads with small berms, steep ditches, and any other conditions that may increase the likelihood of rollovers.			

<b>SECTION 3: SCHOOL BUS OPERATION</b>	<b>Yes</b>	<b>No</b>	<b>Comments:</b>
Substitute drivers are familiar with the routes they may be assigned to drive.			
Drivers are required to conduct a dry run in a school bus before the start of the school year or when assigned to a new route to re-evaluate route safety concerns.			
Drivers are not permitted to alter their routes without supervisor authorization.			
Drivers are required to update their routes when changes occur; supervisor approval should be noted.			
All routes are approved by the Board of Education pursuant with <a href="#">OAC 3301-83-13</a> .			
Each bus has a detailed route sheet on board.			
If a significant route hazard is present, it is noted on the route sheet (e.g., construction, road closures, low-hanging limbs, blind curves, railroad crossing blind spots, and narrow roadways or bridges).			
Route sheets should include a detailed sequence of stops before a turnaround.			
Drivers are not permitted to discharge students anywhere other than an approved stop unless authorized by leadership/supervisor.			
Kindergarten and preschool-age children are identified on the route sheet, and a review of local policy for receiving the child has been reviewed (e.g., some students may wear a backpack tag, and parent/guardian may be required at the bus stop).			
Severe weather emergency routes and designated places of shelter are determined ahead of the school year (e.g., fire dept., library, retail store, school building). Include in district emergency operations plan.			
Drivers have access to IEPs for riders who identify transportation as a related service and are instructed that the information is confidential and may not be shared.			
Drivers are made aware of students with medical issues that may arise during bus routes.			

## School Bus Safety Orientation for Parents/Guardians and Students

On January 31, 2024, Governor Mike DeWine announced the release of the [Ohio School Bus Safety Working Group Report](#). This report, a comprehensive examination of all aspects related to school bus safety in Ohio, contains 17 recommendations intended to improve the safety of children being transported by school buses.

The National Highway Traffic Safety Administration ([NHTSA](#)) reports that school buses are one of the safest vehicles on the road. NHSTA also acknowledges, though, that children are at the greatest risk when approaching or leaving school buses. The Ohio School Bus Safety Working Group was made aware of this risk and focused one of their recommendations around this concern by advising districts to:

*offer opportunities for students, along with their parents or guardians, to meet their bus drivers, tour a bus, and learn about school bus safety at the start of each school year. When possible, school bus safety orientations should be incorporated into existing mandatory orientations, meetings, or assemblies. School districts should provide families with take-home materials that parents can use to encourage positive school bus behaviors.*

This recommendation is in addition to existing law ( [ORC 3327.16](#) and [OAC 3301-83-09](#) ) that requires school districts to provide school bus safety instruction, within the first two weeks of school, for all students in kindergarten through third grade who are offered school bus transportation and have not previously attended such a program. This instruction is to include:

- (1) Safe walking practices to and from the bus stop.
- (2) Wearing light-colored or reflective clothing when going to and from the bus stop in darkness.
- (3) How and where to wait safely for the bus, including how to avoid personal risks involving strangers.
- (4) What to do if the bus is late or does not arrive.
- (5) How to enter and leave the bus safely. This instruction shall include the potential hazards regarding the snagging of clothing, backpacks, or other items, as well as items which may be dropped around or under the bus.
- (6) Safe riding practices (including instruction on OAC [3301-83-08](#), pupil transportation management policies).
- (7) Safely crossing the highway before boarding and after leaving the bus.
- (8) Respect for the rights and privileges of others.
- (9) The dangers of trespassing in a railroad right-of-way and other dangerous areas.

A district may choose to combine the parent/student safety orientation with the K-3 pupil instruction.



The Sample School Bus Safety Orientation Program Content is intended as a starting point to assist districts with back-to-school School Bus Safety Orientation programs. *As this document is only a starting point, districts are encouraged to determine which items are relevant for their local needs, as well as to consider what additional items need to be added to ensure a comprehensive review tailored to the individual district.* Reviewing and modifying the School Bus Safety Orientation program to fit each school and district's concerns will help ensure Ohio's students are safe when transported by school buses. Please do not hesitate to reach out to the Ohio Department of Education and Workforce's Pupil Transportation team with questions and concerns. We all have a role to play in helping ensure the safe transportation of Ohio's students.

### **Sample School Bus Safety Orientation Program Content Components**

- Offer opportunities for students, along with their parents or guardians, to meet their bus drivers, tour a bus, and learn about school safety;
- Provide families with take-home materials that parents and guardians can use to encourage positive school bus behaviors;
- When possible, school bus safety orientations should be incorporated into existing school-required orientations, meetings, or assemblies.

### **Meet the Driver and Tour A Bus**

School bus drivers who know, understand, and teach students the rules for safe transportation on the bus will be respected and have control of their bus each day. Students who know and understand the rules will be much safer on the ride to and from their school. Those students will arrive to school in a frame of mind to learn and achieve their goals.

School transportation professionals are not just drivers; they are mentors, mediators, and role models who contribute to the development of positive behaviors and attitudes in students. Their responsibilities involve enforcing discipline and safety protocols, which help foster an environment conducive to learning and personal growth.

Introducing students to bus drivers at the beginning of the year orientation helps to personalize the driver and encourages positive student behavior.

Providing a school bus tour may help lessen first day-of school fears for young riders; helps students visualize, understand and prepare for social situations on a school bus such as sitting next to classmates and responding to driver directions; and makes school bus safety instruction more effective.

## Learn About School Bus Safety

### Walking to the Bus Stop

- Teach your student to always walk on the sidewalk if possible and stay off lawns
- If there is no sidewalk, stay close to the curb on the right side of the street
- Do not talk to strangers
- Don't stop on the way
- If it's dark (early morning or late afternoon), wear bright or reflective clothing so drivers can see them clearly

### About Bus Stop Locations

- Bus stops may be up to one half a mile from the student's home
- Students should be at their bus stop **before** the bus is scheduled to arrive
- Bus stops are chosen for safety, considering things like traffic, visibility, and weather.
- Bus stop locations are away from busy or dangerous spots (like the top of a hill).
- Each student is assigned a specific stop, and it's important they wait at their assigned location.
- Students should only cross in front of the bus, never behind it.

### Safe Bus Stop Procedures

#### Getting on the bus:

- Students should wait at their designated spot until the bus comes to a **full stop and the driver signals them to board.**
- Use the handrail when getting on and off the bus to avoid accidents.
- Once inside, students should head directly to their seat and stay seated during the ride.

#### Getting off the bus:

- After being dropped off, students should walk to their place of safety away from the bus (about ten giant steps).
- They should wait there until the bus leaves.
- If the driver honks the horn, this signals danger, and they should be extra careful.

#### Crossing in front of the bus:

When crossing the street, students should always wait for the driver's signal, look both ways for traffic, and **cross at least ten feet in front** of the bus.



Demonstrate  
Right-hand signals

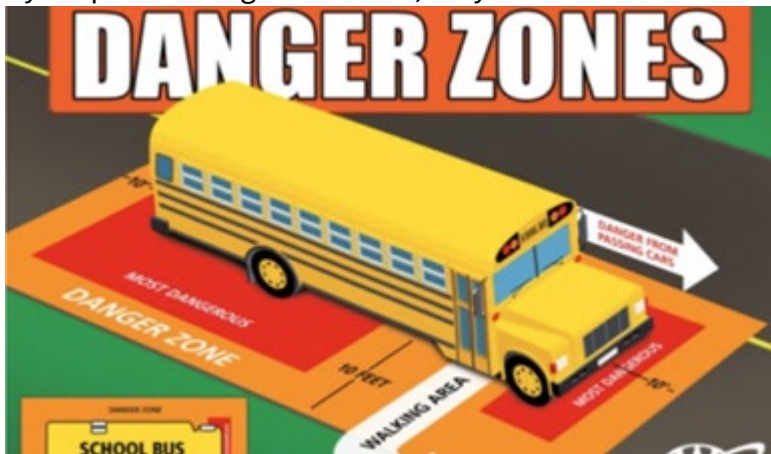


Left-hand signals

## The Danger Zone

The “danger zone” is **a 10-foot area around the bus, especially in front and near the rear tires.**

- Encourage your student to **stay out of this area** to avoid accidents
- If they drop something in this zone, they should tell the driver before trying to pick it up



## Positive Behaviors on the Bus

To keep everyone safe, students are expected to:

- Be respectful and follow the bus driver's instructions right away
- Be kind to other students – no bullying, no profane language
- Stay seated with feet flat on the floor
- Keep clear aisles

- Personal items stay on laps
- No eating or drinking unless required for medical reasons
- No using nicotine (vapes, etc.) or drugs on the bus
- Do not throw things
- Do not stick heads or arms out the window

## Safety at Railroad Crossings

Before crossing railroad tracks:

- Students should be quiet and listen to the bus driver's instructions
- Remain seated
- Remain quiet until the bus has safely cleared the tracks

## Emergency Procedures

### Evacuation Drills

Every year, students will practice how to evacuate the bus in case of an emergency. This includes using both the front and rear exits. Students must listen to the driver's instructions during these drills and exit the bus quickly and quietly.



**Demonstrate**  
**Emergency exit operation**



### What to do in an emergency

Drivers are trained for emergencies like a school bus accident, breakdowns, or even a hostile intruder. The district has plans in place to ensure your child's safety in these situations. By reinforcing

these simple safety tips and rules, you can help ensure your child stays safe while riding the bus. If you ever have questions or concerns, don't hesitate to contact your school district's transportation office. Your child's safety is the top priority!

- Students should listen to their driver for further instructions in these cases
- Bus drivers will cover some procedures in training the students on their school bus

### **Take Home Materials for Parents/Guardians**

- **School Bus Safety Activity Books** that cover basic safety rules: 1. Be on time. 2. Never run to or from the bus. 3. Stand back from the curb. 4. Don't push or shove. 5. Stay in your seat. 6. Don't yell or shout. 7. Always obey the driver. 8. If you must cross the street, always do so at least 10 feet in front of the bus. 9. Never crawl under a school bus and never try to pick up a dropped article near the bus.
- **School Bus Safety Handouts for Parents/Guardians** that encourage discussions with their students. Sample talking points may be accessed at [NHTSA School Bus Safety](#). Sample [Bus Safety Discussions](#):

Parents, it's important to talk to your child, or children, about bus stop safety. Here are some tips.

#### **Before the Bus Arrives**

Your child should arrive at the bus stop at least five minutes before the bus arrives. Ahead of the new school year, visit the bus stop and show your child where to wait for the bus, at least ten feet — five giant steps — away from the curb. Remind your child that the bus stop is not a place to run or play.

#### **Getting On and Off Safely**

When the school bus arrives, your child should wait until the bus comes to a complete stop, the door opens, and the driver says it's okay to get on or off. Your child should use the handrails to avoid falling.

#### **Always Use Caution Around the Bus**

Your child should never walk behind a school bus. If your child must cross the street in front of the bus, tell them to walk on a sidewalk or along the side of the street to a place at least ten feet — five giant steps — in front of the bus before crossing. Your child should also make eye contact with the bus driver before crossing to make sure the driver can see that they're crossing to avoid the danger zone. If your child drops something near the school bus, like a phone or book, the safest thing is for your child to tell the bus driver right away. Your child should not try to pick up the item, because the driver might not be able to see them.

- **Bus Safety Quick Reminders:** these may be laminated cards for students to keep or refrigerator magnets. Consider making these available in languages that district riders who are not native English speakers can understand.
- **Image Library:** tailored materials may be accessed at [NHSTA School Bus Safety](#)

**Additional Resources:**

[School Zone Traffic Safety Tip Sheet \(evogov.s3.amazonaws.com\)](https://evogov.s3.amazonaws.com)

[School Zone Safety: 10 Essential Driving Tips to Keep Kids Safe - Elovate](#)

[School Zone Safety Tips \(asdk12.org\)](https://asdk12.org)

# Considerations for Selecting Commercial Charter Bus Services

On January 31, 2024, Governor Mike DeWine announced the release of the [Ohio School Bus Safety Working Group Report](#). This report was a comprehensive examination of the safety of Ohio school buses and contains 17 recommendations intended to improve school bus safety in Ohio. One of those recommendations dealt specifically with the contracting of commercial bus services for non-routine bus trips to school events such as athletic competitions or field trips. The recommendation provides:

*The Ohio School Bus Safety Working Group recommends school districts establish screening policies around contracted commercial bus services.*

The Department of Education and Workforce developed this document to provide recommendations to district leaders and transportation professionals regarding the selection of commercial carriers. These recommendations are intended to assist schools and districts in developing and supporting the most effective screening policies to ensure the safety of the students in their care. The importance of schools and districts implementing robust screening policies for contracting with commercial bus carriers cannot be overstated, as stringent vetting processes are essential to ensuring the safety and security of students.

## Business Reputation

When hiring for commercial charter services, scrutinizing their business reputation is a foundational aspect of ensuring the well-being and security of the students and other school community members who will be traveling on these vehicles. The final selection will directly impact the reliability, safety, and overall quality of the transportation experience. The Department of Education and Workforce recommends schools and districts consider the following to ensure they are hiring only the most reputable companies:

1. **Make sure the company has a good reputation in the industry.** Check the company's safety record with [the U.S. Department of Transportation](#), including background checks and accident.
2. **Ensure the company has adequate insurance liability coverage to operate legally.** This information may be found on the company's website or by contacting them directly.
3. **Investigate the experience and professionalism of the company.** Check to see how long the company has been in business. Contact neighboring schools and districts to inquire about their experience with the business. Observe their customer service to ensure that they are attentive and professional.
4. **Ask if the company offers drivers safety incentives.** If so, how many drivers receive this? Incentives serve to ensure drivers are more safety conscious.



5. **Inquire about whether the company has a driver fatigue plan.** Be sure to ask if the company coordinates a location where drivers can meet and switch places when fatigued to ensure the safety of the trip.
6. **Does the company subcontract for drivers?** If so, ask the company for the name of the second bus company it contracts with so its background and record can be checked as well.

## Driver Qualification and Training

The qualifications and training of drivers are crucial for ensuring the safety and efficacy of student transportation. Drivers must fundamentally meet the necessary requirements for operating a commercial vehicle and understand traffic laws to qualify for this important role. Further, drivers who have been properly trained are equipped with the skills necessary to handle various driving conditions, ensure a safe and positive passenger experience, and respond to emergencies effectively. The Department of Education and Workforce recommends schools and districts consider the following to ensure their students are only transported by appropriately qualified and trained drivers:

1. **Ensure that all drivers driving in interstate commerce meet Federal Motor Carrier Safety Administration qualifications.** Some of the Federal Motor Carrier Safety Administration (FMCSA) Qualifications include, but are not limited to:
  - a. **The driver is 21 years of age or older.**<sup>1</sup>
  - b. **The driver must hold a Commercial Driver's License (CDL) for their specific vehicle.**<sup>1</sup> (Class A, B, or C) with a passenger endorsement.
  - c. **Drivers must pass a DOT physical to ensure the driver is physically capable of operating the vehicle safely.**<sup>1</sup> This is required every two years.
  - d. **Commercial drivers are subject to pre-employment drug and alcohol testing and must be included in random testing.**<sup>2</sup> Inquire about the company's post-accident drug testing policy.
  - e. **The driver must have a current FMCSA Clearinghouse query.**<sup>3</sup> This query contains records of violations for all commercial drivers, including positive drug and alcohol tests, refusals to take the required test, and other violations outlined by the FMCSA.
  - f. **The employer must conduct a Bureau of Motor Vehicles (BMV) check.**<sup>4</sup> This check is used to review the driver's history and check for any suspensions or violations. Drivers must be in good standing to maintain their CDL.
2. **Verify that the driver will not extend the driving hours of service.** Drivers may drive up to 10 hours in a 24-hour period after having eight (8) consecutive hours off duty. Driving time

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<sup>1</sup> 49 CFR 391.11 General qualifications of drivers

<sup>2</sup> 49 CFR 382.301 Pre-employment testing and 49 CFR 382.305 Random testing

<sup>3</sup> 49 CFR 382.701 Drug and Alcohol Clearinghouse

<sup>4</sup> 49 CFR 391.25 annual inquiry and review of driving record

hours are any time a driver begins work or is required to be in readiness for work until the time the driver is relieved from work and all responsibilities for performing work. Performing other compensated work for a person who is not a motor carrier is also on-duty time ([49 CFR 395.2](#)). Inquire if this trip will need to be divided with another driver to ensure proper driving hours are maintained.

3. **Inquire about the company's training plan and what training the driver has completed in the last year.** Ask if the driver has attended safety training, CPR, first aid, seizure training, or training in handling bloodborne pathogens.

## Fleet Condition

Verifying the condition of a commercial charter service's fleet is essential when contracting their services, as it directly impacts student safety, vehicle reliability, and overall service quality. A well-maintained fleet will result in buses that are less likely to experience breakdowns, reducing both delays and potential accidents. The condition in which a company keeps its fleet directly reflects the company's commitment to high standards and expectations. The Department of Education and Workforce recommends schools and districts consider the following to ensure a safe and dependable transportation experience for their students:

1. **What is the average age of the fleet?** The average age of a commercial charter bus is typically 10-12 years. This can be extended due to how well the fleet is managed and kept on a routine maintenance schedule.
2. **Verify that any transporting vehicle has a current Ohio State Highway Patrol annual inspection sticker.** Inspection stickers are visible on the outside of the bus and will have the date marked when the inspection expires.
3. **Ask for vehicle preventative maintenance records to ensure it is regularly inspected.** Regular maintenance and updates can help extend the life of the vehicles used for transportation.
4. **Inquire about the safety features the bus is equipped with, such as seat belts and fire extinguishers.** Verify the safety equipment has been inspected and is up to date.
5. **Determine whether the bus is equipped for passengers with disabilities.**
6. **Ask if the bus has a GPS tracking device.** GPS helps monitor driver behavior, speed, and route adherence
7. **Review the emergency procedures during a breakdown or accident with the company.** This will ensure the company has thoughtfully considered and outlined the necessary steps to keep the students during such an incident

## Essential Clarifications for Safe and Smooth Transportation

The Department of Education and Workforce recommends schools and districts clarify the following items to ensure that both the school and district personnel and the commercial charter service agree on the expectations for all trips:

1. **Who manages students when stopping for breaks during travel?** Typically, school personnel are responsible for the supervision of students while off the bus. Still, it is important that school personnel and the commercial charter bus company agree on responsibilities during travel.
2. **Who is responsible for ensuring all passengers are accounted for?** Typically, school personnel are responsible for ensuring the number of students are accounted for while traveling on the bus. However, it is important that school personnel and the commercial charter bus company agree on responsibilities during travel.
3. **What happens in the event of a mechanical breakdown or accident during the trip?** What will the charter service provide to ensure trip transportation is provided?
4. **Ensure that the trip itinerary is shared.** Best practice is to share the trip itinerary in advance with the company, which will allow the driver(s) to become familiar with the routes and the time schedule at each location.

## Conclusion

Regardless of the type of authorized vehicle transporting students, it is everyone's shared responsibility to ensure students are safe in and around transportation vehicles. Schools, districts, businesses, and our communities must work together to uphold laws and effective policies that prioritize the safe transportation of the students in their care.

While not a comprehensive list, this document is intended to support schools and districts in developing robust screening policies for contracting with commercial bus carriers. Schools and districts are encouraged to use this document as a guide as they look to create local policies. Ensuring stringent vetting processes is essential to ensuring the safety and security of students riding on commercial buses for non-routine trips.