



The Florida Senate

Interim Project Report 2005-128

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Committee on Education

Senator Evelyn Lynn, Chair

SCHOOL BUS DRIVER TRAINING AND SCHOOL BUS MAINTENANCE

SUMMARY

This project examined school bus accidents from the perspectives of bus driver training and health requirements, driver job responsibilities, school board policies on reporting and investigating accidents, and school bus maintenance.

There are numerous strategies to reduce and manage the risks associated with student travel, including minimizing the occurrence of school bus accidents. The report contains a few legislative recommendations. These include conforming state law to new federal testing requirements for school bus drivers and clarifying that school bus drivers are subject to the new background screening requirements in Florida law.

BACKGROUND

During the 2004 legislative session, several members of the Senate noted a seemingly high number of claims bills associated with school bus accidents. They suggested an interim project to examine this relationship more closely, particularly from the perspectives of bus driver training and health requirements, driver job responsibilities, school board policies on the reporting and investigation of accidents, and school bus maintenance.

School Bus Accidents

National statistics have consistently demonstrated that school buses constitute one of the safest forms of transportation. The National Research Council concluded that children are at far more risk traveling to and from school by bike, walking, or in private passenger vehicles -- especially if a teen-age driver is involved -- than in school buses.¹

¹ "The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment." Transportation Research Board, 2002. The

Statistics, comparing all vehicle crashes to school bus crashes for 1999, 2000, 2001, 2002, and 2003 in Florida are reflected below:

COMPARISON OF ALL VEHICLE CRASHES TO SCHOOL BUS CRASHES: FLORIDA

VEHICLE	ALL CRASHES 1999	ALL CRASHES 2000	ALL CRASHES 2001	ALL CRASHES 2002	ALL CRASHES 2003
SCHOOL BUSES	953	938	933	995	965
ALL VEHICLES	243,409	246,543	256,169	250,470	243,294

Source: Department of Highway Safety and Motor Vehicles, September 23, 2004

The Florida Department of Highway Safety and Motor Vehicles reports that during 2002 almost one million public school students were passengers on school buses. During the 5-year period of 1998 through 2002, 4,830 school buses were involved in crashes in Florida. These crashes involved 32,207 children who were riding a school bus and 53 children who were outside a bus. Six children died in school bus related crashes. Two children were killed while riding in the school bus and four were killed while getting on and off a school bus. Fifty-six injuries required transportation of a victim from the crash site.²

Between 1998 and 2002, school bus drivers were not cited as being at fault in 69 percent of the crashes in Florida. Physical impairments of the drivers and poor weather conditions did not appear to be significant factors in school bus safety. Almost all school bus drivers in crashes had no known health-related problems. Other drivers rated worse in contributing causes for accidents during the review period. However, school bus drivers were cited more often than other drivers for improper backing and improper turns.

The school bus loading and unloading area is often referred to as the *danger zone*. It is an area on all sides

Council serves the National Academy of Sciences and the National Academy of Engineering.

² School Bus Safety Report, Florida Department of Highway Safety and Motor Vehicles, August 2004.

of the bus where children are most in danger of not being seen by the driver. The recently released report on Florida school bus safety emphasizes the importance of school bus driver training and focuses on improving loading zone safety. The report recommends the development or enhancement of training and education programs that target parents, children, and drivers on ways to safely get passengers on and off school buses. The report also recommends further study of public and private school bus crashes to identify areas for potential safety improvements, since school bus crash data indicate that private school buses fared better than public school buses with respect to crash injury severity. Finally, the report recommends changes related to seating systems and safety belts.

School Bus Driver Requirements

Employment Qualifications/Training and Health Requirements

Under current law [s. 316.615(3), F.S.], all drivers who transport school children, regardless of school bus seating capacity, must pass an annual physical exam, meet physical requirements, and post a certificate to drive the vehicle.³ Failure to do so is a noncriminal traffic infraction, punishable as a nonmoving violation, pursuant to chapter 318, F.S. Current administrative rules subject school bus drivers to the following:

*Initial Employment Requirements*⁴

- Have 5 years of licensed driving experience.
- Make an employment application;
- File a set of fingerprints for a required background check to determine a criminal record.

Prior to transporting students, bus drivers must:

- Hold a valid commercial driver license (CDL), Class A or B, with passenger endorsement.⁵
- Successfully complete 40 hours of pre-service training.

³ The term “school” includes all public *and* private nursery, preelementary, elementary, and secondary level schools.

⁴ Rule 6A-3.0141, F.A.C. See also s. 1006.25, F.S., which defines a “school bus” as a motor vehicle regularly used for the transportation of prekindergarten disability program and kindergarten through grade 12 students of the public schools to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board. See also the definition of a school bus and school in s. 316.003 (45), F.S.

⁵ According to DOE, a CDL is considered a “national” license and standards for issuing these licenses are the same in every state.

- Demonstrate the ability to prepare written reports.
- Be physically capable of operating the vehicle, as determined by a physical exam and a dexterity test.
- Demonstrate required physical and mental capabilities.

Specific federal requirements apply to all school bus drivers, including the substance abuse testing and alcohol detection requirements and the physical standards established by the Federal Motor Carrier Safety Administration.⁶

Annual Requirements

School bus drivers must hold a valid CDL with the required endorsement, successfully complete in-service training on driver transportation responsibilities (8 hours minimum), successfully pass a dexterity test, and maintain a valid Medical Examiners Certificate.

Break in Service Requirements

If less than twelve continuous calendar months, the person must complete 8 hours of in-service training, prior to driving a school bus with students. If more than twelve calendar months, the person must meet all the requirements for initial employment.

Reemployment Requirements

- Have 5 years of licensed driving experience.
- Make an employment application.
- File a set of fingerprints for the required background check.
- Hold a valid CDL with passenger endorsement.

METHODOLOGY

Committee staff reviewed the history of claim bills for the last five years involving school bus drivers and school bus maintenance, as well as the school bus driver requirements, including training and health requirements, the grounds for disciplinary action, and sanctions. Staff consulted with the Department of Education, the Department of Highway Safety and Motor Vehicles, and school districts.

Staff also researched and reviewed Florida and federal law and conducted a survey of school districts with the assistance of the Florida Association of District School Superintendents. Responses to the survey were received from 21 districts or approximately 31 percent of the 67 school districts. District responses were supplemented with on-line information.

⁶ 49 C.F.R., Parts 382 and 391

FINDINGS

Liability

Current law (s. 1006.22, F.S.) charges district school boards with observing maximum regard for the safety and health of students when appointing school bus drivers, providing transportation, and operating equipment. School boards must use school buses for all regular transportation of students to and from school or school-related activities that are part of a scheduled series of events. The law allows the use of motor vehicles other than school buses, including privately owned vehicles, subject to certain requirements.

District school boards are liable for tort claims arising out of any incident or occurrence involving a school bus or other motor vehicle they own, maintain, operate, or use to transport students to the same extent and manner as the state or any of its agencies or subdivisions is liable for tort claims under s. 768.28, F.S.⁷ However, the total liability to persons being transported for all claims or judgments of persons arising out of the same incident or occurrence may not exceed an amount equal to \$5,000 multiplied by the rated seating capacity of the school bus or other vehicle, as determined by rules of the State Board of Education, or \$100,000, whichever is greater.⁸ These provisions apply to all claims or actions brought against district school boards, including the transportation of students in a privately owned vehicle when approved by district school boards.⁹

Claim Bill History

A claim bill is a special act of the Legislature that presents a claim to compensate a particular individual or entity for injuries or losses caused by the negligence or error of a public officer or agency. The claim is to be paid by specified entities (such as the state, one of its political subdivisions, or an agency such as a sheriff's department). Claim bills are of two types: excess judgment claims filed pursuant to s. 768.28(5), F.S., and equitable claims filed without an underlying excess

judgment.¹⁰ There is no legal requirement for a person to initiate legal action before seeking relief by the Legislature.

During the 1999 and 2000 legislative session, no claim bills were filed that related to school bus drivers or bus maintenance. During the 2001 through 2004 legislative sessions no claim bills were filed involving school bus maintenance, although several bills relating to school bus drivers were filed. Many of these involved the same incident (e.g., for 2002-2003, see Senate Bills 18, 38, 42, 44, 180, and 182). The remainder included bills that did not pass during previous legislative sessions. The following table provides additional details on claim bills.

CLAIM BILL HISTORY

CLAIM BILLS HISTORY	ALL BILLS FILED 2000-2001	ALL BILLS FILED 2001-2002	ALL BILLS FILED 2002-2003	ALL BILLS FILED 2003-2004
SCHOOL BUS DRIVERS ¹¹	2	8	15	10
SCHOOL BUS MAINTENANCE	0	0	0	0
ALL CLAIMS	75	77	56	43

Source: Legislative Final Bill Information Citator

Only a small percentage of the claim bills relating to school bus drivers were passed by the Legislature from 2002 through 2004. The total dollar award for all successful claim bills during the period was \$3,047,893 (\$1,824,394 in 2001-2002 for 2 claim bills, \$325,000 in 2002-2003 for 3 claim bills, and \$898,499 in 2003-2004 for 4 claim bills).

Driver Qualifications

Federal and state laws list the offenses and periods for which a driver must be disqualified for a commercial driver's license. Current state administrative rule requires each school district to establish a policy that specifies which infractions of the traffic code deem an applicant unqualified for hire.¹²

Nineteen districts report disqualifying events related to a record of driving while impaired or under the influence of alcohol or a controlled substance, or with an unlawful blood alcohol level. Ten of these districts focus on events in the previous 7 to 10 years. Thirteen districts deem violations related to the assessed points under s. 322.27, F.S., as grounds for disqualifying an applicant for employment as a school bus driver.¹³ Nine

⁷ Section 768.28, F.S., waives the state's sovereign immunity in tort actions up to a specified amount per person and per occurrence.

⁸ Section 316.615, F.S., requires all school buses and all specified motor vehicles to be covered by single limits liability insurance to protect pupils being transported, in the following amounts: \$5,000 multiplied by the rated seating capacity of the vehicle, or \$100,000, whichever is greater.

⁹ Section 1006.22(3), F.S.

¹⁰ Senate Rule 4.81.

¹¹ Includes companion bills.

¹² Rule 6A-3.0141, F.A.C.

¹³ Section 322.27, F.S., establishes a statutory point

of these districts focus on the points accumulated in the last 1 to 3 years.

In ten districts, grounds for disqualification are status offenses for driver's licenses (e.g., driving with a cancelled, suspended, revoked, or disqualified motor vehicle license). Districts specified other grounds for disqualification, including at-fault accidents resulting in a fatality, suspensions for unpaid fines, multiple non-moving violations, and felony convictions.

Background Screening

States must comply with federal commercial driver's license requirements for background checks, including reviews of the applicant's driving record to ensure that the person is not subject to any disqualification or any license suspension, revocation, or cancellation under state law, and that the person does not have a driver's license from more than one state or jurisdiction.¹⁴

While current state administrative rule requires school bus drivers to meet fingerprinting requirements, it does not reflect the recently enacted state legislative requirements for background screening of all noninstructional personnel.¹⁵ These changes provide more detailed procedures than those in the current rule for school bus drivers.

Testing

Currently, school bus drivers require only a passenger endorsement for a commercial driver's license.¹⁶ Federal rules now provide for an additional requirement for persons who hold a commercial driver's license and who drive a school bus. School bus drivers who do not meet the *grandfather clause* experience and safety requirements must pass a written test of the driver's knowledge of operating a school bus, as well as a school bus driving skills test.¹⁷ This requirement must be implemented by September 2005. Legislation passed the Senate to add this requirement; however, it was not enacted during the 2004 legislative session.¹⁸

system to evaluate convictions of motor vehicle violations and determine continuing driver qualifications.

¹⁴ 49 CFR part 384.

¹⁵ See chapter 2004-295, L.O.F.

¹⁶ Rule 15A-7.003, F.A.C.

¹⁷ 49 CFR § 383.123

¹⁸ Sponsors for CS/CS SB 1526 included the Senate Home Defense, Public Security, and Ports Committee and Transportation Committee.

Training

In 2003, the Federal Motor Carrier Safety Administration proposed standards for mandatory training of entry-level operators of commercial motor vehicles who are required to hold or obtain a commercial driver's license, including school bus drivers. This proposal was based on a study that found the training of entry-level drivers in the school bus industry was inadequate.¹⁹

Pre-Service

Prior to transporting students, bus drivers must successfully complete forty hours of training that consists of the following:

- at least twenty hours of classroom instruction; and
- eight hours of behind-the-wheel training.

The training is based on the Department of Education's (DOE) basic school bus driver curriculum, which is currently under revision. The training information includes the following areas:

- Driver role and responsibilities;
- Vehicle familiarization, inspections, and operations;
- Traffic control devices;
- Critical situations;
- Accident procedures and first aid;
- Loading and unloading passengers;
- Passenger management;
- Exceptional student education; and
- Field trips.

Data from DOE school bus accident reports for school years 1999 through 2003 document the driving experience and training records of school bus drivers involved in accidents. These reports indicate that not all of the drivers involved in school bus accidents received pre-service training.

Districts exercise considerable discretion in selecting the content for the twelve hours of additional training required for new school bus drivers. This includes increased *behind the wheel* training experience and additional classroom instruction primarily related to district-specific policy and procedures, student behavior management, and safety procedures. Two school districts (Orange and Bay) require 40 hours of classroom training and 20 hours of driving as a trainee.

¹⁹ *Federal Register*, Vol. 68, No. 158, August 15, 2003.

Remediation

Districts report that the content of remedial training is determined by management and may be required for drivers who were involved in preventable accidents. Two districts (Alachua and Hernando) allow drivers who were assigned points for certain violations and successfully complete remedial training to be eligible for expunging the assigned points from their records. However, these districts only allow points to be expunged once a year. In Hernando County, the cost of remedial training is borne by the driver.

Grounds for Disciplinary Action and Sanctions

Administrative rule requires district school board policy to specify the traffic code infractions that subject employees to follow-up action. The policy must also state that any district employee who knowingly operates a school bus with a suspended or revoked license is subject to dismissal by the school board.

Current law (s. 322.27, F.S.) sets forth a statutory point system related to sanctions for convictions of motor vehicle violations. As a part of a *safe driver plan*, nine districts report that they use a district point system, often administered by a committee, to evaluate convictions of violations of motor vehicle laws or ordinances involving school buses or to determine the continuing qualifications of school bus drivers.²⁰ Five of these districts use their district point systems to assess prospective employees.²¹

District point systems generally consist of a graduated scale of points that are assigned relative values for convictions of specific violations. These systems serve as notice to the drivers and the public of penalties that may be imposed upon drivers for proscribed conduct. The following reflects the Collier County School District point system for administrative sanctions and on-the-job driving violations:²²

School District Sanctions

Maximum Number of Points ²³	Calendar Year(s)	Administrative Action
1 to 4	1 year	Documented warning
5 to 6	1 year	One day suspension without pay
7 to 9	1 year	Three days suspension without pay
10	1 year	Termination of employment as a Driver
15	2 years	Termination of employment as a Driver
20	3 years	Termination of employment as a Driver

Grounds for Disciplinary Action

VIOLATIONS	ASSIGNED POINTS
Leaving scene of accident	6
Unlawful speed resulting in an accident	6
Failure to immediately report any incident, crash, or citation while operating a school board vehicle	5
Speeding ticket-more than 15 mph over posted limit	4
Reckless driving	4
At fault accident	4
Speeding ticket-15 mph or less over posted limit	3
Careless driving	3
Failure to observe stop sign	3
Failure to observe red light	3
Failure to observe traffic instruction sign	3
Improper lane changing	3
Failure to have vehicle under control	3
Crossing private property to avoid traffic light or stop sign	3
Driving on the wrong side of the road	3
Improper turn	3
Failure to yield entering through highway or right of way	3
Failure to stop as required at railroad crossing	3
Improper backing	3
Following too close	3
Improper passing	3
Use of unauthorized wireless communications device while operating a school bus	2
Driving with door open	1
Passing another school bus in a loading or unloading zone	1
Failure to properly wear seat belt	1
Failure to obey any other driving law, regulation, or district procedure	1-10 for a similarly severe violation.

Districts reported grounds for disciplinary action, including unlawful speed, reckless or careless driving, failure to obey traffic control devices, improper lane changes or passing, and driving while impaired, under the influence, or with an unlawful blood alcohol level. For disciplinary purposes, some school districts (e.g., Alachua, Jackson, Orange, Pinellas, and Putnam) assess district points for driving violations that occur in privately-owned vehicles and some require reporting traffic citations or accidents involving these types of vehicles (e.g., Pinellas, Collier, and Dixie).

Three school districts (Alachua, Collier, and Pinellas) assess points for preventable accidents. Collier County School District defines a preventable accident as any crash or incident involving a district vehicle that results

²⁰ Alachua, Baker, Collier, Dixie, Gulf, Hernando, Orange, Pinellas, Putnam.

²¹ Dixie, Gulf, Hernando, Pinellas, and Putnam.

²² Collier County School District Safe Driver Plan, 2004.

²³ Any driver with a suspended or revoked license, including both personal and on-the-job points, will be terminated as a driver.

in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent or where it occurred, in which the driver in question failed to exercise every reasonable precaution to prevent the accident. Three districts (Collier, Columbia, and Sarasota) indicated that sanctions are part of collective bargaining agreements.

With the exception of one district, all survey respondents reported an existing school board policy for dismissing school bus drivers who knowingly operate a school bus with a suspended or revoked driver's license.

Enforcement of Safe Driver Policies

OPPAGA's best practices include the enforcement of a *safe driver policy* that establishes when or if school bus drivers with traffic violations charged against them are able to continue driving.²⁴ This enforcement includes a review of the state traffic database on the schedule required in State Board of Education rules. Administrative rule requires screening prior to initial employment and prior to the first day of the fall semester. Also, the rule requires either continuous screening of driver records using the automated weekly updates or on a less frequent basis. This procedure is used to detect violations involving school bus drivers if the drivers fail to report them.

To ensure compliance with district safe driver policies school districts should review the state driver database on a weekly basis when providing transportation to students. The weekly updates are available for this purpose. The State Board of Education should amend its rules to establish this requirement and eliminate screening on a less frequent basis.

School Bus Maintenance

School districts are responsible for school bus inspection and maintenance of school buses, including all buses owned by the school board and all contract buses.²⁵ School bus driver's responsibilities include daily bus inspections and reports on accidents involving the bus or a school bus passenger and any defect affecting bus safety.

Vehicle defects were a factor in approximately two percent of the school bus crashes between 1998 and 2002. Of this percentage, defective brakes accounted for the majority (.5 percent) of individual known

defects. The highest number of defective school buses involved in crashes were in 1998 and 2002, numbering 21 for each year followed by 1999 (20), 2001 (14), and 2000 (11).

Accident Prevention

The DOE's new accident reporting system, effective July 1, 2004, allows districts to determine the number of bus accidents by location, time of day, and day of the week to develop strategies for preventing hazardous trends for school buses traveling to those targeted areas.

**Number of Florida School Buses in Crashes by Vehicle Defects
1998 Through 2002**

Vehicle Defects	Year					Total	% Total
	1998	1999	2000	2001	2002		
No Defect	903	951	951	942	996	4,743	98.20
Defective Brakes	7	3	2	5	7	24	.50
Worn/Smooth Tires	0	2	1	0	0	3	.06
Defective/Improper Lights	1	0	0	0	1	2	.04
Puncture/Blowout	0	0	0	0	1	1	.02
Steering Mechanism	0	1	0	0	1	2	.04
Windshield Wiper	0	1	0	0	1	2	.04
Equipment/Vehicle Defect	1	2	2	1	2	8	.17
All Other	11	8	3	5	8	35	.72
Unknown	1	3	3	3	0	10	.21
Total	924	971	962	956	1,017	4,830	100.00

Source: Department of Highway Safety and Motor Vehicles, 2004

For 1999 through 2004, sixteen districts reported that no school bus accidents were attributed to school vehicle maintenance problems.²⁶

RECOMMENDATIONS

Legislative recommendations include the following:

- Amend s.1012.45 (3), F.S., to clarify that school bus drivers are subject to the new background screening requirements in s. 1012.32, F.S.

²⁴ Regular school bus drivers, substitute drivers, or any other individuals certified to drive a school bus.

²⁵ Rule 6A-3.0171, F.A.C.

²⁶ Alachua, Baker, Bay, Collier, Columbia, Dixie, Gadsden, Hendry, Indian River, Jackson, Okaloosa, Orange, Putnam, Sarasota, Seminole, and Union.

- Amend s. 322.57, F.S., relating to commercial driver's license endorsements, to include the new federal endorsement testing requirements for school bus drivers.

School districts should review the state traffic database every week, since information is available at that time. The State Board of Education should revise the rules related to the frequency of this review.

Training for school bus drivers should be specifically tied to the types of traffic infractions and violations enumerated in the state database. Training should continue to emphasize best practices for loading and unloading zones.