

# **BEGINNING SCHOOL BUS DRIVER CURRICULUM**



## **UNIT I DRIVER ROLE AND RESPONSIBILITY**

*Revised 07/10  
Revised 05/12  
Revised 10/13 (Instructional Content)*



## UNIT I – DRIVER ROLE AND RESPONSIBILITY

He takes to school the children small  
A service done for us  
And he watches over one and all  
The person who drives the bus.

He shares the children's chatter gay,  
To them his name is known.  
He guards them safely day by day  
As though they were his own.

Not lightly can his task be faced,  
Fair days, or snow or rain,  
In him the parents' trust is placed  
To bring them home again.

Oh, school bus drivers, one and all,  
Be heartening it must  
To have the care of children small  
And know so great a trust.

Edgar A. Guest

# UNIT I – DRIVER ROLE AND RESPONSIBILITY

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## **UNIT I – DRIVER ROLE AND RESPONSIBILITY**

### **Instructional Content**

**The driver will be provided instruction with the following concepts:**

- The differences between laws, rules, regulations, policies and recommendations.
- The basic responsibilities of the pupil transportation team members.
- The requirements for becoming and remaining a school bus driver.
- How to gain and maintain professional status.

## **Introduction**

The transportation of pupils to and from school is a necessary part of a sound educational program. Competent school bus drivers and uniformity in operation of buses throughout the State of Michigan must be realized if a safe, efficient and economical transportation program is to be realized.

Learning to drive a vehicle the size of a school bus is an extremely difficult task, involving knowledge of related information, visual skills, judgments, decisions and accurate responses. Successful completion of the school bus driver training is an essential first step in becoming an asset to your school district.

### **1. School Bus Driver Role**

Every school bus driver plays an essential part in our educational system. In many instances, the school bus driver is the first representative of the school system to meet the children in the morning and the last to see them at night. While the children are on the bus, their safety is the driver's responsibility.

### **2. Responsibility**

Like the captain of a ship, the school bus driver is responsible for the efficient and economical operation of the bus and for the safety of its passengers, including good order and discipline. A well-trained school bus driver successfully accomplishes his/her assignment and is respected and appreciated as a person who performs a difficult and necessary service.

## **Laws, Rules, Regulations, Policies and Recommendations**

**A Law** is a requirement that has been passed by a legislative body and signed by the chief executive.

**Rules and Regulations** are synonymous terms to describe a requirement adopted by an executive department.

**A Policy** is a course of action or guiding principle adopted by an authoritative body, such as a school board.

**A Recommendation** is a statement giving advice or counsel.

Bus drivers are confronted with a number of laws, rules, regulations, policies and recommendations which govern their conduct. Throughout this course, a number of them will be referred to in the particular units where they have application. It is essential that drivers know the differences among these terms as some are requirements that must be followed, whereas others are merely advisory.

A **law** is a requirement that has been passed by a legislative body and signed by the chief executive. At the Federal level the legislative body is the Congress. At the State level it is the state legislature. Laws are requirements that must be obeyed.

The "National Traffic and Motor Vehicle Safety Act" and the "Motor Vehicle and School Bus Safety Amendments of 1974" are examples of Federal laws. These laws authorize and require the National Highway Traffic Safety Administration to officially announce rules on safety performance requirements in the manufacture of school buses.

The requirements that must be met to become a school bus driver and all the other laws contained within the Michigan Vehicle Code are examples of state laws.

**Rules and regulations** are synonymous terms to describe a requirement adopted by an executive department with the authority to establish rules for carrying out the program. A definite procedure must be followed when adopting administrative rules. When adopted, the rules have the same effect as though they were laws. They are requirements that must be obeyed.

At the Federal level, the U.S. Department of Transportation, and at the State level, the Superintendent of Public Instruction and the Michigan Department of State Police have been given the authority by law to establish administrative rules to carry out pupil transportation programs.

The school bus Federal Motor Vehicle Safety Standards promulgated by the National Highway Traffic Safety Administration are examples of federal rules.

A **policy** is a course of action, guiding principle or procedure adopted by any authoritative body that is considered to be expedient, prudent, or advantageous. Policies are principles or procedures that one is expected to follow, and should follow, but it is not absolutely mandated as a law or rule.

School boards may have policies and procedures at the local school district level related to the pupil transportation program.

Local school districts may have policies on:

- Wearing seat belts
- Checking the bus after each run for sleeping students
- Avoiding backing the bus whenever possible
- Reporting in writing all bus conditions requiring adjustment or repair
- Reporting all accidents to bus supervisor

A **recommendation** is a statement giving advice or counsel. Any organization or individual might recommend some type of action. It is strictly advisory. It is not required.

The local transportation supervisor could also have a number of recommendations. These would vary by school district and could range from manner of operation of the bus to how drivers are to dress.

- **Law:** A requirement established by a legislative body that must be followed.
- **Rule/Regulation:** A requirement established by an administrative department that must be followed.
- **Policy:** A guideline established by an authoritative body that is expected, but not absolutely required to be followed.
- **Recommendation:** A guideline that should be followed.

It is important for school bus drivers to understand these differences; but it is most important that they develop a positive attitude in accepting and obeying all laws, rules/regulations, policies and recommendations as a mandatory part of their support as part of the pupil transportation team.



## **Driver Role and Responsibility**

- The role and responsibility of the school bus driver are many and varied. In the role as a professional driver, drivers must wear many different hats to effectively deal with other members of the pupil transportation team.
- Physically driving a vehicle on a designated route is certainly a vital and important part of the driver's role; however, it is just a part of the total area of influence for the truly professional driver.
- Responsibilities of each driver are numerous and vary from seemingly insignificant tasks to very critical decisions that may involve the well being of a passenger or legal status of the school district.

## **The Professional School Bus Driver**

A commercial driver's license (CDL) provides every school bus driver appropriate on-the-road training. In addition to the CDL license, other requirements include drug/alcohol testing, physical examination, school bus driver certification class, and a criminal background check. Training must also include the ability of the school bus driver to work successfully with students. Every school bus driver has immeasurable influence on students through attitude, ethics, respect, and personality.

School bus drivers are well-trained. The school bus driver profession is unique in comparison to the usual CDL driver. Every driver has immense responsibility to passengers, parents, community, school administrators, teachers, and peers.

The professional school bus driver:

- Always respects and receives respect from pupils
- Enjoys the diversity of student riders
- Seeks workable solutions to daily challenges with pupils, parents and others
- Determines fair and indiscriminate actions in resolving bus conduct problems
- Leads his/her passengers with a positive start and/or end to every school day
- Expects pupils to assist one another in an enjoyable and a safe ride

Finally, believe in yourself! Take care of yourself; always be on the top of your game! It is important for you to realize the significance a school bus driver's role plays in each and every contact made throughout your career. A school bus driver should never compromise his/her best job performance!

## **QUALITY**

"Quality is never an accident;  
It is always the result of high intention,  
Sincere effort, intelligent direction  
And skillful execution;  
It represents the wise choice of many  
alternatives."

### **Sample Job Description School Bus Driver**

The following **sample** job description shows the expectations that a school district/company is likely to expect from their school bus drivers. Please read carefully and try to understand each of the qualifications and requirements.

#### **Personal Qualifications**

- Enjoy working with children of all ages and be sensitive to their needs
- Excellent moral character and personal habits
- Dependable
- Possess qualities of initiative, self-reliance and leadership
- Neat, clean and presentable
- Free from adverse effects of medication, alcohol, and drugs
- Good physical condition (physical examination)
- Use respectable language at all times
- Emotionally stable
- High school graduate or equivalent

#### **Legal Requirements**

- Ability to meet school bus driver certification requirements:
  - ✓ Michigan School Bus Driver Education course
  - ✓ Commercial Driver License (C.D.L.) Examination
- Commercial Driver License with appropriate group designations:
  - ✓ C and/or B
  - ✓ "P" for Passenger
  - ✓ "S" for school bus

- Pass Michigan Department of Education physical examination requirements
- Meet District/Michigan Department of Education competency levels of driving skills
- Clear Federal criminal check; includes finger printing
- Meet Federal DOT drug/alcohol testing requirements

### **Performance Abilities**

- Operate varying sizes and types of school buses used to transport pupils
- Familiarity with the geographic service area of district
- Knowledge of local, state, and federal rules, regulations, ordinances, and laws regarding school bus operation
- Alert with ability to exercise good judgment concerning emergencies, disabled vehicles, and abnormal driving

### **Responsibilities**

- Follow established schedules/routes
- Maintain appropriate fuel level of vehicle
- Maintain an acceptable standard of cleanliness of vehicle
- Monitor mechanical condition by performing daily inspections (pre-trip, in-between and post trips). Report deficiencies to mechanic using Daily Inspection Report
- Drive safely and defensively at all times
- Be prepared to conduct emergency evacuation drills
- Report bus and/or student accidents/injuries to transportation supervisor or his/her designee
- Administer first aid as necessary
- Uphold district school bus passenger rules and regulations
- Maintain behavior logs as directed by transportation supervisor or his/her designee
- Prepare and submit Bus Conduct Reports to the transportation supervisor or his/her designee
- May be requested to attend parent meetings by the transportation supervisor or his/her designee
- Maintain acceptable communications with transportation supervisor, staff, and the public
- Exhibit a positive image as a representative of the school district

## **The Transportation Team**

Each team member involved in safe pupil transportation is important. Knowing the role and responsibility of each team member will better equip the driver to become a supportive member.

There are many occasions when bus drivers must interact with other team members. A proper understanding of their relationship to a problem is important to the driver's subsequent action.

A successful pupil transportation team can be compared to a winning football team. All team members must know their assigned task, carry it out to the best of their ability and work together for the good of the team. A football team could hardly win if each player ran a different play than the one called by the quarterback.

All team players should have only one single play: "A safe ride for the pupils."

## **Pupil Transportation Team Members**

**U.S. Department of Transportation:** Enact appropriate rules to regulate the safety performance of school buses and state pupil transportation programs.

**Michigan State Board of Education/Superintendent of Public Instruction:** Regulate pupil transportation and promulgate rules.

**Sec. 257.1809.** The state board of education shall regulate pupil transportation. The state board or its authorized representative may review, confirm, set aside, or amend the action, order, or decision of a school with reference to the routes over which pupils shall be transported, and the suitability and number of the vehicles and equipment for the transportation of the pupils. The superintendent of public instruction shall promulgate rules as necessary to implement this act except that the department of state police, in cooperation with superintendent of public instruction, may promulgate rules related to vehicle and equipment standards.

**Intermediate School District:** Serves as an intermediary between the state and local school district. The ISD can provide a number of services such as data processing, coordinating transportation for special education students, and arrange/conduct the mandated beginning and continuing education school bus safety courses.

**Universities and Training Consortiums:** Conduct/teach the mandated beginning and continuing education school bus driver safety courses.

**State Police:** Promulgate rules for safety specifications and operational procedures for school buses and to annually inspect each pupil transportation fleet for compliance and safety.

**School District:** Provide and administer the pupil transportation system for eligible pupils living within the school district.

**School Board:** Administer school board policies.

**Principals:** Key person(s) to report to in a particular school building. The principal may handle problems that arise on the bus which involves pupil(s) from their building.

**Teacher:** Serve as a resource for pupil(s) exhibiting behavior problems. The teacher may help younger children get on the bus and provide school bus passenger safety education.

**Transportation Supervisor:** Provide direct administration and supervision to all pupil transportation personnel.

**Mechanics:** Keep all transportation vehicles in safe mechanical condition.

**Bus Driver:** Roles and responsibilities are many and varied. They include:

- Drive only when in good physical and mental condition
- Deliver pupils to and from school in a safe and efficient manner
- Obey all laws, rules, regulations and policies
- Complete appropriate bus inspections
  - Pre, In-between, Post
- Report bus safety hazards and defects
- Report hazards along the route
- Administer first aid when necessary
- Represent the school district in an acceptable manner
- Be a positive influence on the pupils
- Take appropriate disciplinary action when necessary

**Radio Dispatcher:** Relay important information between the driver and the bus supervisor.

**Pupils:** Obey all school district policies. Follow all school bus driver instructions. Conduct themselves in an acceptable manner so the bus driver can carry out their tasks in a safe and efficient manner.

**Parents:** Insure that their children arrive at the bus stop on time. Provide support by expecting that each child conduct him/herself in an appropriate manner while on the bus.

**Chaperons:** Assist the driver in maintaining order and discipline on the bus.

**Coaches:** Assist the driver in maintaining order and discipline with all team members.

## **Customer Concept**

### **What is My Job?**

If you had to list the three most important tasks of your job, what would you list?

- 1.
- 2.
- 3.

Your job is one of great public contact. You drive a vehicle with the name of your school district/company displayed in bold letters. The school bus is like a moving billboard. If something goes wrong on the route, it is likely that your supervisor will receive a phone call before you return to the bus garage.

As a professional school bus driver, you offer a safe transportation service to many different and challenging customers. Who are your customers? The customers riding school buses will include students, who may be very young and may also include young adults, through age 26. Other customers may include supervisors, teachers, parents, coaches.

Listed below is a typical customer creed used by many business organizations. School districts, including transportation of pupils operate a business and must consider the customers and the service element.

### **What is My Job: (Answers to above)**

*(1) Safety; (2) Rider relationships; (3) Inspected and safe vehicle*

## **Customer Creed**

- The Customer is the reason for our being here.
- It takes months to find a customer; seconds to lose one.
- Always be courteous and polite during each customer contact.
- Always do more than is expected when you handle a customer's problem.
- Never promise more than you can deliver.
- Continually look for ways to improve quality and add value and safety to our product.

## **Local District Responsibilities**

### **Driver Interview and Screening**

When applying for employment as a commercial motor vehicle operator, an applicant must provide and the potential employer must request at the time of application the following:

#### **49 CFR 383.35**

- a. The following employment history information for the 10 years preceding the date the application is submitted and shall be presented to the prospective employer by applicant:
    - 1) A list of the names and addresses of the applicant's previous employers for which the applicant was an operator of a commercial motor vehicle;
    - 2) The dates the applicant was employed by these employers; and
    - 3) The reason for leaving such employment.
  - b. The applicant shall certify that all information furnished is true and complete.
  - c. An employer may require an applicant to provide additional information.
  - d. Before an application is submitted, the employer shall inform the applicant that the information he/she provides in accordance with paragraph (c) of this section may be used, and the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.
- The employer must inform the applicant before an application is submitted that the applicant's previous employers may be contacted.

### **Post Interview and Screening Phase:**

- District must guide the potential driver through each of the following steps:
  - ✓ **Physical examination requirements**
  - ✓ **Pre-employment drug and alcohol test**
  - ✓ **Driver record check** for proper driving clearance
  - ✓ **Temporary instruction permit (TIP)** at a Secretary of State Office
  - ✓ **Prerequisite and Behind The Wheel Training** by a licensed CDL driver
  - ✓ Directed to a local Secretary of State Office to complete required **knowledge tests**
  - ✓ Enrolled and successfully complete the **Beginning School Bus Driver Course**
  - ✓ Complete all of the above requirements proving to be a competent and safe school bus driver, after which he/she will be scheduled for a **road test by an authorized third party examiner**
  - ✓ Submit the certificate from the third party examiner to the Secretary of State Office to **secure his/her commercial driver's license**
    - Each new CDL driver will receive a **temporary operator's permit (TOP)** followed by the permanent driver's license
  - ✓ Complete a **Continuing Education** course every two years
- Every district should provide **periodic in-service training** for each certified school bus driver within the organization. This is essential to maintain and emphasize safety standards. Law updates, district and departmental changes need to be addressed. This is an excellent time to discuss consumer satisfaction.



## **Federal Requirements (Drug and Alcohol Testing)**

### **Drug and Alcohol Testing for All CDL Employees**

- **Alcohol and Drug Rules**
  - What alcohol tests are required?
    - Post-Accident
    - Reasonable Suspicion
    - Random Selection
    - Return-to-duty
    - Follow-up
  - What drug tests are required?
    - Pre-Employment
    - Reasonable Suspicion
    - Post-Accident
    - Random Selection
    - Return-to-duty
    - Follow-up

## **School Bus Driver**

### **How Do I Obtain A CDL?**

- Study the CDL manual carefully. The manual can be obtained at any Secretary of State Branch office or on the website at: <http://www.michigan.gov/sos> under publications.
- Apply for your first CDL at the local Secretary of State Branch Office. You must:
  1. Show your driver's license.
  2. Show proof of Social Security number (Social Security card, payroll check stub, W-2 Form).
  3. Fill out the application which includes a statement certifying that you meet medical and driver qualifications.
  4. Meet driver record eligibility requirements.

5. Pass the required knowledge and vision tests.

- You must pass all required knowledge tests to obtain a CDL Temporary Instruction Permit (TIP). This allows you to practice driving under supervision of a CDL driver in the type of vehicle you wish to drive.
- Drivers may also need to take additional CDL skills tests if upgrading their group designation, removing restrictions or adding a passenger (P) or school bus (S) endorsement to their CDL.
- Pay your CDL group designation and endorsement fees.

6. Schedule and pay for your CDL skills test through an approved third party driver skills test organization authorized to administer the CDL skills test. *These organizations are public and private agencies authorized by the state to conduct driver skills tests.*

7. After passing your CDL skills test, you will:

- Receive a Michigan Department of State Driver Skills Test Certificate only from the approved third party driver skills test organization.
- Take the skills test certificate directly to a Secretary of State (SOS) branch office to receive your full privilege CDL.
- Pay a correction fee to add the CDL privileges to your license and obtain your temporary CDL.
- Receive your photo CDL in the mail within about ten (10) business days.
  - Your CDL certificate is **valid for one (1) year** from date of issuance. After one year; you must repeat all CDL tests.

### **What Type of CDL Do I Need?**

A Michigan resident needs a CDL with the appropriate group designation to operate the following vehicles:

- **Group A:**

Any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more, provided the gross vehicle weight rating (GVWR) of the vehicle(s) being towed is 10,001 pounds or more.

- **Group B:**

Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, or, any such vehicle, towing a vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less.

- **Group C:**

Any single vehicle with a GVWR of 26,001 pounds or less, or combination of vehicles and the GVWR of the vehicle being towed is 10,000 pounds or less designated to:

- Transport 16 or more persons (including the driver).
- Transport hazardous materials in amounts requiring placards.

**A chauffeur's license is required when you:**

- Are employed for the principal purpose of operating a motor vehicle with a GVWR of 10,000 pounds or more;
- Operate a motor vehicle as a carrier of passengers or as a common or contract carrier of property; or
- Operate a bus, school bus, taxi or limousine.

**What Endorsements Do I Need?**

In addition to the appropriate CDL group designation, endorsements are required to operate the following:

- T - Double or Triple Trailers:** (Triple trailer combinations are not permitted in Michigan.)
- P - Passenger:** For vehicles designed to carry 16 or more people (including the driver).
- N - Tank Vehicles:** For vehicles designed to haul liquids or liquefied gases in bulk in permanently mounted cargo tanks rated at 119 gallons or more or portable cargo tanks rated at 1,000 gallons or more.
- H - Hazardous Materials:** To carry hazardous materials in amounts requiring placards.
- S - School Bus:** For commercial motor vehicles used to transport pre-primary, primary, or secondary school students from home to school, school to home, or to and from school sponsored events.
- X - Combined Tank and Hazardous Material Endorsements:** When an applicant adds both the tank and hazardous materials endorsements to their driver license.

## **Notification for Loss of License**

- **Sec. 383.37.** No employer shall knowingly allow, require, permit, or authorize an employee to operate a commercial vehicle in the United States during any period –
  - In which the employee has a commercial motor vehicle driver's license suspended, revoked, or canceled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or
  - In which the employee has more than one commercial motor vehicle driver's license, except during the time the employee's driver's license is being produced and mailed he/she will be in possession of a temporary driver license permit attached to the previous driver's license that has been invalidated.
- The Federal Legislation establishing the commercial driver licensing system requires all states to be connected to one computerized system to share information about commercial motor vehicle drivers. States will be checking on driver's accident records and checking to be sure that drivers don't get more than one commercial driver's license. **Sec. 257.319c**

### **School bus drivers must:**

- Notify employer of a suspension, revocation, or cancellation of their drivers license and/or lost privilege, or disqualification to operate a commercial vehicle.
- Notify employer by the end of the business day following the day the employee received notice for any of the following:
  - Has been involved in an accident, where convicted at fault; either commercial vehicle or non-commercial vehicle
  - Driver's license been suspended, revoked or canceled by a state
  - Has lost the right to operate a commercial vehicle in a state for any period
  - Is disqualified from operating a commercial motor vehicle for any period
  - Notification within 30 days of any conviction in any motor vehicle violation

## **Michigan Department of Education Eligibility Requirements**

**Course enrollment and completion within 90 days (Entry level)**  
**Continuing Education every two years (Advanced level)**

### **Sec. 257.1851 (1)**

- A driver of a school bus transporting passengers shall have in his or her possession a certificate stating that he or she has enrolled in the entry level school bus safety education course or has successfully completed a course in school bus safety education within the immediately preceding two (2) years.
- A driver who fails to successfully complete the entry level course within 90 days after enrollment or to meet the continuing education requirements shall not be permitted to drive a school bus transporting passengers.

### **Physical Examination for School Bus Drivers (DOT physical)** **Sec. 257.1853**

A driver of a school bus shall, at a minimum, meet the following qualifications:

- a. The requirements to ensure that a person is qualified to operate a school bus is found in 49 CFR 391.41 to 391.49, including the appendices of each section, except that the requirement of 49 CFR 391.41 (B)(3) does not apply if either of the following is true:
- b. A school bus driver with diabetes employed prior to this amendment is exempt from the requirements. Those permitted this exemption will remain under the MDE blue physical examination protocols.
- c. An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment the driver is to be examined for and shall only be entitled to that portion of the examination results which pertain to that impairment. An examination requested by the employer under this subdivision shall be paid for by the employer.
- d. A copy of the medical certificate for a driver shall be carried by that driver while he or she is operating a school bus.

### **Additional Medical Information Concerning Diabetic Condition**

The following criterion applies to the operator with a diabetic condition of a school bus transporting pupils to and from home and school:

- For a school bus driver with diabetes to be exempt from the requirements of 49 CFR 391.41(b)(3), many requirements apply:
  - The driver has been evaluated and treated for diabetes by a physician and has visited the physician at least 2 times in the year before the physician completes a survey as required.
  - The physician has completed the appropriate information survey.
  - The physician's survey indicates that the driver understands all of the requirements needed to meet exemption.
- Individuals who are unable to manage their insulin or oral medications adequately should not be permitted to drive a school bus.
- Both the school bus driver and physician must complete the supplementary information concerning prospective/current school bus driver's management of diabetes. This form can be downloaded on the Michigan Department of Education (MDE) website. Go to Pupil Transportation, Medical Examination Information; Diabetic Condition. This documentation shall be attached to a copy of the School Bus Driver Certificate of Medical Fitness (blue card) (SM 2934) in the driver's personnel file.
- The original blue physical card remains in the driver's possession.

## **Michigan State Police**

### **State Police Criminal Conviction Background Check**

#### **Sec. 257.1853**

- 4) Upon receipt of an application from a person for the position of school bus driver, a school shall request from the department of state police a background check to determine whether the person was convicted of any of the following offenses:
- a. Criminal sexual conduct in any degree
  - b. Assault with intent to commit criminal sexual conduct
  - c. An attempt to commit criminal sexual conduct in any degree
  - d. Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child
  - e. A violation of section 145c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.145c of the Michigan Compiled Laws

## **Fingerprinting Requirement of all Employees**

**Revised School Code Act 451 380.1230 Offer of full-time, part-time, or contract employment; criminal history check; employment as conditional employee; conditions; voiding contract and terminating employment; position as substitute teacher or substitute bus drivers...**

- 1) Except as otherwise provided in this section, upon an offer of initial employment being made by the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school to an individual for any full-time or part-time employment or when school officials learn that an individual is being assigned to regularly and continuously work under contract in any of its schools, the district, public school academy, or nonpublic school shall request from the criminal records division of the department of state police a criminal history check on the individual and, before employing the individual as a regular employee or allowing the individual to regularly and continuously work under contract in any of its schools, shall have received from the department of state police the report described in subsection (8).

## **Michigan Department of State (Secretary of State) Licensing Requirements**

### **School Bus Driver Licensing Requirements**

- 18 years of age – intrastate drivers (in Michigan). Must be 21 years to drive interstate (across state lines).
- Possess a valid chauffeur's license, the appropriate vehicle group designation, passenger vehicle endorsement (P), and a school bus (S) endorsement for school bus drivers.
- Group B for vehicles with a gross vehicle weight rating of 26,001 pounds or more.
- Group C for vehicles with a gross vehicle weight rating of less than 26,001 pounds.

The requirements for becoming and remaining a school bus driver are specified by Michigan law.

- **Sec. 257.1849**

1. A person, whether or not licensed under the Michigan vehicle code Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, who is 17 years of age or less, shall not drive a school bus.

2. A person shall not operate a school bus unless that person possesses a commercial driver's license (CDL) with appropriate vehicle group designation, a valid chauffeur's license, a passenger vehicle endorsement, and a school bus endorsement as required under section 312e of 1949 PA 300 (MCL 257.312c).

- **Sec. 257.312e**

Except as otherwise provided in this section, a person, before operating a commercial motor vehicle, shall obtain the required vehicle group designation. *[Refer to the Commercial Driver's License Manual (CDL)]*

### **Penalties**

- Refer to "Notification for Loss of License" in this unit with detailed description of reporting driver violations to employer.
- Michigan law also provides for the suspension of the vehicle group designation if drivers are convicted, found responsible for a civil infraction, or forfeit a bond for certain offenses while operating a commercial motor vehicle. This suspension will occur regardless of whether the violation was committed in this state or another state.

**Sec. 257.319b** Suspension or revocation of vehicle group designations on operator's or chauffeur's license; notice of conviction, bond forfeiture, civil infraction determination, violation of law, or refusal to submit to chemical test...

1. The secretary of state shall immediately suspend or revoke all vehicle group designations on the operator's or chauffeur's license of a person for a violation while operating a commercial motor vehicle upon notice that the person has refused to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both while the person was operating a commercial motor vehicle in this or another state. The period of suspension or revocation is as follows:

- a. **Suspension for 60 days** if the person is convicted of or found responsible for 1 of the following while operating a commercial motor vehicle;
  - Two serious traffic violations arising from separate incidents within 36 months.



- A first conviction for a railroad-highway grade crossing offense by a person required to have a license to operate a commercial motor vehicle and a holder of a commercial driver's license.
- b. **Suspension for 120 days** if the person is convicted or found responsible for 1 of the following arising from separate incidents within 36 months while operating a commercial motor vehicle:
- Three serious traffic violations.
  - Any second conviction of any combination of railroad-highway grade crossing offenses within a 3-year period by a person required to have a license to operate a commercial motor vehicle and a holder of a commercial driver's license.
- c. **Suspension for 1 year** if the person is convicted or found responsible for 1 of the following:
- Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person.
  - A felony in which a commercial or noncommercial motor vehicle was used.
  - A refusal of a police officer's request to submit to a chemical test of his or her blood, breath, or urine to determine the amount of alcohol or presence of a controlled substance while he or she was operating a commercial or noncommercial motor vehicle in this state or another state.
  - Operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.
  - Causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.
  - 6-point violation as provided in section 320a while operating a commercial motor vehicle.

- Any combination of 3 or more convictions for railroad-highway grade crossing offenses within a 3-year period by a person required to have a license to operate a commercial motor vehicle and holder of a commercial driver's license.
- d. **Suspension for 3 years** if the person is convicted of or found responsible for an offense enumerated in subdivision (c)(i) to (vii) in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard under 49 CFR parts 100 to 199.
- e. **Revocation for life**, but with eligibility for reissue of a group vehicle designation after not less than 10 years and after approval by the secretary of state, if the person is convicted or found responsible for 2 violations or a combination of any 2 violations arising from 2 or more separate incidents.
- A "**serious traffic violation**" by definition includes:
- Traffic violation occurs in connection with an accident in which a person died.
  - Careless driving.
  - Excessive speeding. *[Federal regulations established 15 mph over the speed limit as a serious traffic violation]*
  - Improper lane use.
  - Following too closely.
  - Driving a commercial motor vehicle without obtaining any vehicle group designation on the person's license.
  - Driving a commercial motor vehicle without either having an operator's or chauffeur's license, or providing such proof of license by court date on citation issued.
  - Operating a commercial motor vehicle without having the appropriate vehicle group designation or endorsement required for the specific vehicle group being operated or the passengers or type of cargo being transported.
  - Any other serious traffic violation.

- **"Felony** in which a commercial motor vehicle was used" means a felony during the commission of which the person convicted operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:
  - The vehicle was used as an instrument of the felony.
  - The vehicle was used to transport a victim of the felony.
  - The vehicle was used to flee the scene of the felony.
  - The vehicle was necessary for the commission of the felony.

- **CFR 49 383.51**

The secretary of state shall immediately suspend all vehicle group designations on an operator's or chauffeur's license when the secretary of state receives a notice of a conviction, bond forfeiture, or civil infraction determination for a violation described in this section committed within this state or another state.

*Refer to Federal Regulation CFR 49 383.51 in the addendum for further description of penalties.*

- **Section 257.319c** Providing United States Department of Transportation with information pertaining to operator's or chauffeur's license with vehicle group designation; notification of motor vehicle administrator or other appropriate officer.
  1. The secretary of state shall provide...
    - a. A notice of issuance of an operator's or chauffeur's license with a vehicle group designation within 10 days after the issuance of the license.
    - b. A notice of a suspension, revocation, or denial of a license within 10 days after the suspension, revocation, or denial.
  2. Within 10 days after receiving a record of conviction, civil infraction determination, or forfeiture of bail in this state of a nonresident driver of a commercial motor vehicle for a violation under the motor vehicle laws of this state, other than a parking violation, the secretary of state shall notify the motor vehicle administrator or other appropriate officer in the state in which the person is licensed.

- **Alcohol Violations – Michigan Commercial Driver’s License Manual**

- Drivers may not operate a vehicle while consuming alcohol or while impaired by liquor or intoxicated.
- Operating a vehicle with a BAC (blood alcohol content) of .04 or greater grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine is the current standard for impairment.
- Drivers may be charged with operating under the influence, or operating while impaired by Controlled Substances.

- **Local District Policy Regarding Alcohol and Controlled Substances.**

- Each district will set individual policies regarding alcohol and substance abuse cases. Policies may include counseling, rehabilitation, and/or a no tolerance policy which may include immediate and permanent dismissal from school bus driver responsibilities.
  - Every new driver should understand his/her local school district policy

**Commercial Driver License Skills Test Required (MCL 257.1849)**

- It is required that commercial drivers must **retake** a CDL skills test whenever the driver has:
  - Had his/her driver license or commercial driver’s license suspended, canceled, revoked or denied under section 303 or 319b of the Michigan vehicle code
  - Been disqualified from operating a commercial motor vehicle
  - Has been convicted of any of the disqualifying offenses in 49 CFR 383.51 (b) while operating a commercial motor vehicle or any offense in a noncommercial motor vehicle that would be a disqualifying condition under 49 CFR 383.51 (b) if committed in a commercial motor vehicle
  - Had more than one (1) conviction of any of the serious traffic violations defined in 49 CFR 383.5, while operating a commercial motor vehicle within the last three years

- Been convicted of any motor vehicle traffic violation that resulted in an accident while operating a commercial motor vehicle
- Been disqualified from operating a school bus under section 49(3)

The driver who is required to take a test under this subsection shall not operate a school bus until the driver has passed the test. The commercial driver license skills test shall be conducted by an examiner not employed or under contract with the same agency or school of the driver being tested.

**Driver Self Certification** Federal Motor Carrier Safety Administration (FMCSA) regulations went into effect January 30, 2012, requiring drivers who are renewing, correcting or applying for an original Commercial Driver License (CDL) must **self-certify** which type of commercial motor vehicle (CMV) operation they will perform with the Michigan Department of State. Michigan School Bus Drivers must choose from one of these options:

- **Non-excepted interstate** – the driver will be operating a Commercial Motor Vehicle (including a school bus) outside of Michigan. Medical certification documents must be submitted to the Michigan Department of State.
- **Non-excepted intrastate** – the driver will operate a Commercial Motor Vehicle (including a school bus) ONLY in Michigan.

**If you are not sure which type of CMV operation you will perform, please get confirmation from your employer or prospective employer.**

**How to submit your certification:**

- Online at [www.michigan.gov/CDL](http://www.michigan.gov/CDL)
- Fax to the CDL Help Desk at (517) 636-4359
  - Mail to: MI Department of State  
CDL Help Desk Unit  
7064 Crowner Drive  
Lansing, MI 48918
- At your local Secretary of State

**Caution – Don’t Lose Your Privileges:** You will lose your privilege to operate a CMV if you fail to provide a self-certification to the Secretary of State's Office before your CDL expires or by January 30, 2014, whichever date comes first.

## **School Bus Fatality Case**

A family's life was shattered when a school bus ran over and killed a 6-year old girl at the bus stop directly in front of the child's home.

The school bus driver entered a subdivision, making a 3-point turn around in an interior egress since the back circular portion of the subdivision was under construction. After the turn around, the driver made a left turn and stopped to unload students at a bus stop located to allow the 6-year old girl to cross legally in front of the school bus. The driver watched as five students walked down the side of the bus toward the right-rear of the bus where a parent's van was parked. It was stated that parents were spread out sporadically behind the bus and some students may have crossed the paved part of the roadway at the rear of the bus. It was undetermined the exact location of the dispersed students at the time of the incident.

After the five students cleared the side and back of the bus, the driver moved the bus forward to leave the subdivision running over the young girl, not realizing what had happened until it was too late. The driver was not aware that this child had exited the school bus with the other children.

A motor carrier officer inspected the school bus following the accident. It was determined that the school bus mirrors were out of adjustment and that it was unlikely the driver could have seen the child in front of the school bus in either mirror. The inspector also stated there was no record of the driver conducting pre-trip inspections as required. The driver had a negative drug and alcohol test following the incident.

## **Elements of a Negligence Case**

- Duty to Protect
- Failing to Exercise a Reasonable Standard of Care
- Proximate Cause
- Actual Injury

## **Court Findings**

### **School Bus Driver's Responsibilities:**

- The driver owed a duty to the student.
- The driver did not follow bus stop laws.
- Inappropriate events resulted in the death of a child.

### **School Bus Driver Receives Probation: Sentence: Negligent Homicide**

- During sentencing, the judge stated that what bothered him greatly was that "this was the driver's last stop of the day. What was the rush?"
- The driver received three years probation and was ordered to serve nine months in jail, but would not have to spend any time behind bars if successfully completed probation as ordered.
- Under probation, the driver was ordered to spend a minimum of one day a week during the first 30 days of sentence in the county's jail work program and to perform 500 hours of community service.
- The driver was ordered to pay more than \$9,500 in court costs, fees and restitution, including \$7,200 reimbursement to family for funeral and medical expenses.
- The driver received special conditions in probation including a required mental health program, to work 30 hours a week and not be allowed to drive.

### **School District Responsibilities:**

Operation of a school bus fleet is an immune governmental function.

- Establish regulation governing the conduct of students for their safety while en route to and from school.
- Understand and follow statutes and rules indicating a high degree of care in the transportation of students

### **School District Ordered Settlement:**

- After the incident, the school district established greater safety measures which included technological improvements on school buses. The district set up a safety hotline for parents. The district reviewed all employee service records and took appropriate actions as needed.
- \$6.5 million was awarded to the family by jury. A \$6 million settlement followed the verdict and the district abandoned all appeals.