



POLICY 3.21

5-B I recommend the Board approve development of the proposed **revised** Policy 3.21, entitled "Safe Operation of District School Buses."

[Contact: Dale Fambrough, PX 56525.]

Development

CONSENT ITEM

- The proposed policy is amended to:
 - Incorporate the Safe Driving Plan which has been agreed upon by the District and the Service Employees International Union/Florida Public Services Union (SEIU/FPSU). The Safe Driving Plan establishes a disciplinary matrix. See Sec. 3(e). This Plan will become effective upon approval of the revised Policy by the Board.
 - Align the penalty provision of the policy with the agreed upon Safe Driving Standards by providing that when a bus operator receives more than 18 driver safety points for moving violations of accidents in any 36 month period, the bus operation may be subject to disciplinary action as provided in the Safe Driving Plan. See Sec. 3(e).
 - Require school bus operators to immediately or as soon as possible after an accident to notify his/her supervisor; to require the supervisor to notify Risk Management; and to require the bus operator to make such a report to School Policy if Transportation Services is closed. See Sec. 3(m).
 - Prohibit the use of wireless communications device by a bus operator during the operation of a bus. The policy does permit a bus operator to depart from the road and use a wireless device, if the safety and welfare of the students make it necessary. See Sec. 4.
- The proposed policy was last reviewed and amended by the Board in July 2009.

POLICY 3.21

SAFE OPERATION OF DISTRICT SCHOOL BUSES

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3 **1. Purpose**

4 The safety and welfare of District students is of paramount importance to the
5 School Board and transportation personnel of the School District are charged with
6 the responsibility of student transportation safety. Thus, it is essential that school
7 buses be operated by properly licensed drivers who meet all other requirements of
8 state and federal laws, state rules and the School Board for the transport of
9 students.

10 **2. Policy**

11 No person will be hired to operate or will operate a District school bus unless the
12 person possesses the required driver's license, holds a current valid medical
13 examiner's certificate, and possesses the minimum qualifications as mandated by
14 relevant Florida laws, Federal laws, State Board of Education rules and applicable
15 School Board policies.

16 a. An applicant for the position of school bus operator ~~driver~~ will not be hired if
17 the driver applicant's history record contains either a plea of guilty, nolo
18 contendere or an adjudication withheld of guilt within the preceding seven (7)
19 years for one or more of the following crimes:

20 i. Driving under the influence of alcoholic beverages, chemical substances
21 or controlled substances, or with an unlawful blood alcohol levels;

22 ii. Leaving the scene of an accident where there was an injury and/or
23 property damage;

24 iii. Reckless driving resulting in an accident; or

25 iv. Fleeing or attempting to elude a police officer.

26 b. An applicant or employee found through fingerprint processing to have been
27 convicted of a crime involving moral turpitude shall not be employed as a
28 school bus operator ~~driver~~.

29 c. Any school bus operator who knew or should have known that his or her
30 driver's license has expired or has been suspended or revoked shall be
31 subject to discipline up to and including termination or non-hire.

- 32 d. A driving record shall be obtained of each school bus operator prior to
33 employment, prior to the first day of the each fall semester, and through the
34 continuous screen of operator records using the Automated School Bus
35 Driver's License Record Check System through the Florida Department of
36 Motor Vehicles and Highway Safety database.
- 37 e. The District shall comply with federal law, rules and regulations related to the
38 drug and alcohol testing of transportation personnel in safety sensitive
39 positions. All school bus operators shall take and pass the required physical
40 or medical examination as required by the State Board of Education.

41 **3. Standards of Conduct**

42 Any school bus operator may be subject to discipline up to and including
43 termination for the failure to abide by this policy, applicable state and federal laws,
44 state rules and the standards of conduct as provided below.

- 45 a. School bus operators ~~Employees~~ are required to safely drive all district school
46 buses, as defined by §§ 1006.25 ~~1006.22~~, 316.003(45), Fla. Stat., or 49
47 C.F.R. Part 571.3, which are owned, leased, or rented by, or on loan to, the
48 Board.
- 49 b. All school bus operators ~~employees who drive a district school bus~~ shall
50 maintain a valid commercial driver's license, with passenger and student
51 endorsements, and comply with the requirements of State Board of Education
52 rules 6A-3.0141 and 6A-3.0151, FAC, as now or hereafter amended.
- 53 c. All school bus operators ~~employees who drive a school bus~~ must maintain a
54 driving record, with the Florida Department of Highway Safety and Motor
55 Vehicles, which is free of any conviction for a moving violation which may
56 result, or has resulted, in the suspension of driving privileges.
- 57 d. Any school bus operator who receives notification of a driver's license
58 suspension, revocation, or cancellation shall notify the Director of
59 Transportation immediately during or after normal working hours. The director
60 shall take appropriate action to ensure the employee does not drive a school
61 bus or any other School Board owned/leased vehicles.
- 62 e. All school bus operators shall observe and adhere to the safe driving plan as
63 which is required by Sec. 1006.22(1)(b)(3), Fla. Stat., and attached and
64 incorporated hereto. If the school bus operator ~~employee~~ receives more than
65 eighteen (18) driver safety points for moving violations or accidents ~~two (2)~~
66 ~~convictions for a moving violation~~, as defined in any section of Chapter 316,
67 Fla.Stat., in any thirty-six (36) ~~eighteen (18)~~-month period, the employee may
68 be subject to disciplinary action up to and including termination as provided in
69 the District's safe driving plan.

- 70 f. All procedures incorporated in the Florida Department of Education Basic
71 School Bus Operator's Curriculum and the Transportation Department's
72 School Bus Drivers and Bus Attendants Handbook, attached and incorporated
73 hereto as www.palmbeach.k12.fl.us/cms/ shall be observed by all operators.
- 74 g. ~~School bus operators~~ ~~Employees who operate a district bus during the~~
75 ~~performance of their regular duties and~~ who plead nolo contendere or guilty, or
76 who are found guilty, of committing any of the crimes listed in Section 2a of
77 this policy, will be subject to disciplinary action up to and including termination.
- 78 h. All school bus operators ~~drivers~~ shall be subject to the federal substance-
79 abuse testing and alcohol detection program requirements of 49 C.F.R. Parts
80 40, 382 and 391, as now or hereafter amended, and the physical standards
81 and examinations set forth in state board of education rule 6A-3.0151, F.A.C.,
82 as now or hereafter amended. School bus operators are prohibited from
83 refusing to take the required test when requested or required as outlined by
84 federal law, rules and regulations.
- 85 i. School bus operators ~~drivers~~ shall always drive the bus at a safe speed and
86 never in excess of the legally posted speed limit in business or residential
87 districts, and never in excess of fifty-five (55) miles per hour outside of
88 business or residential districts.
- 89 j. School bus operators ~~drivers~~ shall not carry any firearm while on school board
90 property, including while on the bus.
- 91 k. While driving any school bus or while otherwise on duty, a school bus
92 operator ~~driver~~ shall not use or be under the influence of alcohol or any other
93 substance, including prescription or non-prescription medication, which may
94 impair the operator's ~~driver's~~ alertness or performance.
- 95 l. ~~School bus operators~~ ~~All employees who operate a district school bus shall~~
96 have the responsibility to study and observe all laws and state board of
97 education rules relating to the safe operation of school buses, including rule 6-
98 3.017(2)(e)3.a-z, F.A.C.
- 99 m. All school bus operators shall immediately, or as soon as possible, report any
100 accident involving a school bus or other district-owned/leased vehicle to his or
101 her supervisor in Transportation Services. The supervisor shall provide notice
102 to management, including notice to the Office of Risk Management and
103 Benefits. If the accident occurs after normal working hours or any other time
104 the offices of Transportation Services are closed, employees must
105 immediately notify and report the accident to School Police.

106 4. **Wireless Communication Devices**

107 Cellular or other wireless communication devices (WCD), including WCDs
108 equipped with ear pieces, ear buds, headsets, and/or Bluetooth, shall not be used
109 for any purpose, including, but not limited to, placing or receiving phone calls,
110 sending or receiving text messages, sending or receiving e-mails, or viewing social
111 media sites, anytime the school bus operator is actively driving a District school
112 bus, with or without students on board. For the purposes of this policy, wireless
113 communication devices include, but are not limited to, cellular and wireless
114 telephones, pagers/beepers, personal digital assistants,
115 Blackberries/Smartphones, and other Wi-Fi enabled or broadband access devices.

116 The mobile radio installed on all District school buses will be the primary
117 communication system for District school bus operators. If the mobile bus radio
118 fails, and the bus operator's responsibility for the safety and welfare of the students
119 being transported makes it necessary for the bus operator to use a WCD while
120 performing bus-operating duties, the bus operator will depart the roadway, stop the
121 bus in a safe area, and then use the WCD.

122 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1012.22, 1012.23, 1012.45,
123 1012.465

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125 LAWS IMPLEMENTED: Fla. Stat. §§ 322.57, 1001.43, 1012.45, 1006.22, 1006.25

126 STATE BOARD OF EDUCATION RULES: 6A-3.0171; 6A-3.0141; 6A-3.0151, F.A.C.

127 CODE OF FEDERAL REGULATIONS: 49 C.F.R. Parts 40, 382, 391

128
129 HISTORY: 2/4/87; 3/11/98; 07/09/2001; 7/8/2009; ___/___/2012

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131 **Cross References:**

132

133 Policy **2.28** *School District Owned Vehicles*

134 Policy **2.24** *School Bus and Heavy Duty Diesel Vehicle Idling Reduction Policy*

135 Policy **2.26** *Bus Scheduling, Routing, Stops and Storage*

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.21 and finds it legally sufficient for development by the Board.

Attorney

Date

SAFE DRIVER STANDARDS

The purpose of these standards is to establish equitable and fair guidelines that will promote safe driving practices in compliance with Florida Statute, School Board Policies and the Collective Bargaining Agreement for school bus drivers.

- A. This process will identify infractions of the traffic code that will determine if an applicant for a bus driver position is qualified for hire.
- B. This process will identify infractions of the traffic code and accidents that will determine if employees covered under the *Safe Driver Standards* to be subject to prescribed disciplinary actions in accordance with the School Board's policy and the provisions of the Collective Bargaining Agreement governing bus drivers *Progressive Discipline Plan*.

Objectives:

- A. Recommend disciplinary actions in accordance with School Board policy, provisions of the Collective Bargaining Agreement.
- B. Establish retraining guidelines for district employees with an unacceptable driving record.

Employee Requirements

All District employees who hold a position that requires them to transport students on a district-owned, leased or rented school bus must be in compliance with the provisions of the *Safe Driver Standards*. The employees described in this paragraph shall be referred to and considered as "covered" employees under these standards.

Incident Reporting Procedure

Accidents that meet the following criteria will not be reviewed by the Vehicle Accident Review Committee (VARC):

- A. The damage must occur between School District vehicles or fixed assets belonging to the School District.
- B. The damage must have occurred while on School District property (i.e., in a facility or at a school site);
- C. The amount of damage must not exceed \$500.00, excluding labor.
- D. There are no students/employees on board the School District vehicle(s).
- E. No more than three (3) incidents in an eighteen (18) period of time.

Employee Responsibility

A. Driver's License

All employees covered under these standards must have in their possession the appropriate Commercial Driver License (CDL) and Department of Transportation (DOT) Medical Card, at all times, while employed with the District. In addition, all employees covered under these standards must maintain their driver's license and DOT medical card in good standing, to include a current home address.

B. Accidents involving School Buses or Other District-Owned/Leased Vehicles

Covered employees shall immediately or as soon as possible report any accident involving a school bus or other district-owned/leased vehicles to Transportation Services. Employees must immediately notify School Police if the accident occurs after normal working hours, or at any other time the offices of Transportation Services are closed.

"Driver Safety Points"

"Driver Safety Points" shall be assessed by the Vehicle Accident Review Committee (VARC) for all preventable accidents involving covered employees driving district-owned/leased vehicles in accordance with the guidelines established in *"Driver Safety Points" Assessment Schedule* of these standards.

"Driver Safety Points" shall also be assessed for all moving violations appearing on a district employee's *Motor Vehicle Record (MVR)*, as obtained through the Florida Department of Education. The Director of Transportation or designee shall assess *"Driver Safety Points"* for entries on a district employee's *MVR* in accordance with the criteria established in these standards.

"Driver Safety Points" will be assessed on the date of the incident or court date in which an employee enters a plea of no contest and/or receive an adjudication of guilty or withheld. If an employee is found not guilty by a court of competent jurisdiction, no points will be assessed.

If an employee decides to go to court on a traffic citation, they shall have the right to request the assessment of points be held in abeyance until the court renders a judgment. Such request must be made in writing within ten (10) days from the date the citation was issued to the Director of Transportation Services, or designee. The employee's written request must contain the following information:

A. Name of employee

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- B. Bus facility to which the employee is assigned and bus route number
- C. Date of the citation and citation control number
- D. Reason issued citation
- E. Court date (Note: must be communicated as soon as a date has been set by the Clerk of the Court)

Management will conduct a documented conference with all affected drivers according to the following schedule:

- A. Within any Twelve (12) Month Period:
 - 1. If a driver receives six (6) points, a *Verbal Reprimand with Written Notation* will be given to the employee. A conference will be held with the driver to ensure the employee understands that future citations/violations could jeopardize their continued employment with the School District.
 - 2. If a driver receives nine (9) points, a *Written Reprimand* will be issued to the driver. The *Written Reprimand* will advise the employee that future violations will result in further disciplinary action, up to and including termination.
- B. Within any Eighteen (18) Month Period:
 - 1. If a driver receives ten (10) points or more than two (2) convictions of a moving violations, the driver shall be placed in a non-driving position for ten (10) workdays.
 - 2. If a driver receives fourteen (14) points, the driver will be recommended to the Board for suspension without pay.
- C. Within any Thirty-Six (36) Month Period:
 - 1. If a driver receives eighteen (18) points, the driver will be recommended to the Board for termination.

These standards will be effective from the date of the Collective Bargaining Agreement.

Suspension/Revocation/Cancellation of Driver's License

Any employee who receives notification of a driver's license suspension, revocation, or cancellation shall immediately notify Transportation Services upon receiving such notification. After normal working hours, or any other time Transportation Services is closed, the employee shall immediately notify Transportation Services on the next school district business day. Upon

notification that a covered employee’s driver license has been suspended, revoked, or canceled, the Director of Transportation Services or designee shall take appropriate action to ensure the employee does not drive a school bus or any other district-owned/leased vehicle. Employees who are affected by the aforementioned, may be placed in a position to which they are qualified, should such a position be available. If no such position is available, the employee will be recommended for termination.

The Director of Transportation Services or designee shall hold a conference with the driver to determine the circumstances of the license suspension/revocation/cancellation. If it is determined that a driver has knowingly operated a school bus or other district-owned/leased vehicle with a suspended, revoked, or canceled driver’s license, such driver shall be recommended to the Board for termination. Otherwise, “Driver Safety Points” shall be assessed to the affected employee and disciplinary action taken in accordance with the guidelines and procedures included in these standards, district policy or collective bargaining agreement.

Any driver who fails to get their suspended/revoked/canceled driver’s license reinstated within ten (10) working days shall be recommended to the Board for termination. Drivers must use personal or sick leave, while awaiting reinstatement, if said time is accumulated. If no such time is accumulated, the employee will be carried in a no pay status while awaiting reinstatement.

District employees who have three (3) occurrences of suspended/revoked/canceled driver’s license within an eighteen (18) month period shall be recommended to the Board for termination.

Disciplinary Action

Covered employees who are assessed “*Driver Safety Points*” assigned in accordance with the guidelines and criteria established in this document shall be recommended for disciplinary action as detailed below:

<u>Assessed Point Values</u>	<u>Time Period</u>	<u>Disciplinary Action</u>
1 – 5 points	Within any Twelve (12) Month Period	Written Warning
6 – 8 points	Within any Twelve (12) Month Period	Verbal Reprimand (With Written Notations)
9-13 points	Within any Eighteen (18) Month Period	Written Reprimand
14-17 points	Within any Eighteen (18) Month Period	Suspension Without Pay
18 or more points	Within any Thirty-Six (36) Month Period	Termination

Retraining

All covered employees who have been determined to have had a preventable accident while driving a school bus or other district-owned/leased vehicle shall be required to successfully complete refresher training administered by Transportation Services, Training Section.

Re-Employment

Termination as a school bus driver under these standards shall permanently disqualify the affected individual for re-employment as a school bus driver. Disqualified employees may apply for a non-driving position for which they qualify within the School District.

“Driver Safety Points” Assessment Schedule

<u>Moving Violation</u>	<u>Point Values</u>
1. Speeding:	
a. 15 mph or less over posted speed limit	3
b. 16 mph or more over posted speed limit	4
c. Speeding in a school zone more than 5 mph over the posted speed limit in a school bus or other district-owned/leased vehicle.	9
2. Driving too fast for conditions	4
3. Following too closely	3
4. Failed to comply with traffic control device/sign (Including those issued by camera.)	3
5. Failure to yield	3
a. To emergency/authorized vehicles	4

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|--|---|
| 6. Improper lane changing/turning/passing | 3 |
| 7. Passing a stopped school bus loading/unloading students | 9 |

<u>Moving Violation</u>	<u>Point Values</u>
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- | | |
|---|----|
| 8. Unauthorized backing (school bus/other district-owned vehicle) | 6 |
| 9. Careless or improper driving – in a school bus or other district-owned/leased vehicle | 6 |
| 10. Reckless driving | 9 |
| 11. Reckless driving resulting in an accident | 18 |
| 12. Failed to stop before crossing railroad tracks (in a school bus) | 18 |
| 13. Driving around/through railroad crossing gate or barrier without proper authorization in a school bus | 18 |
| 14. Seat belt violation – driver in a school bus or other district-owned/leased vehicle | 9 |
| 15. Driving a Commercial Motor Vehicle (CMV) without a CDL in the driver's possession (FMVCR 383.51) | 12 |
| 16. Driving while impaired due to unlawful use of alcohol or drugs | 18 |
| 17. Driving with open container of alcoholic beverage (operator) | 9 |
| 18. Fleeing or attempting to elude a police/highway patrol officer | 18 |
| 19. Failed to report/file report of moving violation/ accident (school bus or other district-owned vehicle) | 3 |

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20. Left scene of accident before police/highway patrol arrived (privately-owned vehicle) 6

21. Left scene of accident before police/highway patrol arrived (school bus or other district-owned) 18

“Driver Safety Points” Assessment Schedule – Vehicle Accidents (Damages including bodily injury)

A VARC finding of “Preventable” for accidents will be assessed as follows:

<u>Damage Values</u>	<u>Point Values</u>
\$501 - 5,000	3
\$5,001 – 10,000	6
\$10,001 – 25,000	9
\$25,001 – 49,999	12
\$50,000 – above	18

Note: When an accident includes a moving violation, the higher point value will apply.