

SUMMARY OF AMENDMENTS

COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION RULES GOVERNING MAINTANANCE AND OPERATIONS OF PUBLIC SCHOOL BUSES AND PHYSICAL EXAMINATION OF SCHOOL BUS DRIVERS

These Rules were amended to incorporate the provision of Act 126 of 2021. Although school bus drivers must annually be certified by the Division of Public School Academic Facilities and Transportation in order to drive a bus, Act 126 eliminated the incredibly costly and time consuming practice of the Division printing cards for and mailing them to each individual driver.

Amendments also were made to correct grammar, update terminology, and to update what must be kept in each school bus driver's file (e.g., add documentation of current Child Maltreatment Registry Check).

Also, although the Rules incorporate the Arkansas School Bus Inspection Manual as Appendix B, and the Manual has been used for many years, the Division found no evidence that the entire manual has been promulgated. In an abundance of caution, it therefore is being promulgated a part of these Rules.

**Commission For Arkansas Public School Academic Facilities
and Transportation Rules Governing Maintenance and Operations of Public School
Buses and Physical Examinations of School Bus Drivers
~~December 21, 2012~~ _____**

1.00 Regulatory Authority

~~1.01~~—The Commission for Arkansas Public School Academic Facilities and Transportation enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-19-101 et seq., 6-21-114, and 25-15-201 et seq.

2.00 Purpose of ~~Regulations~~ Rules

2.01—The purpose of ~~this Rule~~ these Rules is to ensure the safe and efficient operation of public school buses in Arkansas and to prescribe the requirements for the physical examination of school bus drivers.

3.00 Definitions

3.01 ~~Advanced practice nurse~~ Practice Registered Nurse (or APRN) – ~~An APN is a~~ A registered nurse who is licensed by the state of Arkansas as an Advanced Practice Registered Nurse ~~advanced practice nurse~~. An APRN has advanced education at least at the Masters level, as well as a national certification from a certifying body recognized by the Arkansas State Board of Nursing (i.e., ANCC, NAPNAP).

3.02 Commission – The Commission for Arkansas Public School Academic Facilities and Transportation.

3.03 Division – The Division of Public School Academic Facilities and Transportation.

3.04 ~~Licensed physician~~ Physician – A person licensed by the State of Arkansas to practice medicine ~~pursuant to state law~~.

3.05 Out of Service – A school bus ~~which~~ that is out of compliance with the safety requirements of ~~this Rule~~ these Rules and the Arkansas School Bus Inspection Handbook.

3.06 School Bus Driver – Any person transporting students in any vehicle meeting the definition of a school bus that requires the person to hold a ~~commercial drivers license~~ Commercial Driver's License. A school bus driver will be deemed qualified if they possess a valid ~~commercial drivers license~~ Commercial Driver's License, a current ~~certificate~~ certification of completed in-service training, current physical examination, and

additional qualifications as required by the school district board of directors.

- 3.07 ~~School bus~~ Bus – A motor vehicle designed to carry ten (10) or more passengers that is:
 - 3.07.1 Owned by a public or governmental agency or a private school and operated for the transportation of students to or from school or school-sponsored activities; or
 - 3.07.2 Privately owned and operated for compensation for the transportation of students to or from school or school-sponsored activities.
- 3.08 School District – Every reference to “school district” shall include any open-enrollment public charter school that operates a school bus, except as waived by the State Board of Education pursuant to Ark. Code Ann. § 6-23-301 et seq.

4.00 Written Policies

- 4.01 All public school districts shall establish written policies concerning transportation by school districts, including, but not limited to:
 - 4.01.1 Transportation eligibility;
 - 4.01.2 Student behavior while being transported; and
 - 4.01.3 Emergency procedures while being transported.
 - 4.01.4
- 4.02 All students who are transported in a school bus shall be instructed in safe riding practices and shall participate in emergency evacuation drills at least twice each school year. Each evacuation drill shall be documented and kept on file.

5.00 School Bus Drivers

- 5.01 Each school district shall establish a training program for school bus drivers. The training program must be developed and administered to assure that each driver attains a high degree of competence in and knowledge of his or her duties and responsibilities as a school bus driver.

5.02 Every newly hired school bus driver shall receive a minimum of twenty-four (24) hours of pre-service training for the type or types of school buses that he or she will be driving prior to driving any school bus.

5.03 ~~Annually, every~~ Every school bus driver shall receive an additional three (3) hours of in-service training ~~annually~~ provided by the Division.

5.04 ~~Each driver shall be issued a certified school bus driver certificate, valid for one (1) year, upon documentation that he/she has successfully completed his or her pre-service driver training. Certification shall be renewed upon completion of the annual three (3) hour in-service. The Division shall certify an applicant as a school bus driver for a one-year period, which certification may be renewed annually, upon successful completion and documentation of:~~

5.04.1 All training required in these Rules;

5.04.2 A physical examination as required in Section 6.00 of these Rules;

5.04.3 Having met any additional qualifications required by a school district board of directors; and

5.04.4 A Commercial Driver's License.

5.05 A school district board of directors may provide a substitute driver who has not been certified by the Division to operate a school bus on a temporary basis ~~without a certificate~~ until the next regularly scheduled school bus drivers examination is held in the locality if:

5.05.1 ~~(1) a~~ A qualified bus driver is not available to operate a school bus due to death, resignation, disability, illness or other cause; ~~and~~

5.05.2 ~~(2) the~~ The school district board of directors is not able to obtain a qualified bus driver ~~with a certificate~~ certified by the Division; and

5.05.3 The file of the substitute driver will ~~be annotated to~~ reflect the cause and facts of ~~his/her~~ his or her temporary designation as a driver.

5.06 Extra curricular trips shall be made by certified drivers only

~~5.06~~ 5.07 School bus driver files shall contain at a minimum:

~~5.06.1~~ 5.07.1 ~~Copy~~ A copy of the driver's current Commercial Driver's License;

- ~~5.06.2~~ 5.07.2 Documentation of the driver's current Physical Examination physical examination as required by these Rules;
- ~~5.06.3~~ 5.07.3 Proof of the driver's current state and federal background check clearance;
- ~~5.06.4~~ 5.07.4 Semi-annual The driver's semi-annual driver record check;
- ~~5.06.5~~ 5.07.5 Proof of negative tuberculosis skin test;
- ~~5.06.6~~ 5.07.5 Documentation of the driver's pre-employment and random drug and alcohol testing;
- 5.07.7 Documentation of the driver's current clear Child Maltreatment Central Registry check; and
- 5.07.8 Documentation of the driver's current Federal Motor Carrier Safety Administration Drug and Alcohol Clearinghouse query.

~~5.07~~ 5.08 If the Division gives a school district written notice of any deficiency in the files required by Section ~~5.06~~ 5.07, and the school district fails to remedy the deficiency within thirty (30) days of receiving notice, any culpable officer or employee of the district may be subject to the sanction of Ark. Code Ann. § 6-19-111(d).

6.00 Physical Examinations for Bus Drivers

- 6.01 Physical examinations as required by law and ~~rule~~ these Rules for school bus drivers may be given by either a licensed physician or an advanced practice nurse only.
- 6.02 Each school district shall require all school bus drivers to undergo a physical examination by a licensed physician or an advanced practice nurse upon a conditional offer of employment and before they are allowed to drive a school bus. The purpose of ~~such~~ the physical examination is to ensure that the employee can perform the job-related duties of a bus driver and to determine if any reasonable accommodations are required. The results of the physical examination shall be reported on a U.S. Department of Transportation (DOT) Form (~~DOT~~) or the "School Bus Driver Physical Examination Form" ("Form"), ~~promulgated by the Division as evidenced by~~ which is Exhibit A to these Rules, and ~~which is hereby incorporated by reference into these rules as if fully set forth herein.~~ The results of all physical examinations shall be used in compliance with the Americans with Disabilities Act.

- 6.03 Each school district shall require all currently employed school bus drivers to undergo and pass a physical examination by a licensed physician or an advanced practice nurse at least every two (2) years.
- 6.04 A school bus driver who seeks a renewal of his or her driver ~~certificate~~ certification shall provide proof that he or she has satisfactorily;
- 6.04.1 ~~Passed~~ passed a physical examination given by a licensed physician or advanced practice nurse within the previous two (2) years; ~~and~~
 - 6.04.2 ~~Completed in-service training for bus drivers as prescribed by the Division.~~
- 6.05 The physical examination ~~described in §§ 6.02 and 6.03 of these rules, above,~~ shall require the licensed physician performing the examination to make the following determinations:
- 6.05.1 The visual acuity of each eye (must be at least 20/40 with or without corrective lenses);
 - 6.05.2 The fit of the driver's glasses, if applicable;
 - 6.05.3 The percentage of field of vision possessed by the driver (with a minimum of 70% necessary to qualify as a "yes" response on the Form);
 - 6.05.4 Absence of color blindness, with the specific colors to be tested being red, green, and amber;
 - 6.05.5 Hearing, (with a demonstrated ability to perceive a forced whispered voice from at least five (5) feet away with or without the use of a hearing aid, or average hearing loss in the better ear of less than or equal to forty (40) decibels needed to successfully pass this portion of the physical examination);
 - 6.05.6 Indications of cardiovascular disease of such a nature that would interfere with driving a school bus;
 - 6.05.7 Abnormalities of the lung that would interfere with driving a school bus;
 - 6.05.8 Blood pressure (within normal limits);
 - 6.05.9 Amputation of member (arm, hand, leg, or foot)

- 6.05.10 Evidence of epilepsy or seizures;
- 6.05.11 Use of drugs other than those prescribed by a physician; and
- 6.05.12 Diabetes (insulin dependent).

6.06 Upon conclusion of the physical examination, the licensed physician or advanced practice nurse shall indicate on the Form, based upon the determinations made on the areas listed in § ~~6.03~~ 6.05 above and the guidelines listed on the Form, whether the driver is physically qualified to drive a school bus. The examining official shall date and sign his or her name to the Form.

6.07 Results of physical examinations shall be maintained under strict confidentiality and in a file separate from the driver's personnel file by each district's central administrative office. Only the following persons shall be allowed access to the results of these physical examinations: supervisors and managers to determine necessary restrictions and accommodations in an employee's job duties; first aid and safety personnel should an employee's disability require emergency treatment; and government officials upon request who are investigating compliance with the Americans with Disabilities Act.

7.0 Preventive Maintenance Inspections

7.01 The Preventive Maintenance Inspection (PMI) control system is designed to give shop management an improved method for scheduling and controlling the necessary cycles of maintenance inspection performed in local school districts.

7.02 Using the PMI control system will enable the school system to certify, at least once each month, that each school bus used during that month has received the proper safety inspection. Preventive maintenance inspections will be scheduled as follows:

- 7.02.1 Inspection A - Safety Equipment Inspection with Air Brake Adjustment (1,000 miles or monthly).
- 7.02.2 Inspection B - Inspection A plus Oil Change - Gasoline (3,000 miles) or Diesel (6,000 miles or service manual recommendation)
- 7.02.3 Inspection C - Inspection A plus B plus Tune-up - Gasoline (~~gasoline only~~) only (2,000 miles).

- 7.02.4 Inspection D - Inspection A, B, and C plus Transmission (24,000 miles).
- 7.03 Completed inspection results shall be kept on file by the school district as long as the district owns the bus.
- 7.04 Repair Procedure: Each day, the bus driver will complete a Driver Inspection Report to be turned in to the director or designee at the end of each day so that a work order can be generated if necessary. All repairs will be performed and documented by the signature of the mechanic completing the repair. After repairs are completed, a copy of the work order will be furnished to the driver for verification and a copy will be filed in the individual vehicle file folder.
- 7.05 Each school district shall maintain a maintenance file on all school buses ~~it owned or operated~~ owns or operates.
- 7.05.1 Maintenance files shall contain a written record of all mechanical work, service performed, and all parts (~~which that~~ are removed or replaced at periodic preventive maintenance intervals or for any emergency service). Maintenance shall meet or exceed manufacturer's recommended service ~~interval~~ intervals for each body or chassis component and for all repairs.
- 7.05.2 A maintenance record ~~shall also~~ also shall contain at a minimum the following information concerning the school bus: the year, make, model, vehicle identification number, mileage, bus number and district, nature and due date of the various inspection and maintenance operations to be performed, a record of all inspections, and repairs and maintenance including date and nature of repairs and maintenance.
- 7.06 The individual school bus files shall be readily accessible to the Arkansas Department of Education, the Division, and the authorized inspector.
- 8.0 Annual School Bus Inspections by the Division
- 8.01 Division inspectors shall inspect all buses and audit school district transportation systems annually, in compliance with the criteria contained in the "Arkansas School Bus Inspection Handbook" (~~Handbook~~), as evidenced by, which is Exhibit B to these rules and which is hereby incorporated by reference into these rules as if fully set forth herein. Rules.
- 8.02 School districts shall self-inspect all of their buses on a semi-annual basis, utilizing the criteria found in the Handbook.

- 8.03 Division inspectors shall have the authority to take any school bus out of service that is determined to be out of compliance with established safety criteria, and to issue an “Out of Service” notice.
- 8.04 Each bus shall be issued an inspection sticker upon successfully passing inspection.
- 8.05 No school district shall operate any school bus declared “Out of Service” until all repairs required by the out of service notice has been completed and the bus is re-inspected by a Division school bus inspector.
- 8.06 If a school district operates any school bus in violation of Section 8.05 these Rules, any culpable officer or employee of the district may be subject to the sanction of Ark. Code Ann. § 6-19-111(d).
- 9.0 Parental Monitors on School Buses
- 9.01 A school district board of directors may create and implement a program to authorize a parent of a child enrolled in the school district to act as a monitor in a school bus transporting students to and from school.
- ~~9.01.1~~ 9.02 A parental monitor under this section is a qualified volunteer under the Arkansas Volunteer Immunity Act, Ark. Code Ann. § 16-6-101 et seq.
- ~~9.01.2~~ ~~The board of directors of a local school district implementing a program under § 9.01 shall require, as a condition for initial employment or non-continuous reemployment as a parental monitor, any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks, the latter to be conducted by the Federal Bureau of Investigation.~~
- ~~9.02~~ 9.03 Nothing in ~~this § 9.0~~ Section 9.00 of these Rules shall be construed to override or supersede any local school district policy regarding the use of adult volunteers as monitors or chaperones on a school bus transporting students to and from school-sponsored activities.

APPENDIX "A"
Arkansas Division of Academic Facilities & Transportation
SCHOOL BUS DRIVER PHYSICAL EXAMINATION FORM

NAME OF DRIVER _____

ADDRESS _____

PHYSICAL FITNESS:

1. EYES:

VISUAL ACUITY _____ RIGHT _____ LEFT _____

GLASSES PROPERLY FITTED: YES _____ NO _____

FIELD OF VISION: (Minimum of 70%) YES _____ NO _____

COLOR BLIND (RED-GREEN-AMBER) PASS _____ FAIL _____

2. HEARING:

PASS _____ FAIL _____

(Must perceive forced whispered voice \geq 5ft. with or without hearing aid, or average hearing loss in better ear \leq 40db.)

3. INDICATIONS OF CARDIOVASCULAR DISEASE THAT WOULD INTERFERE WITH DRIVING A SCHOOL BUS: YES _____ NO _____

4. ABNORMALITIES OF THE LUNGS THAT WOULD INTERFERE WITH DRIVING A SCHOOL BUS: YES _____ NO _____

5. BLOOD PRESSURE: (WITHIN NORMAL LIMITS) YES _____ NO _____

6. AMPUTATION OF MEMBER: ARM _____ HAND _____ LEG _____ FOOT _____

7. EVIDENCE OF EPILEPSY OR SEIZURES: YES _____ NO _____

8. CLINICAL DIAGNOSIS OF ALCOHOLISM: YES _____ NO _____

9. USE OF DRUGS OTHER THAN THOSE PRESCRIBED BY A PHYSICIAN: YES _____ NO _____

10. DIABETIES (INSULIN DEPENDENT): YES _____ NO _____

11. ELIGIBILITY TO DRIVE A BUS: QUALIFIED _____

DISQUALIFIED _____

~~SIGNED: LICENSED PHYSICIAN/-~~
~~OR APRN/ADVANCED PRACTICE NURSE~~

 DATE

APPENDIX “A”

The following is intended to provide guidelines that will assist the physician in determining whether the driver is physically qualified to drive a school bus.

1. Eyes –
 - Visual Acuity – must be at least 20/40 with or without corrective lenses.
 - Glasses – must be properly fitted.
 - Field of Vision – if answer is no, then not qualified to drive a school bus.
 - Color Blind – if answer is fail, then not qualified to drive a school bus.
2. Hearing – if answer is ~~fail~~ “fail,” then not qualified to drive a school bus.
3. Cardiovascular Disease – if answer is yes, then not qualified to drive a school bus.
4. Lung Abnormalities – if answer is yes, then not qualified to drive a school bus.
5. Blood Pressure – must be within normal limits.
6. Amputation – if answer is yes to any, the examining official may approve the examinee if the amputation does not ~~effect~~ affect their ability to drive a school bus.
7. Epilepsy/Seizures – if answer is yes, then not qualified to drive a school bus.
8. Alcoholism – if answer is yes, then not qualified to drive a school bus.
9. Drug Use – if answer is yes, then not qualified to drive a school bus.
10. Diabetes – if insulin dependent, then not qualified to drive a school bus.

(Exception: If physician has controlled diabetes for a minimum of six (6) months with the use of insulin, the driver may be approved to drive.)

Exhibit B

INTRODUCTION

~~This school bus inspection handbook is a guide for local systems to use when inspecting their buses semi-annually. The guidelines are minimal conditions for the safe operation of school buses. If the buses do not meet these conditions then the vehicle is considered unsafe and will not be operated.~~

~~The yearly inspection conducted by the AR Division of Academic Facilities and Transportation uses these same guidelines to determine the condition of each bus. You are encouraged to make copies of the SDOE Inspection Form and use it for your semi-annual inspection form. Special attention at the local level should be placed on:~~

- ~~1. — Preventive maintenance programs~~
- ~~2. — Bus driver daily inspections~~
- ~~3. — Documentation of gas, oil, daily and monthly inspections, etc.~~
- ~~4. — Communication between parents, students, bus drivers, transportation supervisors, principals, superintendents, and local board members on local board policies concerning transportation.~~

~~There may be other circumstances which may arise to cause a bus to be taken off the road until repaired.~~