



Na' Neelzhiin Ji Olta, Inc.
TRANSPORTATION
POLICIES AND PROCEDURES



PREFACE

Rules and Regulations set forth in this policy are to insure safe, reliable and efficient bus transportation for each Na' Neelzhiin Ji Olta, Inc. (NJOI) student.

The Na' Neelzhiin Ji Olta, Inc. Executive Board recognizes and accepts all rules and regulations promulgated by the New Mexico State Department of Education Transportation Division.

All persons involved with the NJOI pupil transportation program are responsible and will be thoroughly familiar with all policies and procedures.

A copy of this signed document will be placed on file demonstrating that the NJOI Transportation and All NJOI employee received a copy of these policies and procedures.

Employee Name (Print): _____ *Employee Signature:* _____

Date Employee Signed: _____

Supervisor Name (Print): _____ *Supervisor Signature:* _____

Date Supervisor Signed: _____

DEPARTMENT POLICIES

1. Route bus assignment will be according to type of route, road condition, passenger number and rotation of fleet. All drivers must be capable of driving any bus in the fleet.
2. A Transportation Department office will be provided for bus drivers' convenience. It is each driver's responsibility to assist in keeping these areas neat and clean. Telephones and computers located in the Transportation office are for business purposes only.
3. In-service Training sessions will be set up throughout the calendar year. Drivers are required to attend a minimum of eight (8) hours per semester with a total of sixteen (16) hours per school year. Drivers not completing required training will not be eligible for re-employment. It is the driver's responsibility to maintain training requirements.
4. Buses will remain parked in assigned spaces until they are ready to leave the lot.
5. Time and mileage information will be recorded at the end of each month.
6. Employees will make every effort to schedule medical appointments and conduct personal business at the end of their routes. School Board Policy allows supervisors to require doctor statements for extended or frequent use of sick leave.
7. Respective employees and/or principal will obtain substitutes to ensure there is always route coverage. Leave requests will be submitted three days in advance. Supervisors have the right to refuse leave when job requirements are not completed or if route coverage is not available.
8. Drivers will complete and document a thorough daily Pre-trip inspection prior to transporting students and a Post-trip inspection at the completion of each route. Drivers will adhere to department guidelines in completing these procedures. Drivers observed not completing these inspections are subject to redirection or a disciplinary action up to and including termination.
9. NM State Regulation 6.41.4.11, Section C, Item 5 states: "The driver shall, as part of each post-trip inspection, ensure that no student remains on the vehicle/bus at the conclusion of the trip." Failure to complete this procedure will result in redirection and/or termination.
10. Route drivers will update; maps, bus stop time schedules, seating charts and registrations every quarter or as necessary and submit them to respective offices. Route information must include number of students by grade level at each stop and if bus stop is an "off" or "on" road stop.
11. Usage of two-way radios is limited to official or emergency use. Ensure that the frequency is not in use before attempting to transmit. If possible, avoid transmitting names of students. FCC regulation requires the use of English.
12. Transportation personnel will not use school vehicles to conduct any type of personal business during duty hours.
14. Driver pay is set per Board approved salary schedules. Only the Supervisor of Transportation may approve pay for extended or waiting time. Routes and hours of pay are subject to change at any time due to student loads and/or re-routing for efficiency.
15. Overtime pay rates will apply to any hours worked over 40 in a week.
16. New CDL trainees will have to successfully complete the "Classroom" and "Behind-the-wheel" training within 90 days from the date of hire.
17. Bus drivers are to dress properly for the duties performed. Halter tops, spandex or cut-offs will not be allowed.

Modest and appropriate shorts (no more than one (1) inches above the knees) are allowable. Clothing that references sex, tobacco, violence, alcohol and drugs in any manner whether directly or indirectly is not appropriate.

18. Drivers are required to wear closed-toe shoes on both feet and must be of the type that will not slip off easily. Flip flops or slip-on shoes without a back or heel strap or any other footwear that could limit the use of foot controls are not appropriate.
19. The driver will submit a work order report to the vendor and supervisor or mechanic deficiencies found on any vehicle. The vehicle will remain inactive until the deficiency is fixed by a mechanic.
20. Head/Earphones, Portable Electronic Devices/Cell phones Usage:
 - a. Bus Drivers and vehicle operators transporting students will not use headphones or earphones. Drivers observed using them are subject to disciplinary action up to and including termination or dismissal.
 - b. Bus drivers will not use cell phones or portable electronic devices – absolutely no hands-free devices to text or make calls while driving a school bus. These devices are also prohibited while supervising the loading and unloading of students. The only exceptions are emergencies or job-related communication where radio coverage is sporadic or non-existent. Park and secure the bus in a safe location if phone usage is necessary. Turn off the portable electronic device and cell phone when not in use. Violations will lead to termination or dismissal.
22. Designated transportation personnel will fuel route busses in advance. Activity or field trip drivers must make sure they have fuel before leaving on trip and also notify supervisor at the completion of their trip.
23. Driver's Children
 - a. Children cannot stay in the Transportation Office while a driver is on route. NJOI Transportation does not provide childcare services.
 - b. Drivers will supervise while on duty. Children must not be without parental supervision. Failure to adhere to this procedure will result in loss of this privilege.
24. Open Routes:
 - a. If a bus driver is absent from driving their assigned route, a substitute driver may fill the position of that driver for a specific amount of days or hours depending upon the permanent driver's type of absence.
 - b. If a bus driver is absent from driving their assigned route, and no substitute driver is available, the remaining bus drivers will have to ensure that open routes are covered by conducting double/extended routes.
 - c. Regular route assignments are subject to change due to route conditions and or efficiency.
26. Activity Trips:
 - a. Activity trip driver pay is calculated and paid at the driver's rate of pay. In compliance with DOT regulations, driver on-duty time is set at 15 hours within any 24-hour period of which 10 hours can be driving time with a one-hour break. Driver pay starts and ends with performance of the Pre / Post trip inspections. A trip driver will receive overtime pay whenever a trip results in time exceeding 40 hours in one week.
 - b. Meal breaks: Up to 6 hrs. = 30 minutes meal breaks.

- c. If possible, all daytime activity/field trips are to be scheduled between morning and afternoon routes. The transportation office must receive trip requests a minimum of ten (10) days in advance. Trips are scheduled in the order received. Scheduled sports trips have priority over classroom trips due to advance scheduling of athletic programs.

27. Open Enrollment

The NJOI Executive Board adopts this policy pursuant to the terms of SB 64 of the 1998 New Mexico Legislature, also known as the Open Enrollment Act, amending N.M. Stat. Ann. § 22-1-4, as amended by HB 46 of the 2000 New Mexico Legislature. The Open Enrollment Act requires that a free public-school education be available to any school-age person who is a resident of New Mexico and who has not received a high school diploma or its equivalent. This policy does not apply to students who are not New Mexico residents. The Board retains the discretion to determine whether the School District has sufficient accommodations to offer enrollment to students who are not New Mexico residents.

- a. *Attendance Area:* The attendance area of NJOI shall be established annually by the Executive Board.
- b. *Enrollment Priorities:* Students shall be enrolled/re-enrolled in NJOI according to the following priorities:
 - First, persons residing within the attendance area of the school;
 - Second, persons who previously attended the school; and
 - Third, all other applicants for enrollment at the school.
- c. *Transportation:* Transportation shall be provided by NJOI for transportation- eligible students residing within the attendance area of the school. Transportation of students residing outside the attendance area of the school shall be the responsibility of the parent/guardian. The parent/guardian may meet the bus at the nearest school boundary.

A visual bus inspection will be conducted every quarter between the Transportation Supervisor or Mechanics and the bus driver. The bus driver will be required to sign a form acknowledging receipt of the visual bus inspection. Any deficiencies found and not reported will result in disciplinary action.

28. Industrial Actions

Responsibilities of staff and supervisors: Supervisors are responsible for minimizing any disruption to the normal bus routes, this includes “strikes”, “bans”, “walk outs”, etc. A failure or refusal by employees to attend for work or a failure or refusal to perform any work at all by employees will be grounds for disciplinary action including up to termination.

SECTION 1

SCHOOL BUS DRIVER QUALIFICATIONS AND TRAINING

1. Job Duties: All school bus drivers are required to perform, at a minimum, the following duties:

- safe and efficient operation of the school bus in accordance with federal, state and local statutes and regulations;
- a daily, thorough pre-trip and post-trip operational check of the school bus and special equipment unless completed by other qualified personnel;
- maintaining orderly conduct of passengers, good public rapport and public image;

- conduct emergency situations in accordance with established federal, state and local operating procedures;
- effective communication with students, the employer, school staff and the public;
- proper completion of required trainings, certifications, annual exams, etc.
- implementation of maximum safety procedures for all passengers while on the bus and during loading and unloading activities;
- other duties as assigned, within the duty hours, by the supervisor of the NJOI Transportation Department.

2. Age:

No person under the age of twenty-one will be employed as a school bus driver. The Executive Board may establish, by board policy, a minimum age higher than established by law.

3. Background Investigations

- Applicants recommended for employment with the NJOI are subject to work history, education history and reference investigations, including but not limited to substitutes and temporaries. Individuals recommended for employment will be subject to a criminal background investigation, including mandatory fingerprinting, at the candidate's expense, the background investigation is a condition for employment.

All offers of employment are contingent upon the satisfactory completion of background investigations. Criminal convictions will not automatically bar an applicant from obtaining employment with NJOI, but all adjudications will be pursuant to the Public Law 101-630, Code of Federal Regulations 25 Part 65 and Public Law 101-647 which may be the basis for refusing employment.

The administration may also conduct a background investigation of current employees if there are questionable circumstances or conduct that give rise to a reasonable suspicion that undisclosed aspects of the employee's background might disqualify him or her to continue employment with the NJOI.

Information from background investigations will not be disclosed to persons not directly involved in the certification or employment decision affecting the applicant or employee.

4. Personal Background

Any person initially applying for full or part time employment with NJOI to operate a school bus or school activity vehicle used to transport students will not be eligible to operate such a vehicle if they have:

- been convicted for driving a vehicle while under the influence of intoxicating liquor or drugs (DWI or DUI) within five (5) years of the date of application;
- been convicted for DWI beyond five (5) years from the date of application unless they provide written verification from a licensed councilor or physician that they successfully completed an alcohol or drug abuse program;
- been convicted two (2) times for DWI or DUI;
- had their driver's license suspended or revoked within the previous five-years for serious traffic offense;
- been convicted of more than three (3) serious traffic offenses within three (3) years since the date of application;

- been convicted of any felony within the previous ten (10) years since the date of application;
- a conviction for any violation of the Controlled Substance Act [30-31-1 to 30-31-25, 30-31-26 to 31-28, 30-31-30 to 30-31-40, NMSA 1978];
- been convicted of child abuse pursuant to Section [30-6-1, NMSA 1978]; Public Law 101-630, Code of Federal Regulations 25 Part 65 and Public Law 101-647.
- been convicted of any criminal offense in which a child was a victim as required by the offense.

All drivers will be of good moral character and conduct themselves in such a manner as to exercise a positive influence over their passengers. The driver will be clean, and neat in appearance, and will not use vulgar signs or language.

5. Serious Traffic Offenses

Serious traffic offenses mean a conviction of any of the following offenses contained in the Motor Vehicle Code [Articles 1 through 8 of Chapter 66 NMSA 1978]:

- speeding in excessive of 15 miles per hour above posted speed limit;
- reckless driving;
- careless driving
- passing a school bus;
- following too close;
- operating a commercial motor vehicle without holding a valid Commercial Drivers License (CDL) along with the proper endorsements;
- racing on a highway;
- homicide or greatly bodily harm by vehicle;
- injury to a pregnant woman;
- failing to stop after an accident involving death or personal injury;
- operating a vehicle after suspension or revocation of a driver's license.

6. Physical qualifications:

Before transporting students, a school bus driver, activity driver and substitute driver are required to have a physical and have it renewed as specified by a licensed physician. All Physical examinations are to be on a certified DOT form. Physical Re-Examination Forms must be turned in two (2) weeks prior to expiration date. If not, driver may be deemed ineligible for re-employment. NJOI and/or the State Transportation Director have the right to require re-examination or verification by a licensed physician in a specialized field as a condition of employment.

One or more of the following deficiencies by medical determination will disqualify a person as a school bus driver:

- a speech reception threshold, corrected or uncorrected, in the better ear outside of the hearing range of 40db;

- addiction by medical determination for use of narcotics, habit-forming drugs, or the excessive use of alcohol;
- any indication of coronary, heart ailment or high blood pressure likely to interfere with safe driving, (Electrocardiogram is required when other findings indicate desirability);
- loss of foot, leg, hand, arm, or other defect or limitation of movement likely to interfere with safe driving;
- any mental, nervous, organic or functional disease likely to interfere with safe driving, such as paralysis, diabetes, or abnormal blood pressure;
- epilepsy or other episodic (paroxysmal) periods of unconsciousness, unless the condition is arrested;
- use of any medication which the examining physician determines is likely to interfere with safe driving;
- poor general health as determined by a physician.

7. Controlled Substance and Tobacco Restrictions:

All school buses will be alcohol, drug and tobacco free areas

- The driver will not use alcoholic beverages, illegal substances, prior to or during duty hours which would impair the driver's ability to drive the school bus and/or conduct the ability to perform required duties.

8. Instructional Programs for School Bus Drivers:

Certification (Pre-service Training) for First-Time Bus Drivers

- a School Bus Driver Instructor certified by the State School Transportation Director will conduct instruction;
- a new driver who has not been previously employed or certified as a school bus driver in New Mexico shall be required to successfully complete thirty-six (36) hours of Pre-service training. Instruction on transportation as a related service shall include the following:
 - a. *Classroom-* Twenty-two (22) hours (2 hours shall be on familiarization with the bus and equipment), classroom instruction shall include a review of the Standards for Providing Transportation Services to Eligible Students, district and/or employer safety policies and regulations, general motor vehicle operating procedures, passenger management and Homeland Security.
 - b. *Behind the Wheel-* Six (6) hours of instruction will be in the same type and size of bus the driver will operate. Drivers must know how to operate any vehicle in our fleet. Instruction will be given in the specific handling characteristics of each vehicle. The instruction will be under the supervision of a school bus driver trainer with no student passengers on board. The instruction will include:
 - familiarization with the bus and equipment while operating a school bus;
 - use of warning and stop lamps and other traffic control devices;
 - procedures for loading and unloading students at bus stops;
 - entrance to and departure from loading and unloading areas at school buildings;
 - railroad crossing procedures for school buses;
 - actual driving tasks that the driver will experience;

- c. *Observation Time* - Two (2) hours of observation time includes riding a school bus with a regular, licensed school bus driver on a regular route, or in observation of other trainees under the supervision of a school bus driver trainer. This shall also include actual route orientation with a regular licensed driver.
- d. *Defensive Driving Course* Trainee must complete an eight-hour Coaching the School Bus Driver course.
- e. *An approved First Aid Course including CPR* six (6) hours to be completed by the end of August.

Training Requirements for School Bus Drivers

- A driver who had previous certification and employment experience as a school bus driver in New Mexico, but who has not been employed as a school bus driver for two (2) or more years, will take an eight (8) hour refresher course, to include at a minimum two (2) hours behind the wheel instruction, observation time and classroom instruction. The driver will complete the required (four (4) hour's in-service training per semester) for a total of twelve-sixteen (12-16) hours of training during the first year of re-employment.
- To remain qualified, school bus drivers and/or bus assistants will complete a total of eight (8) hours in-service training per semester during the school year or four (4) hours per quarter. In-service for new drivers should be pro-rated for the number of quarters employed during their first year. Quarters during the year are as follows: January 1 - March 31; April 1 - June 30; July 1 - September 30, and October 1 - December 31;
- Training records on each driver will be kept; they will indicate date, course title, number of hours and instructor. These records are subject to inspection by the State Transportation Division.

8. Substitute Drivers

A regular substitute is any person certified by the Transportation Department to operate a school bus on a regular to-and-from route. This person will be required to meet all qualifications and licensing requirements of the regular driver.

9. License Requirement

The state motor vehicle department has a twelve-point program on licenses. Any driver who acquires six points will no longer be able to drive until the points are removed.

Pursuant to the Motor Vehicle Code, an operator of a school bus will possess a Commercial Driver License (CDL), Class B with the appropriate P & S endorsements. School bus drivers are required to meet all current Motor Vehicle regulations.

- All bus drivers and vehicle activity drivers will be drug tested for controlled substances as requirements of the Controlled Substances and Alcohol Use and Testing in accordance with 49 CFR Part 32.

SECTION 2

SCHOOL BUS DRIVER'S RESPONSIBILITIES

1. At no time when the bus driver is transporting students will he/she be on their cell phone conversing, texting, snapping, being on social media, etc.
2. Accidents and emergencies:

The term vehicle is used in this section to refer both to a school bus and to GSA vehicles used to transport students to and from school and school-sponsored activity trips.

Reasons (or emergency evacuation)

- Fire or danger of fire; the vehicle shall be stopped and evacuated immediately if any portion is on fire. Passengers shall move a safe distance away from the vehicle and remain there until the driver of the bus has determined that no danger remains.
- Unsafe position; If a vehicle is stopped, the driver shall determine immediately whether it is safe for passengers to remain in the vehicle or to evacuate, the driver shall evacuate if the vehicle stops in the path of any train, or the stopping position of the vehicle is subject to change and thus increases the danger to passengers, or the stopping position of the vehicle is such that there is danger of collision.

Responsibilities of the driver: In the case of any accident involving a school bus or a GSA vehicle, the driver's first responsibility is to the safety of the passengers. In addition, the driver shall:

- Stop immediately
- Maintain control of passengers
- Protect the accident scene
- Remain at the scene of the accident and not move the vehicle
- Render reasonable assistance to any person injured in the accident
- Notify police and the school district administrator and if appropriate the local transportation provider
- If it is necessary to evacuate passengers, make certain that all passengers are in a safe location away from traffic and that they are not permitted to leave the scene of the accident on their own
- Place reflectors appropriately to warn traffic
- Obtain information such as names, license numbers, registration numbers, location, time, road, and weather conditions, and a listing of all passengers including their seating locations.
- Make no admission of liability or assume responsibility for the accident.
- Comply with local policy and procedure in reporting the accident.
- Adhere to any vital emergency medical information provided.
- Report all school bus accidents in accordance with local district and state accident reporting procedures.
- Do not talk to the media, reporters, etc. Protect students from the media.

3. Post-Accident:

It will be the employee's responsibility to report any accident to a supervisor who shall initiate the testing process. In the event that an employee fails to contact the appropriate parties within the required period, it will be considered a refusal to take the tests unless injuries prevent such from happening according to D.O.T regulations.

4. Plan of Action for Emergencies:

Each school bus driver will have a plan of action in case of an emergency. This plan should include both breakdowns and accidents and should incorporate procedures for evacuating the bus, using the emergency door and other exits. Practice evacuation drills on school property, will help to avoid panic in case an emergency does arise and must be done at least twice per year.

5. Emergency Exit Drills:

Student emergency drills or adequate alternate instruction shall be conducted twice a year for school buses. Student emergency drills or adequate alternate instruction shall be conducted prior to departure in GSA vehicles used for activity trips. Types of drills are:

- Everyone exits through the rear emergency door.
- Everyone exits through the front service door.
- Students sitting in the front half of the bus exit through the front service door and students sitting in the back half of the bus exit through the rear emergency door.
- If emergency doors are located mid-bus, students exit through the closest door.
- On buses with roof hatches, give instruction on their proper use.

6. Reasons for Actual Emergency Evacuation:

- Fire or danger of fire. A bus or vehicle will be stopped and evacuated immediately if the engine or any other portion of the bus is on fire. Passengers should move a safe distance away from the bus and remain there until the driver of the bus or vehicle has determined that no danger remains. A bus or vehicle that is located near an existing fire and unable to move or is near the presence of gasoline or other combustible material should be considered in "danger of fire," and students should be evacuated immediately.
- Unsafe position. If a bus or vehicle is stopped due to an accident, mechanical failure, road conditions, or human failure, the driver must determine immediately whether it is safer for passengers to remain in the bus/vehicle or to evacuate.
- The driver must evacuate if:
 - The bus stops in the path of any train or adjacent to any railroad tracks.
 - The stopping position of the bus is subject to change and thus increases the danger to passengers; for example, if a bus/vehicle should come to rest near a body of water where it could still move and go into the water or over a cliff, it should be evacuated, the driver should be certain that the evacuation is carried out in a manner that affords maximum safety for the students.
 - The stopping position of the bus/vehicle is such that there is danger of collision. In normal traffic conditions, the bus/vehicle should be visible for a distance of 300 feet or more in all directions; a position just over a hill or around a curve, where such visibility is limited, should be considered reason for evacuation.

d. Important factors pertaining to School Bus Evacuation Drills:

- Safety of students is of the utmost importance and must be considered first.
- All drills should be supervised by the local school principal or by persons authorized by the district administration to act in a supervisory capacity.
- The bus/vehicle driver is responsible for the safety of the students; however, in an emergency, the driver might be incapacitated so that he/she would not be able to direct the student emergency evacuation. School patrol members, appointed students or adult monitors should therefore, direct these drills, and it is important to have regular substitutes available.

7. Student qualifications:

- a. Mature student & Good Citizen.
- b. Live near end of bus route.
- c. Student should know how to:
 - Turn off ignition switch, set emergency brake & set triangular reflectors.
 - Kick out windows if needed.
 - Open and close doors, account for all students passing his/her station.
 - Help small students off the bus. Summon help when and where needed. Perform other necessary assignments.

e. Written consent from parents should be obtained before assigning a student as an emergency evacuation drill leader.

- School bus drills should be held on school property and not on the bus route.
- The driver should stay in the bus during emergency evacuation drills. Be sure that the emergency brake is set, ignition is off, and the transmission is in gear. Roll call of passengers to make certain all passengers are out of bus/vehicle.
- Do not permit students to take lunch boxes, books, etc., with them when they leave the bus. Getting the student off the bus safely in the shortest time possible and in an orderly fashion is the objective of a school bus evacuation drill.
- The students should move a distance of at least 100 feet away from the bus in an emergency drill and remain there in a group until given further directions. The driver, aide or sponsor will stay with the students.
- All students should be given an opportunity to participate, including those students who only ride a bus on special trips.
- Each student should be instructed in the proper safety precautions while riding the bus and in the drill procedure. This can be accomplished by assembly, classroom activities or video presentations.
- Students should be instructed in how and where to get help, instructions and telephone numbers should be posted or carried in the school buses or vehicles.

8. Procedures when Approached by Authorized Emergency Vehicles:

The following procedure is developed to eliminate possible accidents involving school buses and emergency vehicles. In order to protect all parties concerned, it is necessary for everyone to exercise due caution. Children generally become very excited when emergency vehicles approach, and many will do things they normally would not do.

When a school bus driver observes an emergency vehicle approaching, with emergency equipment in operation, the following action will be taken:

- When the school bus is in motion, the driver should yield the right-of-way and immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, clear of any intersection

and will stop and remain in such position until the emergency vehicle has safely passed except when otherwise directed by a police officer. In the case of a school bus operating on a narrow road, the driver must make sure he does not pull off in an area that would constitute a hazard to his vehicle or passengers, such as an unstable shoulder. In the case of a volunteer fire department, if the bus is in a safe spot, it should remain there until the driver is reasonably sure that all volunteer vehicles have passed before pulling back into the roadway.

- If a school bus is stopped in the roadway, loading or unloading students, the following procedure will be used:
 - a. If stopped in the roadway with school bus flashers in operation to unload students and they have not started to depart from the bus, the service door should be kept closed, the school bus flashers turned off and the emergency equipment waved by. If students are already out of the bus, keep the flashers in operation until they have safely crossed the roadway. The emergency vehicles should not pass the stopped bus until safe to do so.

If the bus is stopped to load students and the flashers are in operation and students have started to cross the road or highway, leave the flashers on and get students loaded as quickly as possible.

- b. When the driver is sure that there are no students running toward the bus, turn off flashers and wave by the emergency equipment. In instructions to students on safe loading and unloading, the driver should caution them about emergency vehicles and to stay on the edge of the roadway, so they can pass safely.
- c. At no time should the driver leave the seat of his bus.

Pupil Management:

It is the duty of the school bus driver to enforce all regulations governing the conduct of students from the time the students enter the bus in the morning until they depart from it at the school building, and from the time they enter the bus at the school building until they depart at their regular assigned stop.

- At no time when the bus driver is transporting students will he/she be on their cell phone conversing, texting, snapping, being on social media, etc.
- A school bus driver should not knowingly permit a student off the bus at any point other than at their regular assigned stop without the permission of proper school authorities.
- The driver will not permit students to place heads, arms, or other parts of their bodies out of the bus; nor will any person be permitted to ride on the outside of the bus.
- The driver will report all serious discipline cases to the proper administrator in accordance with the local school district policy. All state and local disciplinary regulations will be observed. The driver should not attempt to correct a student while the bus is in motion, and a student will not be put off a bus while en-route for misconduct unless the student is endangering the bus, bus driver and/or other students on the bus or off the bus. If this action becomes necessary, an immediate report to the school administration is required. Corporal punishment will not be administered by the driver, nor should the driver physically harm a student for disciplinary reasons unless for the protection of the driver or other students.
- The driver will not permit any passengers to occupy any area in front of the passenger-seating area while the bus is in motion. Standees are not permitted.
- The driver will or may assign seats to students, and a copy of a current roster will be on file in the transportation office as well as in the bus. This will be updated quarterly or as needed.
- Student Safety:

- a. The driver and/or assistant will meet all needs identified in a student's IEP.
- b. No vehicle shall carry more than the rated seating capacity. All students will be seated when the bus is in motion.
- c. The driver will not carry on any unnecessary conversations with student while driving.
- d. The driver will not permit the transportation of firearms, knives, explosives, breakable glass, skateboards, or other dangerous objects, reptiles, or animals, except those animals authorized by an IEP.
- e. Be responsible for the safety and orderly conduct of the passengers on their assigned bus routes.

School Bus Inspections:

- The semi-annual D.O.T, any other state, or local inspections do not relieve the owner or operator of regular daily scheduled inspections and maintenance to ensure that each bus is in continual safe operating condition.

Pre-trip and Post-trip Inspection:

All school bus drivers and activity vehicle drivers must perform a pre- and post-trip inspection before departure and upon return. All drivers are required to perform, at a minimum, the following duties: (Failure to do so may result in disciplinary action up to termination/dismissal).

- Safe and efficient operation of the school bus in accordance with Federal, State and Local Statutes and Regulations.
- A daily, thorough pre-trip operational check of the school bus and special equipment unless completed by other qualified personnel. A documented pre-trip inspection shall be conducted which shall cover at a minimum:

Outside the vehicle:

- a. Wheels, tires, lug bolts and nuts for serviceability.
- b. All exterior lights for serviceability and operation.
- c. All glass, mirrors, windshields (clean and unbroken and mirrors adjusted for the driver).
- d. Exhaust system for leaks, looseness, etc.
- e. Open engine and battery compartment when conducting pre-trip inspection: Oil, water, and any other fluid leaks (power steering, power brakes, transmission, differential, etc.).
- f. Service door, emergency exits, and buzzers.
- g. Stop arm and signs.
- h. Engine compartments for serviceability, battery, belts, wiring, proper oil and water levels.
- i. Lift system for those vehicles equipped.
- j. Fuel filler cap.

Inside the vehicle:

- a. All gauges, seats, and interior lights.

- b. Horn and windshield wipers.
- c. Emergency equipment i.e., first aid kit, fire extinguisher, reflectors, and body fluid clean-up kit.
- d. Emergency exits and buzzers.
- e. Parking brake and service brake.
- f. Interior mirror.
- g. Cleanliness of vehicle.
- h. Heaters and defrosters.

The driver will not operate any bus/vehicle that does not meet the pre-trip inspection requirements. The district shall establish written procedures for immediate replacement of buses/vehicles, which fail to meet pre- and post-trip inspection requirements.

The driver will, ensure that no student remains on the bus/vehicle at the conclusion of the trip. If the driver leaves a student on the bus, the driver will face disciplinary action, which may include termination/dismissal.

SECTION 3

SCHOOL BUS OPERATION REGULATIONS

1. School Bus Operations and Equipment:

Route Requirements:

- On morning routes or mid-day pickups, a complete stop will be made at all established school bus stops whether students are present or not, unless a parent or guardian, school administrator or transportation provider has notified the driver that the student will be absent. The driver will not wait for students unless they are observed making a hasty effort to reach the bus or unless otherwise specified and justified in the student's IEP.
- The bus will be brought to a complete stop with the park brake activated and bus in neutral before taking on or letting off students. The driver will use good judgment and not impede traffic unnecessarily.
- The driver will close all doors before the bus is put in motion except when crossing railroad tracks.
- School buses will not be driven faster than the posted speed limit or whatever the road conditions allow. A driver receiving a traffic citation while driving a bus will be subject to disciplinary action. All moving violations, in any vehicle, must be reported to the respective Supervisor within ten (10) days. DUI or DWI must be reported immediately. Disciplinary action will be taken if not reported.
- The driver will not leave the driver's seat without stopping the engine, setting the park brake, putting the bus in neutral and removing the keys. If a bus is equipped with a diesel engine and/or automatic transmission, the driver will follow the manufacturer's recommendation for parking in gear.
- The driver will keep the bus clean, well ventilated and properly heated when necessary.
- The driver, if traveling in convoy, will stay on the same route as the lead vehicle and will maintain proper distance between vehicles.
- The driver will not permit the use of the bus outside regular-to-and-from transportation or a school-sponsored activity without the approval of the school administrator.

- The driver will obey all traffic laws, ordinances and rules of the road. The driver will not operate the bus in such a manner as to cause on-board accidents by jerking, stopping suddenly or swerving unnecessarily. Report all hazards, whether potential or existing, on the route and all causes for failure to operate on schedule to the school administrator or designee.
- School buses will not turn right on a red light.
- The school bus will not be filled with fuel while the motor is running and/or while students are on the bus.
- Five (5) days notice will be required to reconfigure a route after the IEP committee has decided upon the type of transportation services needed.

2. Bus Stops:

All school bus stops will be established by a coordinated effort among the school administrator and when appropriate the IEP team. Services will be designed safely, efficiently and economically transport a student in a manner, which supports the student's educational program.

- The school will review for safety each school bus stop on a school district approved cycle. The review cycle will not exceed five years.
- No school bus stop will be established where the views is obstructed to motorists for 500 feet in either direction. If because of natural conditions, a stop must be established with a view of less than 500 feet, the State Highway Department or other agency having jurisdiction will establish special highway signing and operational procedures.
- No school bus stop will be established on any interstate highway with a controlled access. If necessary, stops will be established on service or frontage roads adjacent to the interstate.
- School bus stops will, whenever possible, be established so that students do not have to cross the roadway.
- No school bus stop will be made at:
 - a. A streetcar crossing, or railroad crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-7-1 NMSA 1978;
 - b. A railroad grade crossing where a stop-and-go traffic light controls movement of traffic;
 - c. An abandoned railroad grade crossing, which is marked with a sign indicating that the railroad is abandoned;
 - d. An industrial or spur line railroad crossing marked with a sign read "EXEMPT CROSSING"; or
 - e. Within 25 feet of any intersection.

3. Loading and Unloading at Schools:

- When loading and unloading, it is recommended that buses be parked bumper-to-bumper or as close as possible to avoid pupils from going between the buses and in a single file. In loading, buses will be parked (5) minutes prior to dismissal time, if possible. School buses will be parked into position in the order that they arrive at the school.
- Whenever possible, loading and unloading at schools will be completed on school premises, away from regular vehicular traffic and playground areas. All school bus loading zones will be properly marked by use of signs

and pavement markings. The bus-loading zone will be adequately staffed with administrative personnel or designee to monitor the loading and unloading of students.

- If loading or unloading on the street, the bus will be stopped parallel to the curb bumper-to-bumper or as close as possible to avoid pupils from going between the buses and in a single file on the side of the street nearest the school. Alternating flashers will not be activated unless the bus is stopped on the traveled portion on the roadway.
- The school bus engine must be off, bus placed in neutral and the park brake activated while students are loading and unloading from school buses. Should the driver be required to leave the driver's seat, the keys will be removed from the ignition switch.
- The driver will stay with their bus and will allow students to load as soon as they come to the bus.
- The local school district will review for safety on each school bus loading and unloading area at each school on a school district approved cycle. The review cycle will not exceed five years.

4. Loading and Unloading on Route:

- Buses will be loaded or unloaded at established school bus stops only, unless an emergency dictates otherwise.
- No school bus stop will be changed or time schedule altered by the school bus driver without the approval of the school administrator or designee. Failure to follow this procedure will result in disciplinary actions.
- Drivers will not grant permission for a student to load or unload except at the student's regular stop without written approval from the school administrator or designee.
- Loading and unloading will occur, whenever possible, off the traveled portion of the roadway so that students do not have to cross the roadway.
- When it is impossible for a bus to completely pull off the roadway, the driver will remain on the roadway and use procedures outlined in Subsection C. of 6.41.4.12 NMAC.

5. Proper Procedures for Loading or Unloading Students on the Traveled Portion of the Roadway: *Subsection C. 0(6.41.4.12) (Always use loading lights).*

- Use rear view mirrors to check traffic.
- Reduce speed.
- Activate the amber flashers not less than 300 feet nor more than 1,000 feet in rural areas, or not less than 100 feet nor more than 300 feet in urban areas to warn motorists that the bus is about to stop. The alternating red flasher lights will be activated automatically when the service doors are opened.
- Bring the bus to a full stop, put bus in neutral, and set the parking brake before opening service door to load or unload students.
- Check rear-view mirrors, etc. and all traffic lanes to ensure that all required traffic is stopped before allowing students on or off the bus.
- Students required to cross the road will walk a distance of approximately 8 to 10 feet in front of the bus before starting to cross. They should not cross until they have checked traffic and the driver has indicated it is safe to cross. The driver will again check rear-view mirrors and all traffic lanes to ensure all required traffic is stopped

before signaling students to proceed. The driver will check to be sure that all students have crossed the roadway safely, by use of the crossover mirror and student count.

- The driver will shut the service door, disengaging the alternating red flashers, only when all the students have either boarded the bus and are seated, completely crossed the roadway, or moved a safe distance from the sides of the bus, the bus will then be put in gear and parking brake released to resume travel.
- If a bus is following or meeting another bus stopped to load or unload students, with school bus flashers in operation, it is permissible for bus not unloading or loading students to use school bus flashers.

6. Loading and Unloading on Multiple or Divided Roadway:

Whenever possible all loading and unloading will be done off the traveled portion of the roadway.

- If stopping on the roadway is necessary, the bus will stop in the right-hand or outside traffic lane.
- When stopped on the roadway, buses will load or unload in the right lane of the roadway. In no event will students be loaded or unloaded in a designated turn lane or in a lane immediately adjacent to a designated turn lane.

On a highway with divided and/or multiple traffic lanes in each direction, school buses will load and unload students only on the side of the highway on which there is no traffic.

7. School Buses Operating on Interstate Highways

On interstate highways, school busses will be operated according to the following procedures:

- The bus will not make any stops except in an emergency, nor will any pupil load or unload while the bus is on the interstate. All loading or unloading will be done at points off the interstate, either at an interchange, service, or frontage road.
- No school bus will cross over to the opposite roadway or make any other similar maneuver except at interchanges and then only in a manner consistent with the proper procedures at any given interchange.
- School buses using portions of the interstate will operate only as "express" or "through" buses between two given points.

8. Railroad Crossings:

The following procedures will apply at railroad crossings:

- When students are on board the school bus driver will, before crossing any track or tracks of a railroad, activate the four-way hazard lights and will bring the bus to a full and complete stop not less than 15 feet or more than 50 feet from the rail nearest the front of the bus. If the school bus is required to stop after the school bus has crossed the railroad tracks, the rear portion of the school bus will not be positioned less than 15 feet from the rail nearest the bus.
- When stopped for a railroad crossing, the driver will carefully observe traffic and reduce speed in advance of the stop. On multiple lane roadways, all stops will be made in the extreme right traffic lane.
- While completely stopped, the driver will fully open the service door and will listen and look in both directions along the track or tracks for approaching trains or other vehicles. The service door will remain open until the rear of the bus clears all tracks.

- The side window to the driver's immediate left will be opened, and all noisy equipment (radio, fans, etc.) will be shut off until the bus has cleared the railroad crossing.
- If the view in either direction is unclear or is obstructed in any way, no portion of the bus will be moved onto the tracks until, by personal visual inspection, and after parking and securing the vehicle, the driver is certain that no train is approaching. In no instance will a signal indicating safety be considered as conclusive or serve to abrogate this precaution.
- Drivers will, in every instance, cross in a gear that does not necessitate changing gears while traversing the railroad crossing and will not under any circumstances shift gears when the bus is actually crossing the railroad tracks.
- In the event a train has just passed through the crossing, no bus driver will drive the bus onto the track or tracks until the train has sufficiently cleared the crossing and the driver is certain that no other train is approaching on an adjacent track.
- In stopping at any railroad track at which there is no operational flashing red lights and/or bell, the driver will not proceed across the track unless by direction from a law enforcement officer or railroad personnel. The driver is still responsible for the safe movement of the bus.
- If a stop and go traffic light controls the movement of traffic at the railroad crossing, the driver need not stop unless the traffic light indicates to stop.
- No school bus driver will drive the bus through, around, or under any crossing gate or barrier while the barrier is closed or in the process of being opened or closed unless instructed to do so by the proper authority.
- No part of the bus will be placed near the tracks until the driver knows conclusively that the crossing can be made safely.
- When a bus stops adjacent to a railroad track, the driver will not proceed until all passengers are silent.

9. School Bus Alternating Flashers Will NOT Be Used:

- When the school bus is completely off the traveled portion of the roadway or on school grounds to load or unload students.
- At railroad crossings, traffic lights or at any other time the bus is required to stop except to load or unload students on the traveled portion of the roadway.
- Note: Pursuant to section 66-1-4 (15N), NMSA, 1978 "roadway" means that portion of a highway improved, designed or ordinarily used for vehicular traffic, exclusive of berm or shoulder.

10. School Bus Safety Equipment:

All school buses used to transport students on regular to and from routes and district-sponsored activities will meet New Mexico School Bus Construction Standards and the New Mexico School Bus Inspection requirements.

- All school bus drivers will always use the seat belt when the vehicle is in motion. Seat belts are required of students only on buses of Gross Vehicle Weight of 10,000 pounds or less, or when a specific student requires a seat belt.
- Each school bus will carry a first aid kit with contents as specified in New Mexico School Bus Construction Standards.

- Each school bus will be equipped with at least one UL-approved pressurized dry-chemical fire extinguisher complete with hose. The fire extinguisher will have a total rating of 2A1 OBC or greater and meet New Mexico School Bus Construction Standards. The extinguisher will be kept in the driver's compartment, fully charged, and in good working condition. Each driver will be familiar with operating the fire extinguisher.
- Each school bus will be equipped with a minimum of three triangular warning reflectors, and the driver will be knowledgeable as to their operation and proper placement.
- Each driver will use reflectors in the event of prolonged stops on the roadway as follows:
 - a. Place at approximately 100 feet in front and back of the disabled vehicle in the center of the traffic lane occupied by the disabled vehicle.
 - b. Place at the traffic side of the disabled vehicle, not less than 10 feet from the front or rear.
 - c. If the vehicle is disabled within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver will place the warning device in that direction to afford ample warning. The warning device must not be less than 100 feet or more than 500 feet from the disabled vehicle.
- The hazard mode warning lights will be used when necessary to stop on the shoulder or the traveled portion of the roadway if the bus is temporarily disabled or it is necessary to stop for any reason other than loading and unloading operations. Hazard mode warning lights will also be used when the speed of the bus is less than one-half of the posted speed limits.
- No item that will block the aisle or exits will be permitted on the bus.
- In transporting musical instruments, shop projects, or other school projects, the following will apply:
 - a. No item will occupy needed seating space.
 - b. No item will be placed in the driver's compartment.
 - c. All items carried by students will always be under the control and carried on their laps or between seats. The aisle and exits will not be blocked.
- The emergency door and/or windows will not be fastened or wired in any fashion as to prevent opening from the inside or outside while the vehicle is in operation.
- Loose items such as tools or brooms, etc. will be securely stored or fastened if carried inside the bus.
- Trailers will not be attached to a school bus at any time.

1. Lighted Headlamp:

It is required that the low beam headlamp be displayed during daylight hours when transporting students on routes or activity trips.

SECTION 4

SCHOOL ACTIVITY TRIP REGULATIONS

1. School Activity Trips:

Local - Field trips which do not require students to be away overnight may be approved by the school building administrator.

Extended - Field trips requiring one or two nights away from home must be approved by the Principal and the Board.

Field trips requiring over night away from home, or of a unique nature in destination or activity will be referred to the board for approval.

- Approval of Intent by the Principal - Approval of intent must be received before announcement to parents and students and prior to fund raising activities. Request for preliminary approval must include:
 - a. A statement of educational objectives of the trip.
 - b. A proposed budget including costs to students and sources of finance.
 - c. An estimate of the number of students participating.
 - d. A general plan or schedule for the trip (ITINERARY).
 - e. A time schedule listing time of departures, travel, arrival and activities.
- Final Approval by the Executive Board - Requests for final approval must be addressed to the Principal. The Principal shall have reviewed all documents and ensure all documents are attached and approve the request before submitting to the Board. The overnight trip request will be placed on the Board meeting agenda for approval at that month's School Board Meeting. Documents should include:
 - a. A detailed itinerary of the trip including educational activities, accommodations and travel arrangements.
 - b. Planned adult supervision.
 - c. A detailed budget including receipts and disbursements anticipated.
 - d. Assurance that the above details have been provided to parents and that written parental authorization for the trip has been documented.
- Arrangements for supervision of students on extended or unique field trips are subject to approval by the Principal.
- The written consent from parents must be obtained for every child participating in a field trip. Permission slips must inform parents of the following:
 - a. Name, location and date(s) of the event
 - b. Cost to the student
 - c. Mode of transportation to be used
 - d. Name of the supervisor overseeing the activity
 - e. Parents' responsibility

No student may participate unless a signed parent permission slip for the specific event is on file with the building administrator.

- The sponsor must provide the driver and/or chaperone a copy of the approved itinerary including the route(s)

to be followed and a summary of their responsibilities. The itinerary cannot be changed during the trip. For trips other than interschool athletics, supervision of one (1) adult per ten (10) students is required.

- Coaches, sponsors and drivers cannot take family members on activity trips, unless they are eligible participants.
- Whenever possible, bus transportation should be provided. A passenger manifest must be left at the school before departure for a field trip.
- The activity driver shall be responsible for the bus/vehicle at all times, including its care and operations and has the following additional responsibilities:
 - a. Compliance with all Federal, State and Local Regulations.
 - b. Completion of a trip ticket approved by the school district administrator when one is required.
 - c. Assumption of safety responsibilities of all passengers while they are in the bus/vehicle.
 - d. Obtaining prior approval from the school district administrator or designee for any changes in route or itinerary while the activity trip is in progress.
 - e. Notification to the school district administrator of all emergencies that arise.
 - f. Maintenance of all records pertinent to the trip, including trip tickets.
 - g. Insuring that prior to departure and the return journey, the bus/vehicle is clean, completely serviced and inspected, noting the condition in writing on the appropriate form and signed by the driver.
 - h. Only under exceptional circumstances when it is impractical to unload passengers, shall buses/vehicles be fueled while students are on board.
 - i. Upon request, the activity driver shall show a properly signed Activity Trip Ticket to any State Police Officer, Department of Transportation Officer or staff member of the State Department of Education.
- The use of private vehicles is not allowed.
- Only employees may drive GSA vehicles.

2. Responsibilities of Sponsors:

Activity sponsors shall be responsible for students on and off the vehicle and for the following:

- Preparation and submission of trip requests in accordance with the local board of education's policies.
- A trip request must be submitted to the Principal 14 calendar days prior to trip along with a trip itinerary and purchase order number and line item information.
- Notification to the school administrator or designee of any schedule changes.
- Assurance that students are at the departure points at the appointed time.
- Activity/Field trip drivers will not be on the road between 1:30am to 5:00am.
- Supervision of the loading and unloading of the vehicle.

- Assurance of the orderly conduct and discipline of students during the trip.
- In an evacuation of the vehicle, supervision of students and maintain control of student passengers.
- All arrangements on overnight trips for meals and lodging, including the driver.

3. Provision for adequate rest stops.

- Maintenance of a student roster and taking roll each time students disembark and return to the vehicle.
- The person responsible for the group or activity shall not have the additional responsibility of driving the school activity bus.
- At the completion of the trip, the bus will be cleaned out by the students and the sponsor. If the driver has to clean the bus extra time will be charged.
- No vehicle may carry more than the rated seating capacity and no standees or temporary seats are permitted.

4. Activity Trip Tickets:

- Trip tickets must be signed by the principal, business manager, transportation coordinator, or designee of the school. Only school sponsored trips as defined above qualify for such trip tickets.
- When a trip is scheduled, the requester will be notified by email confirming the trip.
- A trip ticket will not be required to be issued by the school if services are obtained from a commercial common carrier.

5. School Boards Policy on Activity Trips:

Each local board of education will adopt policies covering the safety and welfare of students participating in school-sponsored activities. Policies must cover at least the following:

- Provisions for rest and relaxation for students and driver(s) during trip;
- Procedures governing the use of private vehicles for transportation of students to and from such activities;
- Policy regarding insurance coverage for personnel, vehicles and student passengers;
- Provisions for off-duty time for the driver on any trip which requires in excess of ten hours continuous driving time;
- Provisions governing procedures to be followed if and when emergencies arise, including, but not limited to, notification of parents.

6. Activity Trip Assignment Procedures for Drivers:

Assignment

- The principal, or designee, or the Transportation Coordinator will assign drivers for school activity and field trips.
- A trip will not be taken from one driver and given to another driver once it has been assigned unless approved by the transportation office designee.

- Driver will be paid per the department salary schedule for Activity/field trips.
- Time clock starts with pre-trip and ends with post-trip and the end of the day.

Responsibilities

- It is the driver's responsibility to adhere to on duty time and driving time.
- Drivers and sponsors must have an open line of communication.
- The driver should make sure the sponsor knows when they need to leave, etc.
- If there is a problem and it looks like you may go over on time, the driver needs to contact their supervisor.
- If your supervisor cannot be reached, contact someone at the front desk.
- Drivers will be responsible for keeping accurate records of their driving time and mealtime, etc.
- Drivers need to clarify all expectations of the trips with the sponsor before leaving the school.
- Follow trip itinerary and have seating charts filled out before leaving on the trip.
- Drivers who do not adhere to procedures will not be given any more trips.
- Driver will NOT chaperone students or share hotel room with students.

Meals

- A lunch break is required per board policy.
- Meal breaks minimum is 30 minutes except when driver has to dine with students/group.

On Duty Time- Maximum Driving Time

- A driver operating a motor vehicle for the purpose of transporting students to or from a school sponsored activity **shall not have more than 10 hours total driving time, or more than 8 hours continuous driving time.**
- A driver shall not be permitted to be **on-duty** a total of more than **15 hours in a 24- hour period.**
- The following conditions shall be met in order for a driver to be considered off-duty:
 - a. The driver is relieved of duty and all responsibility for the care and custody of the vehicle, its accessories, or any cargo or passengers.

The duration of the driver's relief from duty is a specified, adequate period of time to allow the driver to rest and to pursue activities of his/her choosing off the premises where the vehicle is secured.

SECTION 5

REGULATIONS GOVERNING STUDENTS

1. Student Regulations:

- Student transportation is a privilege extended to students who qualify for transportation pursuant to statutes 22-16-2 and 22-164, N.M.S.A., 1978 Compilation. Students who do not obey the state and local regulations

governing student transportation may have their transportation privileges revoked by the school district.

- Students who are compelled to walk a distance to meet the bus must walk on the side of the road to their left facing traffic, except on divided or multi-lane roadways.
- Students must be on time at their assigned bus stops; the bus will not wait.
- Students must wait in a safe place, clear of traffic and away from where the bus stops.
- Students will wait in an orderly line, avoid "horseplay". When unloading, the students should clear the traffic area.
- The driver is in full charge of students when they are riding on the bus. The students must obey the driver promptly. In cases where a teacher or school administrator is on the bus, they are also authorized to enforce and/or address student behavior/discipline.
- Students will not get on or off the bus while it is in motion. Students must remain seated and keep aisles and exits clear.
- Without the advance permission of a responsible school official, students will not be permitted to leave the bus on the way to or from school except at their regular assigned stop or school.
- Students must occupy the seats assigned them by the bus driver.
- Students will not be permitted in front of the passenger seating area while the bus is in motion.
- Students are not to carry on unnecessary conversation with the driver while the bus is in motion.
- Students will stay out of the driver's seat and will not tamper with any equipment.
- Students will be courteous and obedient to the driver.
- Students must cooperate with the bus driver in keeping the bus clean.
- Rough or boisterous conduct will not be permitted in the bus; however, students are permitted to converse in a normal tone of voice while in the bus. Students should keep absolutely quiet when the bus is approaching a railroad crossing and remain quiet until the bus is safely across the tracks.
- Students will not use profane language or obscene gestures.
- Students will not eat any food or drink any beverages on the bus. Students are not allowed to have any glass containers on the bus.
- Students should remember that misconduct or carelessness not only endangers their own safety, but also the safety of others on the bus.
- Students must not extend their hands, arms, heads, or objects out of the bus windows.
- Animals, firearms, knives, explosives, breakable glass items, or other dangerous objects are not permitted on the bus. No item that will block the aisle or is unsecured will be carried on the bus.
- Students must not open or close the bus windows without the permission of the bus driver.
- Students will not throw any items inside or outside the bus while boarding, riding, or leaving the bus.

- The use of tobacco, drugs, alcohol, or controlled substances or possession of lighters and matches will not be permitted.
- Students will not ride on the outside of the school bus at any time or attach any item to the bus.
- Parents or guardians will be held responsible for malicious destruction to the bus.
- Any damage to the bus from any cause will be reported by passengers to the driver and the driver will, report it to the proper school official.
- Students who must cross the road after departing from the bus must pass far enough in front of the bus (approximately eight to ten feet) so that the driver can see them. Students will cross the road only when the driver signals all is clear. Students will not cross multi-lane roadways to meet the bus.
- Students will look both ways before crossing to the opposite side of the road.

2. Parent Responsibilities:

For safe riding on a school bus by their child, parent responsibilities include the following:

- Insure that their child arrives at the designated bus stop five minutes prior to the scheduled bus arrival.
- Parents wait for their child at their child's designated after school bus stop.
- Provide protection or supervision for their child when unusual conditions warrant precaution beyond ordinary circumstances.
- Cooperate with school officials and school bus operators regarding appropriate conduct of their child at bus stops and while walking to and from bus stops.
- Assist with implementation and enforcement of school bus rider safety.

3. Due Process:

NJOI guarantees due process rights for students and parents. School officials shall follow procedures for suspension and expulsion, as defined in NMAC 6.1.4 New Mexico Administration Code for Schools.

- The hallmark of administrative authority shall be fairness.
- Every effort shall be made by administrator and faculty members to resolve problems through effective utilization of NJOI resources in cooperation with the student and his/her parent.

In cases of a suspension a student must be given an opportunity for a conference if he/she or his/her parent indicate the desire for one in writing, or appear in person to request such a hearing.

4. Complaints:

Every effort shall be made by administrators and faculty members to resolve problems through effective utilization of school resources in cooperation with the student and parent.

In the event that a problem is not resolved, the student and parent will follow the following procedure:

- A written complaint should be filed with the Transportation Coordinator/Principal.
- The Transportation Coordinator/Principal maintains the right to ask that a complaint be placed in writing.

- The Transportation Coordinator/Principal is to provide quick and fair resolution of any complaint. In the event a resolution is not reached through investigation, the Transportation Coordinator/Principal has the authority to bring the complaint to the school board for the disposition of the grievance.
- All complaints will be kept on file in the office of the Transportation Coordinator/Principal for student complaints.

5. School Schedule Changes Due to Emergency Conditions:

Due to sudden changes of weather, it is sometimes difficult to make a quick decision as to whether school schedules should be altered in case of inclement weather. Geographical considerations, large numbers of bussed students, early bus starting times, as well as difficulties in communicating with all individuals concerned must be considered in such a decision. The following procedures will maximize the information flow needed to make an early decision as to whether the normal schedule should be followed.

Delaying the start of school:

- Transportation Coordinator/Principal will decide as to hazardous road and/or weather conditions.
- Transportation Coordinator/Principal will place all busses "on hold" pending an administrative decision as to whether the normal school schedule will be altered.
- The Principal will make the final determination and disseminate the information via radio stations (KNDN), Television Stations KOAT and KRQE will be called. You can also check the school Facebook. A delay decision will be made by 5:00 A.M.
- Delayed schedule will mean that every schedule will be delayed 2 hours. Consequently, the staff will arrive before the students, etc.
- The principal will designate someone to arrive at school at the normal time to supervise students who arrive because of not being informed of the delay. It is possible that some busses, which picked up children before being notified of the delay, will arrive on a normal schedule. It is necessary, therefore, that someone be at school to supervise until school begins.
- Bus drivers must use extreme caution in returning any students home after picking them up and finding school has been delayed. Often times it is still dark and very cold. Parents may have driven students some distance to catch the bus, and will not be there to receive them when students are returned.
- Those first bus drivers out on the roads are responsible for calling in road conditions.
- Bus drivers should receive in-service on what road conditions and clues they should look for in making a determination as to road hazards.

Decisions on delaying school will be broadcast in the following manner.

Early dismissal may become necessary due to the inclement weather:

- In the event of inclement weather, delays or closings will be announced via School Messenger (Text, Call or Email), radio (KNDN) and television (KOAT & KRQE) and School Facebook.
- A driver must notify the Principal as early as possible regarding any information on impassable (inclement weather) road conditions and to assist the principal in deciding to call an early dismissal or a school closure.

- The Principal, or designee, will make the determination to call for an early dismissal.
- The normal schedules will be set back two hours in every case.
- The early dismissal will be broadcast on the radio station mentioned previously, School Messenger and the School Facebook.
- The principal will designate individuals to remain as per the regular schedule. These individuals will supervise the students who normally are transported by parents that may not be aware of the early dismissal. These individuals can also answer the telephone and act as a contact.
- Except for employees who work only on student days (e.g.) teachers, paraprofessionals, librarians, counselors and classroom support personnel; all personnel will report to work as soon as practicable on emergency days.

6. Procedures followed upon student misbehavior on school bus:

- When a student misbehaves on a bus for the first time, the driver will explain to the offender the necessity for good behavior.
- If, after talks and warnings, the rider continues to violate the rules, the driver will inform the student that the rule violation will be reported to the principal. This report will include the use of a written form that lists the offense and the action taken by the principal.
- Upon receiving the complaint and discussing it with the driver, the principal will then call the student to the office and warn the student that the parents must be notified that the student will be put off the bus if misbehavior reoccurs.
- If poor conduct continues, the driver will again report the incident to the principal. After discussion it will be decided whether to take the bus-riding privilege away from the student, and, if so, for how long.
- When a student is not allowed transportation by school bus, the principal will inform the parents of the penalty, the reason for it, and how long the penalty will last. In such cases, the parents become responsible for seeing that their child gets to and from school safely.

A student who is put off one (1) bus will be refused transportation by all drivers for the specified period of time.

7. Transportation Department Passenger Rules and Regulations

When a student is in non-compliance as a bus passenger, the following actions will be appropriate:

- a. When a student misbehaves on a bus for the first time, the driver will explain to the offender the necessity for good behavior.
- b. If, after talks and warnings, the rider continues to violate the rules, the driver will inform the student that the rule violation will be reported to the principal. This report will include the use of a written form that lists the offense and the action taken by the principal.
- c. Upon receiving the complaint and discussing it with the driver, the principal will then call the student to the office and warn the student that the parents must be notified that the student will be put off the bus if misbehavior reoccurs.
- d. If poor conduct continues, the driver will again report the incident to the principal. After discussion it will be decided whether to take the bus-riding privilege away from the student, and, if so, for how long.

- e. When a student is not allowed transportation by school bus, the principal will inform the parents of the penalty, the reason for it, and how long the penalty will last. In such cases, the parents become responsible for seeing that their child gets to and from school safely.
- f. All drivers will refuse a student who is put off one (1) bus transportation for the specified period.
- g. To assure safe transportation of all students, the following infractions could result in ten days suspension from all transportation as follows:
 - i. Opening or playing with the emergency door.
 - ii. Throwing objects at the driver or other students.
 - iii. Throwing objects out the windows at pedestrians or other vehicles.
 - iv. Crossing in back of the bus before or after loading.
 - v. Directing obscene language or gestures at the driver or others inside or outside the bus.
 - vi. Behaving in ways that disrupt the safe operation of the bus.

In the event that a student is brought back to the school three (3) times because no parent or guardian was present, the student will be suspended from the bus for one (1) week.

SECTION 6

TRANSPORTING SPECIAL EDUCATION STUDENTS

While the following rules and regulations may not cover all situations that may exist for the various exceptionalities, they do serve as guidelines to assist in the operation of special education transportation programs. These policies serve in addition to other rules and regulations outlined in this publication.

1. Identification of Transportation needs for Student with Disabilities:

- Transportation needs for students with disabilities who request transportation as a related service shall be determined and specified on an individual case-by-case basis by each student's Individual Education Program (IEP) committee. The committee shall utilize evaluation information including but not limited to: parent information, other related services assessments, medical information, assistive technology assessment and other information from the student's multidisciplinary team evaluation.
- Decisions regarding transportation as a related service shall be guided by the principle of Least Restrictive Environment (LRE). Therefore, students with disabilities shall be transported with neighborhood peers who are not disabled unless restricted by health or safety considerations. When modification to standard transportation are necessary, transportation personnel shall be afforded the opportunity to participate in the development of the IEP. The IEP document shall clearly state the transportation needs/modifications identified by the IEP team. If future circumstances require significant changes in services, any team member, including transportation personnel, may request that the committee reconvene to consider the student's transportation needs.

2. Provisions of Transportation for Students with Disabilities:

Students with disabilities who require transportation as a related service shall be transported with neighborhood peers who are not disabled unless restricted by health or safety considerations. Modifications to standard transportation services shall be required through the IEP process and shall be stated in the IEP document.

3. Student Behavior:

- When a student's behavior endangers the safety of others, the student shall be suspended from the transportation vehicle according to the school board policies.
- Provisions for removal and reinstatement of transportation services for students with disabilities shall be specified in the Board's policies and in the student's IEP. In the interim, the student with the disability may require other means to access educational services. Any change in related service(s) transportation must be made through the IEP process, and the procedural safeguards specified.
- Significant medical problems should be documented, especially the possibility of seizures, etc.
- Alternate emergency drop-off points and telephone numbers of specified contact persons will be obtained.
- Late registration or placement of a student into a different program after school usually affects routing and time schedules of one or all students on the bus. Several days may be required before all adjustments are made and the start of transportation services for a particular student. A minimum of five (5) days planning time is usually required. Changes should not be made late in the school year unless absolutely necessary.

4. District Administration Responsibilities:

The designated school administrator is responsible for implementing the policies set by the Board and for promoting public understanding of and support for the school systems special education transportation program.

- Loading and Unloading:
 - a. A.M. Unloading: Building administrator, or designee, will be on site at the a.m. unloading area. The bus driver will not be allowed to leave special education students unattended.
 - b. P.M. Dismissal: Building administrator, or designee, will have the students ready at dismissal time. The bus driver will not be required to wait more than five minutes. The driver and/or bus aide will not be allowed to leave the bus to search for unaccounted students. Once the bus has departed, the driver will not be required to return to the school. The building administrator, or designee, will be required to make other arrangements for the student to be transported home.
- The school will develop a policy relative to bus suspension procedures.
- Upon receiving a written complaint, the appropriate school official shall respond as soon as possible. An immediate response to a problem will be of great benefit to all concerned.
- Suspension from the bus does not mean that a student is suspended from school (The parent or caretaker will be responsible for transporting the student to and from school.)
- In the event that it is necessary to suspend a student from school as well the bus, the board policy on long- and short-term suspension of handicapped students will apply.
- The building level administrator will be available at the school until all students have been properly delivered on their route; all drivers are to be informed of persons who have been designated to take custody of students. Building administrators, or designee, will be responsible for providing the drivers or transportation department with names and phone numbers of these caretakers.

Mid-Day and Regular PM routes (Special Needs and Kindergartners):

- a. If no one is home to receive a student, the driver will contact the front office of the school in an attempt to contact the parents/guardians/care takers.

- b. If unable to make contact, the bus driver will contact the school administrator and inform them that the student will be brought back to the school with an estimated time of arrival.
- c. After completing the bus run the bus driver will deliver the student to the school.
- d. At this time, the school administrator, or designee, will attempt to contact the parent/guardian/caretaker to pick up the child at the school or make other arrangements.

Teacher Responsibilities (Specific duties of the teacher or aides are to):

Enhance a safe and successful bus operation through regular and continuing education of all persons involved in the special education transportation process. The teacher, together with the bus driver and/or the bus aide, makes students aware of their responsibilities on the bus. With careful planning the special education school bus can be a valuable extension of the classroom experience.

- a. Be familiar with state and local policies on special education transportation.
- b. Communicate to parents or caretakers and students the state and local policies and regulations for special education transportation in order to promote understanding and support for the school systems special education transportation program.
- c. Communicate regularly with the bus driver and/or bus aide regarding the special needs of students.
- d. Supply information to the driver and/or bus aide regarding behavior modification so that consistency can be maintained. The teacher should explain the style of discipline used in the classroom and suggest techniques which work with specific students, realizing that the bus is an entirely different setting.
- e. Discuss the teacher's expectations for bus behavior with the driver before school begins. This should be done in order to clarify the teacher's and bus driver's expectations for the students' bus behavior.
- f. Establish consistent procedures for loading and unloading students:
- g. Have the students ready at dismissal time.
- h. Load all the students at one designated time in the afternoon. Coordinate loading times with the other teachers if there are several special education programs in the school.
- i. Distribute classroom materials in the classroom before the students get on the bus to return home. Distributing materials on the bus creates an atmosphere of confusion.
- j. Notify the driver when a parent has picked up a student from school so that the driver does not have an unnecessary delay. Notify the bus driver when a parent brings a student to school late. Advanced notice to the driver will reduce the possibility of a student being inadvertently left at school.
- k. Give rewards which are earned in the classroom to the driver (especially if they are toys or food) in a bag marked with the student's name.
- l. Tell the driver what kind of a day the student has had, especially if it has been bad. This helps alert the driver to a potential problem. It is most effective to tell the driver quietly in front of the student, so that the student realizes that the driver is aware and can make adjustment. It may be helpful to seat a student in a different place on the bus and/or alter the route slightly in order to deliver the student home as soon as possible.
- m. Instruct the student on proper bus behavior and school bus safety as a part of classroom discussions and activities. The teacher should assist the student to develop an attitude of respect and courtesy toward the

driver and bus aide.

- n. Give the bus driver adequate notice concerning any changes in pick-up and drop-off addresses.
- o. Building administrators, or designee, will be responsible for providing the transportation department with names and phone numbers of person(s) who are designated to take care of students whose parents are not at home.
- p. Refrain from asking the bus driver to change the routing pattern and pick-up or dismissal times as the driver is not allowed to change or modify bus routes.

5. Parent or Caretaker Responsibility:

- Have the student ready to board the bus when the bus arrives and when necessary be with the student at the bus stop during inclement weather.
- Parents need to be visible to release students off the bus at the designated bus stop.
- Encourage the child to obey safety rules and regulations and encourage proper bus behavior.
- When the students are delivered to the assigned address at the end of each school day, the driver will NOT be allowed to leave the student unattended. Parents are responsible for arranging to have a designated person receive the student. A parent or caretaker may request permission to leave a student unattended in writing from local school officials.
- Have all necessary supplies, materials or medications, etc., in a pouch or a packet labeled with the child's name. In consideration of student safety, articles that block the aisles, emergency door, or service door of a school bus will not be allowed.
- Do not allow students to drink or eat food on the bus. The danger of a student choking on food is a high-risk factor.
- Know where the student is to be picked up each morning and delivered in the afternoon.

In the event that the student needs assistance to get to or from, on or off the bus, the parent cooperates by making arrangements for bringing the student to the bus, and for picking up the student on the return trip.

- In the event that the student does not plan to attend school on a specified day, the parent/caretaker shall:
 - Inform the bus driver when the bus arrives at the student's house;
 - Prepare a student emergency information card as required by this regulation. This card includes emergency phone numbers and/or address of a responsible person to be contacted in case of an emergency.
- Give at least a full five-school-day notice concerning any changes in pick-up and drop-off address. The driver is not allowed to change or modify a bus route. Do not ask a driver to violate this policy.
- Transport his or her student in the event of a necessary bus suspension.

6. Qualifications for Special Education School Bus Drivers:

School Bus Driver Selection

- The school administrator, along with the Human Resource personnel, shall adhere to all applicable federal, state and tribal employment requirements when employing, re-employing or retaining a school bus driver. The employer shall maintain records verifying completion of the following procedures in their files:
- Completion of an application form that meets or exceeds State and Federal requirements.
- A check of the applicants' driving record through the New Mexico Motor Vehicle Division, or the National Driver Register or other states' Motor Vehicle Divisions. Driver record checks shall be made monthly.
- A criminal background check in accordance with section 22-10-3, NMSA, 1978; Public Law 101-630, Code of Federal Regulations 25 Part 65 and Public Law 101-647 to determine if the applicant has a record of criminal convictions, the school and employee shall maintain an Agreement, Authorization, Waiver and Release form, in addition to a Criminal History Affidavit on any new employee working with children.
- Satisfactory completion of a school bus driver physical examination.
- Verification that the driver is properly licensed as a school bus driver by the Motor Vehicle Division.
- A copy of the commercial driver's license examination, vehicle inspection, basic control skills and road test.
- Each employer shall make available to each bus driver at the time of hiring the Standards for Providing Transportation for Eligible Students and any local handbooks.
- Special education drivers may be required to attend other special training programs as designated by the local district.

7. Qualifications for Aides:

- A bus assistant shall be provided on busses equipped with a wheel chair lift, when necessary and/or required by law or regulation.
- Bus assistants shall complete a course on providing Transportation as a Related Service to students with disabilities and an approved First Aid/CPR course.
- Bus assistants shall have a current First Aid/CPR certification.
- Bus assistant shall complete 16 hours in-service each year.
- Aides will be a minimum age of 18.

8. Responsibilities for Drivers and Bus Aides:

The following rules and regulations are applicable to drivers and aides, but do not cover all situations, which exist for various exceptionalities. They do serve as guidelines for the operation of special education transportation programs. The driver and aide will:

- Obey all regular school bus operational regulations (unless exceptions are noted), state and local policies and traffic laws.
- Maintain and keep current transportation confidential such as emergency cards and other required reports. This information is to be maintained in accordance with the Family Education and Privacy Act and state and local special education regulations.
- Refrain from administering any medication.
- Withhold from a student any type of food (candy, gum, soft drink, etc.) unless the written permission of parents or caretakers is granted.

- Exercise patience, understanding, and mature judgment in working with a handicapped student.
- Communicate effectively with parents and school staff.
- Utilize and safely operate the special equipment needed for each student's seating, loading and unloading.
- Know the safest and most direct route to a hospital or recognized medical center.
- Arrange the seating of students, where possible, to prevent emotional or physical disturbances, but allow "normal" interaction between students, the special education teacher for these students may be of great assistance in these situations.
- Explain bus rules to students and enforce them, remembering to:
 1. Be firm -- but gentle.
 2. Be patient -- but persistent.

3. Always be consistent.

- Maintain discipline and report to the proper school authorities and/or parents any unusual episodes, attitudes, etc., immediately and in detail, because they may have medical implications. Any student who is a threat to the safety of the other children, themselves, and/or the driver should not be permitted to ride the bus. Administrative procedures will be followed when exclusion of a child is considered.
- Be willing to learn how to care for each student under the many circumstances that might occur while the students are on the bus. Eye contact usually reveals problems that may occur.
- Know the appropriate procedures to take in case of a traffic accident or breakdown as they relate to the exceptionalities of the students.
- Maintain the bus schedule for pick-up and drop-off of students as closely as safety will permit.
- Adhere to an established route unless there is an emergency.
- Make sure that a student is not unattended in the bus or at the p.m. drop-off point. The driver must contact Transportation/School if no one is present at stop to meet student.
- Communicate with school personnel and parents when a student is on medication and what possible effects the medication will have on the student being transported.
- Record when each student is behaving abnormally for their condition and advise the appropriate officials accordingly.
- Be mentally alert and follow the plan for emergency indicated on the student information card when problems or abnormal reactions occur.
- Assist each student in meeting therapeutic needs as indicated by appropriate school personnel such as learning to get on and off without assistance.
- In addition to the above requests, the special education aide will:
 - a. Assist in the loading and unloading.
 - b. Maintain control of students while on the bus.
 - c. Take care of any special needs of the students while they are on the bus and while they are being loaded

and unloaded.

- d. Assist the bus driver in times of need and during any emergency.

9. Loading and Unloading Students:

- The bus driver will follow the same loading and unloading procedures as regular transportation.
- The type and severity of the exceptionality will usually determine where the actual bus stop will be located, within the following guidelines:
 - a. Students who cannot be left unattended will be loaded and unloaded in front of each student's home or pick-up/drop-off point.
 - b. Other students may be able to walk to and from the bus stop, and this may be required as part of their therapy. Written directions will be provided to the driver by the parent or caretaker and the school district.
 - c. The bus stop will be determined by the school officials upon recommendation from the doctor, special education administrators, and parents.

10. Communication Equipment for Buses:

Because of the inherent medical emergencies and other problems that could occur while transporting special education students, a high priority should be given for the installation and maintenance of two-way radio communication systems on special education buses.

11. Transportation of Medication:

- The driver and/or aide may accept the transportation of medication, pursuant to local board policy, from the parent and/or caretaker; however, the driver should have a form on which they date and sign the acceptance of the medication from the parent.
- A secure compartment must be provided for the driver to store medication.
- Upon arrival at the student's destination, the person receiving the medication from the driver should sign for acceptance of the medication from the driver.
- All medication must be clearly identified with the student's name on it.
- Should a child's IEP call for the administration of medication during a trip or on a route, the Exceptional Programs Department will provide a trained person to administer the medication. Otherwise, medication will not be administered.

12. Transportation Confidential Emergency Card:

In order for the driver and/or aide to be generally informed by school officials concerning the physical, mental, and/or emotional disabilities of each student, a Transportation Confidential Emergency form will be provided by the school on each student. Each form will include, but is not limited to, the following information:

- Student's name, date of birth, school, school year and bus number.
- Parent's name.
- Address, with loading and unloading instructions, for both a.m. and p.m.

- Home telephone and emergency telephone numbers, i.e., doctor, parent(s), and teacher.
- Nature of child's exceptionality as it pertains to transportation needs and special bus provisions.
- Suggested steps to be taken by the driver or the aide in the event of illness, seizure, etc., while riding the bus.
- Emergency medical information, medication student is under, and special instructions for attending physician.
- These forms must be treated as confidential records.

13. Discipline and Student Rights:

The following suggested procedures will protect the pupil's rights and maintain order on the bus:

- The driver and the aide should attempt to handle infractions through discussions with pupils and/or reassignment of seats. (Sometimes a call to the parents will improve behavior.)
- First offenses require at the minimum a notification to the pupil and parent(s) by phone or in person. Second or subsequent offenses or infractions of the rules may require a conference with the pupil, parents, driver, and school administrators and could result in a period of suspension of the pupil's bus riding privileges.
- In case of serious or recurring misconduct, a pupil's bus riding privileges may be promptly suspended for acts which jeopardize the safe operation of the bus and/or the safety of the other passengers on board.

14. Do Not Resuscitate (DNR) Order:

All efforts to revive a student will be made including a call to "911" for emergency assistance.

15. Comparable Travel Time:

Transportation time for students with disabilities will be comparable to that provided to their peers without disabilities. Whenever possible students will ride on regular route buses, students with disabilities, whose I.E.P. dictates special transportation needs may require a variance to the comparable travel time policy, this shall be determined on a case-by-case basis by the student's I.E.P. committee and shall be clearly stated in the I.E.P. document.

16. Transportation of Special Personnel:

Special personnel (i.e., licensed nurses, special education assistants, or other designated persons) will be assigned to a bus route only after a decision has been made by the I.E.P. committee to provide this type of service to a student.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 41 TRANSPORTATION - SCHOOL BUS SAFETY
PART 4 STANDARD FOR PROVIDING TRANSPORTATION FOR ELIGIBLE STUDENTS

6.41.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, 3/27/2018]

6.41.4.2 SCOPE: Provisions of Chapter 41, Part 4 apply to Local Education Agencies (LEA). This regulation governs LEAs. If an LEA chooses to provide transportation services by contracting with a transportation service provider instead of through LEA employed personnel, it may do so. The LEA, however, is responsible for ensuring that the provisions of transportation services complies with all pertinent state and federal regulations including 49 Code of Federal Regulations Part 382 and statutes and department regulations.
[6.41.4.2 NMAC - Rp, 6.41.4.2 NMAC, 3/27/2018]

6.41.4.3 STATUTORY AUTHORITY: This regulation is promulgated pursuant to Sections 1111g(1)(E) and 1112c(5)(B) of ESEA, Section 722g(J)(iii) of the McKinney-Vento Act, and Sections 22-2-1, 22-2-2, 22-8-26, 22-10A-5, 22-16-2, 22-16-4, and Subsection D of Section 9-24-8 NMSA 1978.
[6.41.4.3 NMAC - Rp, 6.41.4.3 NMAC, 3/27/2018]

6.41.4.4 DURATION: Permanent.
[6.41.4.4 NMAC - Rp, 6.41.4.4 NMAC, 3/27/2018]

6.41.4.5 EFFECTIVE DATE: March 27, 2018, unless a later date is cited at the end of a section.
[6.41.4.5 NMAC - Rp, 6.41.4.5 NMAC, 3/27/2018]

6.41.4.6 OBJECTIVE:
To establish a safe, timely, and efficient system of transportation responsive to the needs of eligible public school students, hereinafter students, including children and youth in foster care and homeless children and youth, and to guide the provision of school transportation and transportation as a related service to students with an Individualized Education Program (IEP). LEAs, therefore, shall ensure that all eligible students are served within the requirements of current federal and state laws and department regulations.
[6.41.4.6 NMAC - Rp, 6.41.4.6 NMAC, 3/27/2018]

6.41.4.7 DEFINITIONS:

A. "Activity driver" means an individual who is employed by an LEA or a transportation service provider and has completed all federal, state, and department certifications, licensing requirements, and LEA criteria to drive students on school-sponsored activities.

B. "Child welfare agency" means the children youth and families department.

C. "Children in foster care" means 24 hour substitute care for children and youth who are placed away from their parents or guardians and who are in custody of state or tribal welfare agencies.

D. "Conviction" means an adjudication of guilt, and includes a guilty plea, judgment, or verdict, no contest, nolo contendere, conditional plea of guilty, or any other plea that would result in an adjudication of guilt in any court of competent jurisdiction. A conviction includes a deferred sentence and a conditional discharge prior to satisfaction of the conditions and after satisfaction of conditions where required by the act.

E. "Driver" means school bus driver, substitute school bus driver, activity bus driver, school-owned activity vehicle driver, and sport utility vehicle (SUV) driver.

F. "Eligible student" means:

(1) Students eligible for transportation services under federal and state statute or under the department's standard for determining hazardous walking conditions pursuant to 6.41.3 NMAC. Students are eligible for transportation services in accordance with Section 22-16-4 NMSA 1978 if school bus routes are:

(a) one mile one way for students in grades kindergarten through six;

(b) one and one-half miles one way for students in grades seven through nine, and;

(c) two miles one way for students in grades 10 through 12.

(2) Students with an IEP are entitled to transportation pursuant to Subparagraphs A through C of Paragraph (1) of Subsection F of 6.41.4.7 NMAC, or transportation as a related service pursuant to Subsection EE of 6.41.4.7 NMAC.

G. "Employer" means an LEA or transportation service provider.

H. "Homeless children and youth" as defined by section 725(2) of the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes:

- (1) children and youth who are:
 - (a) sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - (b) living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
 - (c) living in emergency or transitional shelters;
 - (d) abandoned in hospitals;
- (2) children and youth who have a primary nighttime address that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- (3) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
- (4) migratory children under Title I Part C migrant education program.

I. **“Individualized education program (IEP)”** means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with Sections 300.320 through 300.324 of 34 CFR.

J. **“IEP team”** means individuals who are involved in writing a student’s IEP. In accordance with Section 300.321 of 34 CFR, Individuals with Disabilities Education Act, this team may include:

- (1) the student’s parents or legal guardian;
- (2) at least one of the student’s general education teachers;
- (3) the student’s special education teacher;
- (4) an individual who can interpret the instructional implications of a student’s evaluation;
- (5) an individual representing the school system;
- (6) individuals with knowledge or special expertise about the student;
- (7) representatives from transition service agencies, if applicable; or
- (8) the student, if appropriate.

K. **“Local education agency”** means a local public school district, a locally-chartered charter school, or a state-chartered charter school.

L. **“On-duty time”** means time related to the driving, servicing, or operation of the vehicle, or those duties assigned or necessary that are related to a specific LEA-sponsored activity trip such as staying with the vehicle for security purposes or assisting with supervision of students. On-duty time also includes performing any compensated work for an entity that is not a motor carrier.

M. **“Planned school-sponsored activity trip”** means transportation of school groups when the activity is approved according to the LEA’s policy. Activity trips do not include recurring transportation that is part of the school day.

N. **“Roadway”** means that portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of berm or shoulder.

O. **“School bus”** means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events, but not including a vehicle:

- (1) operated by a common carrier, subject to and meeting all requirements of the public regulation commission but not used exclusively for the transportation of students;
- (2) operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the public regulation commission but is not used exclusively for the transportation of students;
- (3) operated as a per capita feeder as provided in Section 22-16-6 NMSA 1978; or
- (4) that is a minimum six-passenger, full-size, extended-length, sport utility vehicle operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA 1978.

P. **“School bus assistant”** means an individual employed by an LEA or a transportation service provider to help the school bus driver and students. A school bus assistant shall be provided on school buses when necessary, when required by law or regulation, or when required by a student’s IEP.

Q. **“School bus driver”** means an individual employed by an LEA or a transportation service provider that has completed all federal, state, and department certification and licensing requirements and LEA criteria and is assigned to drive a school bus on an LEA-approved school bus route or on a planned LEA-sponsored activity trip in a school bus that meets requirements pursuant to 6.40.2 NMAC.

R. **“School bus driver instructor (SBDI)”** means a person certified by the department to provide mandatory pre-service training to applicants who want to drive a school bus in New Mexico.

S. **“School bus route”** means a designated course regularly traveled by a school bus for to-and-from transportation to pick up students and take them to school or to deliver students from school to their homes or to designated school bus stops that are approved by the LEA. Should the typical number of students on a school bus route drop below the number of 10, it shall be the responsibility of the LEA to notify the department transportation director by phone or email immediately.

T. **“School of origin”** means the school in which the child or youth is enrolled at the time of placement in foster care or prior to becoming homeless.

U. **“School-owned activity vehicle”** means a vehicle other than a school bus that is used to transport students to and from planned LEA-sponsored activity trips.

V. **“School-owned activity vehicle driver”** means an individual who meets all qualifications, licensing requirements and LEA criteria to drive students on LEA-sponsored activities in school-owned vehicles other than school buses.

W. “School-owned activity vehicle instructor” or “AVI” means a person certified by the department to provide mandatory pre-service training to driver applicants for school-owned activity vehicles.

X. “Serious traffic offense” means any of the following offenses contained in Sections 66-1-1 through 66-8-141 NMSA 1978:

- (1) speeding in excess of 15 miles above any posted speed limit;
- (2) reckless driving;
- (3) careless driving;
- (4) passing a school bus;
- (5) following too closely;
- (6) operating a commercial motor vehicle without holding a valid commercial driver’s license (CDL) along with any endorsements;
- (7) racing on a highway;
- (8) homicide or great bodily harm by vehicle;
- (9) injury to a pregnant woman;
- (10) failing to stop after an accident involving death or personal injury; or
- (11) operating a vehicle after suspension or revocation of a driver’s license.

Y. “Sponsor” means an individual, such as a coach, teacher, or parent who accompanies students on a planned LEA-sponsored activity trip.

Z. “Substitute school bus assistant” means an individual employed by an LEA or transportation service provider to help the school bus driver and students when the assigned school bus assistant is absent.

AA. “Substitute school bus driver” means an individual employed by an LEA or transportation service provider to operate a school bus on a school bus route when the assigned school bus driver is absent. The substitute school bus driver shall meet all certification and licensing requirements of a school bus driver.

BB. “Sport Utility Vehicle (SUV)” means a sport utility vehicle or a crew cab pickup truck. This type of vehicle differs from a typical four-door sedan due to being constructed on a light or medium truck chassis, making it more rugged and giving it higher ground clearance. It must have four full-size doors and seat six to nine passengers. Vans and mini-vans are excluded from this definition.

CC. “To-and-from route serviced by an SUV” means a designated course regularly traveled to pick up designated students at their designated pick-up location to take them to school or to deliver designated students from school to a designated drop-off location.

DD. “Transportation administrator” means an individual employed by the LEA or transportation service provider who has responsibility to monitor and guide the transportation program, drivers, and assistants and who is required to make daily observations to detect reasonable suspicion for alcohol or substance use or both.

EE. “Transportation as a related service” means specific modifications or support services or both that are required for transportation of a student with an IEP.

FF. “Transportation service provider” means an individual or business that has entered into a binding agreement with the LEA to provide school transportation services.

[6.41.4.7 NMAC - Rp, 6.41.4.7 NMAC, 3/27/2018]

6.41.4.8 RESPONSIBILITIES OF THE LOCAL BOARD OF EDUCATION OR CHARTER SCHOOL

ADMINISTRATOR: Each local board of education or charter school administrator is responsible for adopting transportation policies, which ensure a safe, timely, and efficient system of transportation for all eligible students, including children in foster care and homeless children and youth, within its jurisdiction. School transportation services for eligible students shall be provided by use of a school bus, per capita feeder route, or SUVs or a combination of school bus, per capita feeder route, or SUVs. Additional options for transportation of children in foster care or homeless children and youth may be explored while ensuring the safety of students. Therefore, each local board of education or charter school administrator shall establish policies in the following areas.

A. Community, parent and staff involvement: Each LEA shall:

- (1) provide a platform for adequate community, parent, staff, and transportation service provider participation in the development of policies and procedures for providing transportation services to eligible students;
- (2) approve a policy defining the responsibilities of parents, students, teachers, staff, and transportation service providers;
- (3) provide a platform for adequate information and training provided to the community, parents, and school personnel so that each understands the rights and responsibilities associated with transportation services;
- (4) approve a policy concerning complaints from parents, students, transportation providers, and others regarding school transportation;
- (5) approve a policy concerning transportation as a related service for a student with an IEP as the IEP requires. The transportation administrator or designee, or transportation service provider shall be afforded the opportunity to participate in the development of the IEP as it relates to transportation;
- (6) approve disciplinary procedures, including an appeal process, applicable to all students being transported. The procedures shall comply with all applicable federal and state law and department regulation. Information regarding disciplinary procedures shall be provided to parents and students;

(a) the procedures shall include the process for emergency removal of a student from a school bus;
(i) if emergency removal of a student is necessary, the driver shall report the incident or behavior to the transportation administrator within 24 hours of the incident; and
(ii) a written behavioral report shall be filed with the school and a copy of the report provided to the parents;

(b) nothing contained herein or in local board of education policy shall prevent the emergency removal of any student from a school bus if the student endangers or reasonably appears to endanger the health, welfare, or safety of themselves, any other student, teacher, or employee;

(7) approve disciplinary procedures including an appeal process applicable to students with an IEP being transported. The procedures shall comply with all applicable federal and state law and department regulation governing students with disabilities. Information regarding disciplinary procedures shall be provided to parents, students, and IEP teams;

(a) disciplinary procedures for a student with an IEP shall be specified in the student's IEP;
(b) the procedures shall include the process for emergency removal of a student with an IEP from a school bus;

(i) if emergency removal of a student is necessary, the driver shall report the incident or behavior to the transportation administrator within 24 hours of the incident; and

(ii) the transportation administrator shall report each incident or behavior in writing to the LEA's special education director within 24 hours of receiving the driver's report;

(c) nothing contained herein or in local school board policy shall prevent the emergency removal of any student from a vehicle if the student endangers or reasonably appears to endanger the health, welfare, or safety of themselves, any other student, teacher, or employee; and

(d) suspension of transportation service for a student with an IEP for more than ten cumulative days requires a change in transportation service in that student's IEP; and

(8) adopt and approve policies in specialized areas affected by federal regulations, state law, and new legislative initiatives related to school transportation.

B. Student services: Transportation is provided to students who are eligible for transportation pursuant to Sections 22-16-2 and 22-16-4, NMSA 1978. Students who do not obey the state and local LEA regulations governing student transportation may have their transportation services revoked by the LEA. Each LEA shall adopt:

(1) a student disciplinary policy for school transportation, including procedures for suspending a student's transportation privilege and for holding parents responsible for any malicious destruction to the vehicle or assault on a driver or others. Policies shall be in agreement with and subject to procedural safeguards and protections specified in federal, state, and department regulations;

(2) a comparable travel time policy that shall:
(a) ensure that transportation time for a student with an IEP is comparable to transportation time provided to neighborhood students who do not have an IEP;
(b) consider the least distance from a student with an IEP's home to the school site as compared to the least distance from the homes of neighborhood students who do not have an IEP to the school site;

(c) consider the time for other transportation services identified in the IEP. Any variance from the comparable travel time policy shall be determined on a case-by-case basis by the IEP team and shall be clearly stated in the IEP;

(3) a policy regarding the transportation of specialized personnel, such as licensed nurses and special education assistants, or other designated persons;

(4) a policy regarding the transportation of animals that accompany a student with an IEP and shall ensure that the certification, training, and immunization requirements for the animal are completed and current;

(5) a policy outlining acceptable procedures for medicine transport. The policy shall include the designated place for transport and the personnel authorized to administer medication during transport when necessary;

(6) a policy regarding the maintenance of a roster or seating chart for students who ride school buses;

(7) a policy for providing transportation services for students eligible under Section 504 of the Rehabilitation Act of 1973 when such services are specified in the student's accommodation plan; and

(8) a policy covering a do not resuscitate request from the parents or guardians specific to the student while the student is being transported on a school bus, school-owned activity vehicle, or SUV.

C. Relationship with transportation providers. When a transportation service provider is contracted to provide school transportation services, each local board of education or charter school administrator shall:

(1) approve all contracts and contract amendments with a transportation service provider in accordance with state law and department regulation;

(2) approve a policy governing the termination of a contract with a transportation service provider in accordance with state law and department regulation;

(3) include as a part of each contract a scope of work which ensures that this regulation and all other applicable state and federal regulations and state statutes and department regulations are adhered to; and

(4) develop policy involving finger-print based background checks in accordance with state law.

D. Planned LEA-sponsored activities: Each local board of education or charter school administrator shall adopt policies and procedures concerning the safety and welfare of students who are transported to and from planned LEA-sponsored

activities. Policies and procedures shall comply with all applicable federal, state, and department regulations.

(1) Vehicles used for school-sponsored activities shall be school-owned, leased, or private vehicles that meet the following department requirements:

- (a) vehicles shall not be vans or mini-vans;
- (b) excluding buses, vehicles shall not seat less than six or more than nine people including the driver;
- (c) excluding buses, vehicles shall have seat belts available for all occupants and all occupants are required to wear them while the vehicle is in motion;
- (d) vehicles shall have available secure cargo storage or other adequate tie-down for securing items in the vehicle, excluding hitched trailers; and
- (e) trailers shall not be hitched to vehicles while the vehicle is transporting students.

(2) Policies and procedures shall include provision for the use of commercial common carrier buses, taking into account that commercial common carrier buses do not meet current New Mexico school bus construction standards and school bus phase-out pursuant to 6.40.2 NMAC.

(3) Policies and procedures shall include provisions for rest and relaxation for students and the driver(s) during the trip.

(4) Policies and procedures shall include procedures for releasing students on the planned activity trip to parents or guardians.

(5) Policies shall explicitly state that prior to and during work periods all drivers, school bus assistants, and substitute school bus assistants have not used and do not use alcoholic beverages, illegal substances, or legal substances which would impair the driver's or the assistant's ability to perform required duties.

[6.41.4.8 NMAC - Rp, 6.41.4.8 NMAC, 3/27/2018]

6.41.4.9 RESPONSIBILITIES OF THE LEA:

A. General requirements:

- (1) The LEA shall designate a transportation administrator.
- (2) The LEA shall observe all federal and state laws, department regulations, and local board of education policies and procedures. The LEA shall follow the New Mexico guide for school vehicle maintenance and safety audit program.
- (3) Prior to providing services, the LEA shall ensure that each transportation service provider has a properly executed contract on a form approved by the department.
- (4) The LEA shall direct drivers, school bus assistants, and substitute school bus assistants on meeting all transportation requirements of students' IEPs.
- (5) The LEA shall, in accordance with applicable federal and state law and department regulation:
 - (a) verify qualifications which include fingerprint-based background checks and reference checks made and completed for the following positions:
 - (i) school bus driver;
 - (ii) substitute school bus driver;
 - (iii) activity school bus driver;
 - (iv) school-owned activity vehicle driver;
 - (v) SUV driver;
 - (vi) school bus assistant; and
 - (vii) substitute school bus assistant;
 - (b) ensure proper training is provided by a qualified trainer and documented on the applicable pre-service training record as provided by the department. The training shall be completed prior to the drivers, school bus assistants, and substitute school bus assistants performing assigned duties; and
 - (c) ensure ongoing training is provided and continuing requirements for drivers, school bus assistants, and substitute school bus assistants are met pursuant to 6.41.4.13 NMAC.
- (6) The LEA shall establish and provide to all drivers written procedures to be followed:
 - (a) for immediate replacement of a vehicle when a vehicle fails pre-trip inspection;
 - (b) during inclement weather; and
 - (c) during school bus evacuation drills.
- (7) The LEA shall provide to transportation service providers and drivers vital emergency information for all students with an IEP or special medical conditions. All vital emergency information shall be treated as a confidential record as provided by law.
- (8) The LEA shall be available until all school bus drivers have completed their trips and all students have been properly delivered.
- (9) The LEA shall develop and implement a school transportation safety curriculum for students who ride school buses to and from planned LEA-sponsored activity trips.
- (10) The LEA shall review for safety each student walk zone for each school on an LEA approved cycle. The review cycle shall not exceed five years.
- (11) The LEA shall ensure that school bus evacuation drills are performed and documented once per semester.

(12) All school buses, activity school buses, and school-owned activity vehicles shall be alcohol, drug, and tobacco free areas. The LEA shall ensure that, prior to or during work periods, all drivers, school bus assistants, and substitute school bus assistants shall not use alcoholic beverages, illegal substances, or legal substances which would impair the driver's or the assistant's ability to perform required duties.

(13) The transportation administrator shall ensure compliance with 49 CFR Part 382 by maintaining documentation including proof of contract and pools of driver names. Drivers who possess a CDL shall constitute a pool of names and the school-owned activity vehicle drivers shall constitute a separate pool of names for random drug and alcohol testing.

(14) The LEA shall arrange for and document in-service training that meets the department's required hours for applicable staff.

B. Accidents: In the event of a school bus accident or emergency, the LEA shall:

(1) promptly notify the department by telephone if a school bus is involved in an accident that results in the death, serious injury or hospitalization of any occupant of the school bus or other motor vehicle or a pedestrian;

(2) promptly notify the department if a school bus is involved in an accident in which possible mechanical failure may have been a contributing factor; and

(3) submit the uniform school bus accident and adjudication report to the department within seven calendar days of any accident.

C. Plan of action for emergencies:

(1) The LEA or the transportation service provider shall provide to each driver a written plan of action in case of an emergency covering:

(a) vehicle trouble requiring evacuation;

(b) vehicle trouble not requiring evacuation;

(c) passenger trouble requiring transportation personnel intervention;

(d) passenger trouble requiring police intervention; and

(e) passenger trouble requiring medical intervention.

(2) Student evacuation drills or adequate alternate instruction as provided in Paragraph (4) of Subsection C of 6.41.4.9 NMAC for to-and-from transportation services in a school bus shall:

(a) be documented;

(b) be conducted once per semester;

(c) include all school bus drivers and substitute school bus drivers;

(d) include all school bus assistants and substitute school bus assistants;

(e) exempt students when they are limited in their capability to participate; and

(f) include the following types of evacuation drills:

(i) occupants exit through the rear emergency door;

(ii) occupants exit through the front service door;

(iii) occupants in the front half of the school bus exit through the front service door and

occupants in the back half of the school bus exit through the rear emergency door. If any emergency door is located mid-bus, it shall be considered the rear emergency door; and

(iv) occupants receive instructions on the proper use of roof hatches.

(3) Student evacuation drills or adequate alternate instruction as provided in Paragraph (4) of Subsection C of 6.41.4.9 NMAC for to-and-from transportation services in an SUV shall:

(a) be documented;

(b) be conducted once per semester;

(c) include all SUV drivers and assistants;

(d) exempt students when they are limited in their capability to participate; and

(e) include the following types of evacuation drills:

(i) occupants exit through the nearest door;

(ii) occupants exit through driver-side doors only; and

(iii) occupants exit through passenger-side doors only.

(4) Adequate alternate instruction shall be verbal instruction on the location and operation of emergency exits and shall be presented by the driver to all vehicle occupants.

D. School bus routes: The LEA shall follow department regulations and procedures for the establishment and monitoring of school bus routes.

(1) Loading and unloading shall occur, whenever possible, off the roadway and so that students do not have to cross the roadway. When it is impossible for a school bus to completely pull off the roadway, the driver shall remain on the roadway and use procedures provided in Subsection D of 6.41.4.11 NMAC.

(2) LEAs shall establish written procedures regarding adherence to school bus route pick-up and delivery times by both drivers and students. This information shall be available to parents and guardians of the students.

(3) The LEA shall review each school bus route on a district-approved cycle for safety and economy. The review cycle shall not exceed five years.

(4) The LEA shall comply with local board of education policy regarding the number of days allowed to re-configure a school bus route when a student's IEP has been modified and requires an adjustment to the student's transportation.

(5) The LEA shall establish a policy for the minimum time required for the school bus driver to wait for a student with an IEP who is receiving transportation as a related service to arrive at the school bus stop to be picked up. The policy shall also include information regarding the unloading of that student when returning the student to their school bus stop when a parent or guardian is not present to receive the student.

E. Loading and unloading students at schools:

(1) All school bus loading and unloading zones shall be properly marked by use of signs and pavement markings.

(2) The school bus loading and unloading zones shall be adequately staffed with designated personnel to monitor the loading and unloading of students.

(3) When loading and unloading, school buses shall be parked in a single file as close as possible to avoid students and other people from going between the school buses.

(4) Whenever possible, loading and unloading shall be done on school premises and separated from general vehicular traffic areas and playground areas.

(5) If loading or unloading must occur on the roadway, the school bus shall be stopped on the side of the roadway nearest the school. Alternating red flasher lights shall be activated when the school bus is stopped on the roadway.

(6) When loading, school buses shall be parked prior to dismissal time, if possible. School buses shall be parked in the order in which they arrive at the school.

(7) When loading or unloading students, the school bus parking brake shall be activated, the transmission shall be in neutral or in park, if equipped, and the engine off. Should the driver be required to leave the driver's seat, the keys shall be removed from the ignition switch. Exceptions to removing the key from the ignition switch include:

(a) school buses built after July 1, 2003 that are equipped with an interlock for wheel chair lifts; and

(b) school buses equipped with a child check safety system. In buses equipped with this system, the service door shall be closed when the driver leaves the driver's seat.

(8) The LEA shall review each school bus loading and unloading area at each school for safety on an LEA-approved cycle. The review cycle shall not exceed five years.

F. School bus stops: LEAs shall establish all school bus stops and, when appropriate, include involvement from a student's IEP team. The local public safety organization having jurisdiction shall also be included whenever necessary. Services shall be designed that safely, efficiently, and economically transport students.

(1) The LEA shall review each school bus stop for safety on an LEA approved cycle. The review cycle shall not exceed five years.

(2) School bus stops shall not be established where the view is obstructed to motorists for 500 feet in either direction. If, because of natural conditions, a stop must be established with a view of less than 500 feet, the LEA shall contact the state highway department or other agency having jurisdiction and request the installation of highway signage.

(3) School bus stops shall not be established on any interstate highway. If necessary, school bus stops shall be established on service or frontage roads adjacent to the interstate highway.

(4) School bus stops shall, whenever possible, be established so that students do not have to cross the roadway.

(5) School bus stops shall not be made:

(a) within 25 feet of any intersection.

(b) at a railroad grade crossing where a stop-and-go traffic light controls movement of traffic;

(c) at an abandoned railroad grade crossing which is marked with a sign indicating that the railroad is abandoned;

(d) at an industrial or spur line railroad grade crossing marked with a sign reading "EXEMPT CROSSING"; or

(e) at a railroad grade crossing used exclusively for industrial switching purposes within a business district or a streetcar crossing.

G. Identification of transportation needs for students with disabilities:

(1) Transportation needs for students with an IEP who require transportation as a related service is determined by each student's IEP team and shall be included in the IEP.

(2) When modifications to standard transportation are necessary, transportation personnel shall be afforded the opportunity to participate in the development of the IEP. The IEP document shall clearly state the transportation needs or modification or both identified by the IEP team and, if applicable, transportation personnel. If circumstances require changes in services, any team member may request that the team reconvene to consider the student's transportation needs.

H. Provisions for transportation of students with disabilities:

(1) In providing transportation as a related service to a student with an IEP, the LEA shall ensure:

(a) all alternatives are considered if, due to serious health or safety considerations, an IEP team determines that a student with an IEP cannot be transported with neighborhood peers who are not disabled;

(b) time transporting a student with an IEP is comparable to that provided for non-disabled neighborhood peers, unless otherwise specified in the student's IEP;

(c) access to and from the designated pickup and drop-off point; and

(d) access to other educational and related services specified in the student's IEP.

(2) Confidentiality of IEP and student medical information shall apply when transportation as a related service is provided to a student with an IEP.

I. Provisions of transportation for children and youth in foster care:

(1) The LEA shall develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care. The procedures shall:

(a) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act;

(b) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their school of origin, the LEA will provide transportation to the school of origin if:

(i) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;

(ii) the LEA agrees to pay for the cost of such transportation; or

(iii) the LEA and the local child welfare agency agree to share the cost of such transportation; and

(c) include, in addition to state and local funds that may be available for transportation, certain federal funds, if allowable under the grants, may be available to cover additional transportation costs to maintain children in foster care in their schools of origin.

(2) LEAs shall provide transportation to maintain children in foster care in their school of origin even if it does not provide transportation for children that are not in foster care.

(3) LEAs shall provide or arrange for adequate and appropriate transportation of children in foster care to and from the school of origin while any disputes are being resolved.

J. Provisions of transportation for homeless children and youth:

(1) LEAs are responsible for reviewing and revising transportation policies that may act as barriers to the identification, enrollment, attendance or success in schools of homeless children and youth.

(2) McKinney-Vento Act requires homeless children and youth to receive transportation that is comparable to what is available to non-homeless students.

(3) LEAs shall adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian or in the case of the unaccompanied youth, the liaison, to and from the school of origin in accordance with the following requirements.

(a) If the child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA shall provide or arrange for the child's or youth's transportation to and from the school of origin.

(b) If the child or youth continues their education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally, pursuant to 6.42.2 NMAC.

(4) LEAs may use McKinney-Vento subgrant funds or Title I funds to defray the excess costs of transporting homeless children and youth to and from their school of origin.

(5) LEAs are required to provide adequate and appropriate transportation for homeless children and youth to and from the school of origin while enrollment disputes are being resolved.

(6) LEAs shall continue to provide transportation to and from the school of origin to formerly homeless children and youth who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed.

K. Dispute resolution regarding the transportation of children in foster care and homeless children and youth:

(1) To the extent feasible and appropriate, LEAs must ensure children in foster care remain in their school of origin while disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

(2) Homeless children and youth shall be provided adequate and appropriate transportation to and from the school of origin while disputes are being resolved.

(3) LEAs shall work with child welfare agencies, unaccompanied youth liaisons, and parents and guardians to resolve disputes at the lowest level possible.

(4) If disputes are unable to be resolved at the local level, applicable parties may access dispute resolution procedures available at the department including those pursuant to 6.10.3 NMAC.

L. Student behavior:

(1) When a student's behavior on a school bus or at a designated school bus stop endangers the safety of others, the student shall be suspended from being transported according to LEA policies and department regulations.

(2) If an incident or behavior occurs involving a student with an IEP, the driver shall report each incident or behavior to the transportation administrator within 24 hours of the incident. Provisions for removal and reinstatement of transportation services for students with disabilities shall be specified in the LEA's policies and in the student's IEP. Any change in transportation as a related service must be made through the IEP process, and the procedural safeguards specified in department regulations shall apply.

The transportation administrator shall report each incident or behavior within 24 hours of receiving the driver's report to the LEA's special education director or appropriate administrator. The incident or behavior shall be addressed by the student's IEP team.

M. Process for pre-employment screening of initial commercial driver's license (CDL) driver applicants: The employer shall adhere to all applicable federal, state, and department employment requirements.

(1) The employer shall verify the following documentation is in each driver applicant's file:

(a) a complete LEA-approved application form that meets or exceeds federal, state and department requirements;

(b) a copy of the driver applicant's current and valid driver's license, verified by the employer;

(c) a fingerprint-based background check. Effective January 1, 2006, a person applying for full or part-time employment with an LEA or transportation service provider to operate a vehicle for the purpose of transporting students shall, at the person's own expense, submit to a fingerprint-based background check pursuant to Section 22-10A-5 NMSA 1978;

(i) the finger-print based background check shall be conducted prior to employment;

(ii) the applicant shall not qualify if there is a conviction of any violation of the

Controlled Substances Act;

(iii) the applicant shall not qualify if there is a conviction of child abuse pursuant to

Section 30-6, NMSA 1978, Crimes Against Children and Dependents;

(iv) the applicant shall not qualify if there is a conviction of any other criminal offense in which a child was a victim as defined or prescribed by the offense;

(v) the employer shall maintain on file an agreement, authorization, and waiver and release form in addition to a criminal history affidavit on any newly-hired employee employed to operate a vehicle for the purpose of transporting students; and

(vi) the fingerprint-based background check requirement does not apply to any person who, as of January 1, 2006 was already engaged in full or part-time employment to operate a vehicle used to transport students, unless the employer's policies require it;

(d) a department of transportation (DOT) medical examiner's certificate indicating that a DOT physical examination was passed in accordance with DOT and federal motor carrier safety administration requirements. The DOT physical examination form that is current on the date of the examination must be used. The transportation administrator or the department may require a DOT physical examination be performed at any time, and the medical examiner's certificate shall be provided to all appropriate parties;

(e) a completed New Mexico school bus driver pre-service training record per the current SBDI manual provided by the department;

(i) an SBDI certified by the department shall conduct instruction using the current SBDI manual provided by the department;

(ii) all pre-service training shall be documented on the appropriate pre-service training record as per the SBDI manual provided by the department;

(iii) pre-service training shall be administered in a 65-71 passenger type C school bus. When the driver applicant is expected to operate more than one size and type of school bus, training shall be given on the specific handling characteristics of each size and type of school bus the driver applicant may be assigned to drive once all pre-service training has been completed;

(iv) all behind the wheel instruction shall be administered under the supervision of an SBDI and without student passengers or other persons on board except other school bus driver applicants;

(v) observation time shall include riding in a school bus with a licensed school bus driver driving on a school bus route or in observation of other school bus driver applicants driving under the supervision of an SBDI. Observation time shall also include actual school bus route orientation with a licensed school bus driver; and

(vi) if the school bus driver applicant has completed a department-approved first aid and cardiopulmonary resuscitation (CPR) course taught by a certified instructor and the certificate is current, the certificate shall be provided to the transportation administrator. This shall satisfy the requirement for first aid and CPR training on the school bus driver pre-service training record. On-line courses are not acceptable;

(f) a printout of the driver applicant's current driving record through the New Mexico motor vehicle division or the national driver register or other states' motor vehicle divisions. Verification includes the driver applicant's eligibility to be a driver. The driver applicant shall not be eligible if their driving record shows the driver applicant has:

(i) been convicted of driving while intoxicated (DWI) or driving under the influence (DUI) of intoxicating liquor or drugs within three years of the date of application for employment;

(ii) been convicted of a DWI or DUI between three years and 20 years prior to the date of application for employment unless the person provides written verification from a licensed counselor or physician that the person has successfully completed an alcohol or drug abuse program. On-line programs are not acceptable;

(iii) been convicted two or more times for DWI or DUI;

(iv) had their driver's license suspended or revoked within five years of the date of application for employment for any serious traffic offense;

(v) been convicted of more than three serious traffic offenses within three years of the date of application for employment; or

(vi) been convicted of any felony within the previous 10 years, or there exist other reasonable grounds related to the services of transporting students rendering the applicant ineligible;

(g) a copy of the CDL test results, if available.

(2) The employer shall make available to each driver applicant at the time of hiring a current copy of 6.41.4 NMAC and any applicable LEA handbooks.

N. Process for pre-employment screening of returning CDL driver applicants: The employer shall adhere to all applicable federal, state and department employment requirements.

(1) A returning CDL driver applicant shall:

(a) provide a completed New Mexico school bus driver pre-service training record provided by the department or certificates of training conducted by the department prior to 2000; and

(b) complete the training as outlined on the New Mexico returning school bus driver pre-service training record per the current SBDI manual provided by the department.

(2) A returning CDL driver applicant that cannot provide either a New Mexico school bus driver pre-service training record provided by the department or certificates of training conducted by the department prior to 2000 must complete the process for pre-employment screening of initial commercial driver's license (CDL) driver applicants pursuant to Subsection M of 6.41.4.9 NMAC.

(3) The employer shall verify that the following is completed and in each returning driver applicant's file:

(a) documentation pursuant to the requirements listed in Paragraph (1) of Subsection M of 6.41.4.9 NMAC; and

(b) a completed New Mexico returning school bus driver pre-service training record.

(4) The employer shall make available documents pursuant to Paragraph (2) of Subsection M of 6.41.4.9 NMAC.

O. Process for pre-employment screening of school-owned activity vehicle driver applicants: The LEA shall adhere to all federal, state and department employment requirements when employing a school-owned activity vehicle driver.

(1) The LEA shall verify the following documentation is in each driver applicant's file:

(a) a completed employment application form that meets or exceeds federal, state and department requirements unless the applicant is currently employed by the LEA;

(b) documentation pursuant to requirements listed in Subparagraphs (b), (c) and (f) of Paragraph (1) of Subsection M of 6.41.4.9 NMAC;

(c) a current medical examiner's certificate indicating that a physical examination was passed using the DOT physical examination form that is current as of the date of the examination. The transportation administrator or the department may require a physical examination be performed at any time. The medical examiner's certificate shall be provided to all appropriate parties;

(d) a completed New Mexico school-owned activity vehicle driver pre-service training record per the current SBDI manual provided by the department;

(i) training shall be provided by an SBDI with activity vehicle (AV) certification by the department or an activity vehicle instructor (AVI) certified by the department using the current SBDI manual provided by the department;

(ii) as part of the pre-service training, the driver applicant must complete a defensive driving course (DDC) that is nationally recognized and approved by the department. In lieu of AV-certified SBDI or AVI DDC training, a certificate of completion of a DDC course that is approved by the department may be accepted. The certificate of completion shall be dated within four years of the driver applicant's date of application; and

(iii) as part of the pre-service training, the driver applicant must complete a department-approved first aid and CPR course taught by a certified instructor. A certificate from the completed course shall be provided to the transportation administrator. If the driver applicant has a current certificate from a department-approved complete first aid and CPR course, this shall satisfy the requirement. On-line courses are not acceptable.

(2) The employer shall make available documents pursuant to Paragraph (2) of Subsection M of 6.41.4.9 NMAC.

P. Process for pre-employment screening of school bus assistant and substitute school bus assistant applicants: The employer shall adhere to all applicable federal, state, and department employment requirements.

(1) The employer shall maintain the following documentation in each school bus assistant and substitute school bus assistant's file:

(a) a completed employment application form that meets or exceeds federal, state and department requirements unless the applicant is currently employed by the LEA;

(b) a fingerprint-based background check pursuant to the requirements listed in Subparagraph (c) of Paragraph (1) of Subsection M of 6.41.4.9 NMAC;

(c) a physical examination record;

(i) the physical examination shall be completed before the assistant begins performing duties; and

(ii) the transportation administrator or the department may require a new physical examination be performed at any time;

- (d) a completed New Mexico school bus assistant pre-service training record in accordance with the SBDI manual as provided by the department; and
- (e) a current first aid and CPR certificate. On-line first aid and CPR courses are not acceptable.
- (2) The applicant shall not qualify if they have:
 - (a) been convicted of any felony within the previous 10 years, or there exist other reasonable grounds related to the services of transporting students rendering the applicant ineligible;
 - (b) a conviction for any violation of the Controlled Substances Act;
 - (c) been convicted of child abuse pursuant to Section 30-6, NMSA 1978, Crimes Against Children and Dependents; or
 - (d) been convicted of any other criminal offense in which a child was a victim as defined or prescribed by the offense.
- (3) The employer shall make available documents pursuant to Paragraph (2) of Subsection M of 6.41.4.9 NMAC.

Q. Continuing standards for drivers: Any individual who currently drives a vehicle transporting students shall no longer be eligible to transport students:

- (1) for three years if they receive a conviction for DWI or DUI. They may requalify if a written verification from a licensed counselor or physician is provided that the person has successfully completed an alcohol or drug abuse program. On-line programs are not acceptable. They are permanently ineligible if they have two or more DWI or DUI convictions;
- (2) for five years if they receive a suspension or revocation of driver's license for any serious traffic offense;
- (3) for three years if they receive convictions for more than three serious traffic offenses; or
- (4) if they receive any convictions pursuant to Paragraph (2) of Subsection P of 6.41.4.9 NMAC.

R. Background check requirements for drivers, school bus assistants, and substitute school bus assistants: The background check requirements pursuant to 6.41.4.9 NMAC, shall not apply to anyone who, as of January 1, 2006 was already engaged in full or part time employment to operate a vehicle to transport students. LEAs may require additional background check information.

S. Required documentation for files: In addition to the required pre-employment screening documentation pursuant to 6.41.4.9 NMAC, the documentation below shall be maintained in the employee's file.

- (1) Employee files for school bus drivers, substitute school bus drivers and activity bus drivers shall include:
 - (a) a copy of current CDL;
 - (b) a current medical examiner's certificate for a DOT physical examination;
 - (i) a DOT physical examination shall be renewed every 24 months from the date of the last examination, or earlier as requested by a licensed medical professional;
 - (ii) the current DOT physical examination form must be used; and
 - (iii) additional DOT physical examinations may be requested by the employer or the department;
 - (c) a driving record printed annually then verified for eligibility. The driver's current driving record shall be obtained through the New Mexico motor vehicle division or the national driver register or other states' motor vehicle division. The driver shall no longer be eligible:
 - (i) for three years if they receive a conviction for DWI or DUI. They may requalify if a written verification from a licensed counselor or physician is provided that the person has successfully completed an alcohol or drug abuse program. On-line programs are not acceptable. They are permanently ineligible if they have two or more DWI or DUI convictions;
 - (ii) for five years if they receive a suspension or revocation of their driver's license for any serious traffic offense;
 - (iii) for three years if they receive convictions for more than three serious traffic offenses;
 - (iv) for 10 years if they receive a conviction for any felony or there exist other reasonable grounds related to the services of transporting students rendering the applicant ineligible;
 - (d) documented in-service training as per the department's requirements;
 - (i) in-service training shall be pro-rated for newly-hired school bus drivers, substitute school bus drivers, and activity bus drivers for their first year of employment for the number of quarters employed. Quarters during the calendar year are as follows: January 1 to March 31; April 1 to June 30; July 1 to September 30; and October 1 to December 31;
 - (ii) to remain qualified, school bus drivers, substitute school bus drivers, and activity bus drivers shall complete a total of eight hours in-service training per semester. Semesters during the calendar year are as follows: January 1 to June 30 and July 1 to December 31;
 - (iii) in-service training shall be documented by the transportation administrator or designee with the date of training, hours trained, trainer's name, printed and signed name of attendees, and topic or topics discussed. Such documents shall be stored in files maintained by the employer,
 - (iv) drivers who do not complete the required hours of in-service training per semester are disqualified from duty until those hours of in-service training are completed. The department may determine the in-service training topics.

(2) Employee files for school-owned activity vehicle drivers shall include:
(a) a copy of current driver's license;
(b) a current medical examiner's certificate indicating that a physical examination in accordance with DOT and federal motor carrier safety administration requirements was passed;
(i) the DOT physical examination form that is current on the date of the examination must be used; and
(ii) additional physical examinations on the DOT form may be requested by the employer or the department;
(c) a driving record printed annually then verified for eligibility pursuant to the requirements listed in Subparagraph (c) of Paragraph (1) of Subsection S of 6.41.4.9 NMAC.

(3) Employee files for school bus assistants and substitute school bus assistants shall include:
(a) a copy of current first aid and CPR certificate; and
(b) documented in-service training pursuant to the requirements listed in Subparagraph (d) of Paragraph (1) of Subsection S of 6.41.4.9 NMAC.

T. Planned LEA-sponsored activity trips: When a planned LEA-sponsored activity trip involves more than 18 people, including the drivers, or would require more than two school-owned activity vehicles to transport students during the same time frame to the same destination, the LEA shall use an activity school bus. Passenger management, as described in Paragraph (7) of Subsection T of 6.41.4.9 NMAC, shall not be an additional responsibility of the driver of the activity bus or a school bus assistant on a planned LEA-sponsored activity trip.

(1) When an activity bus is used for a planned LEA-sponsored activity trip:
(a) the activity bus shall meet the requirements pursuant to 6.40.2 NMAC;
(b) the activity bus shall not carry more than the manufacturer-rated seating capacity;
(c) the employer shall not use a school bus assigned to a school bus route to provide transportation for any planned LEA-sponsored activity trips if doing so will interfere with its operation on its assigned school bus route;
(d) the employer shall not temporarily reassign any students from one school bus route to another school bus route in order to free-up a school bus for a planned LEA-sponsored activity trip; and
(e) on an activity bus that includes transporting equipment:
(i) items shall not occupy needed seating space;
(ii) items shall not be placed in the driver's compartment;
(iii) all items shall be properly secured; and
(iv) aisle and exits shall not be blocked.

(2) When a school-owned activity vehicle is used on a planned LEA-sponsored activity trip:
(a) the school-owned activity vehicle shall meet applicable federal motor vehicle safety standards (FMVSS);
(b) the driver operating a school-owned activity vehicle shall meet all requirements for school-owned activity vehicle drivers, pursuant to Subsection O of 6.41.4.9 NMAC;
(c) the school-owned activity vehicle shall not carry more than the manufacturer-rated seating capacity;

(d) the school-owned activity vehicle shall meet the following criteria:
(i) the school-owned activity vehicle shall not be vans or mini-vans;
(ii) the school-owned activity vehicle shall not seat less than six and no more than nine people including the driver;
(iii) the school-owned activity vehicle shall have seat belts available for all occupants, and all occupants are required to wear them while the vehicle is in motion;
(iv) the school-owned activity vehicle shall have available a cargo net or other adequate tie-down for securing items in the vehicle; excluding hitched trailers;
(v) trailers shall not be hitched to school-owned activity vehicles while the vehicle is transporting students;
(vi) the school-owned activity vehicle shall not exceed the manufacturer's gross vehicle weight rating (GVWR) as specified on the vehicle license and registration form; the GVWR includes the weight of the passengers and luggage; and

(vii) the school-owned activity vehicle shall be in compliance with all applicable federal, state, and department regulations, and with child restraint guidelines from the national highway traffic safety administration (NHTSA);
(e) on a school-owned activity vehicle that includes transporting equipment shall transport equipment pursuant to the requirements listed in items (i), (ii), and (iii) of Subparagraph (e) of Paragraph (1) of Subsection T of 6.41.4.9 NMAC;

(f) the school-owned activity vehicle shall be replaced in accordance with the LEA's policy which defines the replacement cycle for school-owned activity vehicles.

(3) The following time limits shall apply to drivers of planned LEA-sponsored activity trips.
(a) A driver shall not have more than eight hours continuous driving time and no more than 10 hours total driving time.

- (b) A driver shall not be permitted to be on-duty more than 15 hours in a 24-hour period.
- (c) A driver shall have eight consecutive off-duty hours before resuming on-duty time.
- (d) A driver is considered off-duty if relieved of all duties and responsibilities for the care and

custody of the vehicle, its accessories, cargo, and passengers.

(4) An activity trip ticket that documents and authorizes the activity trip shall be prepared, signed by the LEA, and provided to the driver if the planned LEA-sponsored activity trip requires travel outside of the LEA's geographic boundary.

(5) LEAs are not required to have an activity trip ticket if a commercial common carrier is used to transport students on a planned LEA-sponsored activity trip. However, the LEA shall maintain a copy of the contract for the transportation services for the planned LEA-sponsored activity trip.

(6) Drivers shall be informed of and responsible for the following while driving on planned LEA-sponsored activity trips in addition to the applicable responsibilities of drivers pursuant to 6.41.4.11 NMAC:

(a) compliance with all federal, state, department and employer policies and regulations;

(b) care of and safe and efficient operation of the school bus or school-owned activity vehicle at all times;

(c) performance and documentation of a thorough pre-trip inspection of the vehicle and special equipment prior to departure, unless completed and documented by other qualified personnel;

(d) conducting an emergency evacuation drill or providing adequate alternate instruction to all passengers prior to departure. An LEA-approved document shall be provided to the driver for the driver and the sponsor to sign in evidence that such has been completed before beginning each planned LEA-sponsored activity trip;

(e) ensuring the safety of all passengers while they are in the school bus or school-owned activity vehicle;

(f) ensuring all passengers are properly seated with seat belts in use when the driver is operating a school-owned activity vehicle;

(g) maintaining an activity trip ticket when one is required. The driver shall, upon request, show the signed activity trip ticket to any state police officer or other law enforcement officer, DOT officer, or staff member of the department;

(h) notifying the transportation administrator or designee and obtaining their approval prior to incorporating a change if there are any changes in the route or itinerary;

(i) notifying the transportation administrator or designee of all emergencies that arise;

(j) maintaining and submitting to designated employer personnel all records pertinent to the planned LEA-sponsored activity trip including signed documentation that adequate emergency evacuation instruction was conveyed to all passengers;

(k) ensuring that prior to departure and the return journey, the school bus or school-owned activity vehicle is clean, completely serviced, and inspected, noting the condition of the vehicle in writing on the appropriate form and signing the form;

(l) ensuring the school bus or school-owned activity vehicle shall not be fueled while passengers are on board unless there are exceptional circumstances when it is impractical to unload;

(m) ensuring that no students remain on the school bus or school-owned activity vehicle unless the driver or a school sponsor is on board. At the conclusion of the planned LEA-sponsored activity trip, ensure that no one is on the school bus or school-owned activity vehicle; and

(n) ensuring that the sponsors are actively supervising students on the bus.

(7) School sponsors shall be notified of the following responsibilities for each planned LEA-sponsored activity trip:

(a) preparing and submitting activity trip requests in accordance with federal, state and department regulations as well as the LEA's policies;

(b) ensuring there are an adequate number of disciplinary staff;

(c) notifying the transportation administrator or designee of any schedule changes;

(d) assuring that student(s) are at the departure point(s) at the appointed time;

(e) supervising the loading and unloading of the vehicle;

(f) maintaining a student roster and taking roll each time students load onto the vehicle;

(g) assuring the orderly conduct and discipline of students on and off the vehicle;

(h) supervising and maintaining control of student passengers in case of an emergency;

(i) providing for adequate rest stops;

(j) making all arrangements on overnight planned LEA-sponsored activity trips for meals and lodging, including the driver's meals and lodging.

(8) Planned LEA-sponsored activity trips shall be paid from budgeted LEA-sponsored activity funds and not from current fiscal year to-and-from transportation funds.

(9) The LEA shall adopt a policy that addresses out-of-state transportation for planned LEA-sponsored activity trips. LEAs shall use the guidelines for school-owned activity vehicles provided in 6.41.4 NMAC whenever possible

U. Training:

(1) Transportation administrators shall provide training for other LEA employees who are responsible for supervision of the school transportation program and school employed drivers.

(2) A minimum of two hours of in-service training is required annually. The contents of the training will be determined by the department.

[6.41.4.9 NMAC - Rp, 6.41.4.9 NMAC, 3/27/2018]

6.41.4.10 REQUIREMENTS OF TRANSPORTATION SERVICE PROVIDERS:

A. General requirements: The transportation service providers shall:

- (1) Cooperate with the LEA administration to provide safe and efficient transportation services for all eligible students;
- (2) keep all required vehicle maintenance records;
- (3) hire all school bus drivers, substitute school bus drivers, activity school bus drivers, school bus assistants, and substitute school bus assistants in accordance with LEA policies, federal, state, and department regulations, and Section 22-10-3.3 NMSA 1978;
- (4) maintain all school bus driver, substitute school bus driver, activity school bus driver, school bus assistant, and substitute school bus assistant files with required documentation in accordance with federal, state and department regulations;
- (5) hire mechanics and office support personnel;
- (6) provide to all drivers written procedures to be followed:
- (a) during inclement weather; and
 - (b) during school bus evacuation drills;
- (7) provide to each driver an LEA-approved written plan of action in case of an emergency covering:
- (a) vehicle trouble requiring evacuation;
 - (b) vehicle trouble not requiring evacuation;
 - (c) passenger trouble requiring transportation personnel intervention;
 - (d) passenger trouble requiring police intervention; and
 - (e) passenger trouble requiring medical intervention.
- (8) attend IEP meetings as necessary.

B. Equipment: The transportation service provider shall:

- (1) maintain all school buses to manufacturer specifications and all safety equipment on school buses to federal, state and department specifications;
- (2) report complete and accurate information required by the department's transportation director or designee and the LEA; and
- (3) comply immediately with equipment recalls by taking a vehicle that has an equipment recall by a manufacturer, a distributor, a federal or state agency, or the department to an approved location as per the recall notification for modification or repair.

C. Training: The transportation service provider shall:

- (1) provide pre-service and in-service training for all school bus drivers, substitute school bus drivers, activity bus drivers, and all school bus assistants and substitute school bus assistants in accordance with the department regulations;
- (2) provide training for transportation service providers' employees who have supervisory responsibility of school bus drivers. A minimum of two hours of training is required annually. The contents of the training will be determined by the department transportation director.

[6.41.4.10 NMAC - Rp, 6.41.4.10 NMAC, 3/27/2018]

6.41.4.11 RESPONSIBILITIES OF DRIVERS, SCHOOL BUS ASSISTANTS, AND SUBSTITUTE SCHOOL BUS ASSISTANTS: All drivers and, where applicable, all school bus assistants and substitute school bus assistants shall:

A. Comply with the following.

- (1) Operate the vehicle in a safe and efficient manner in accordance with federal, state, local statutes and regulations, department regulations, and LEA policies.
- (2) Cooperate with the transportation administrator's compliance with 49 CFR Part 382 as conducted by the LEA and transportation service provider.

B. Perform a pre-trip inspection.

(1) All school bus drivers shall perform and document a daily thorough pre-trip inspection of the school bus and special equipment, unless completed and documented by other qualified personnel. The inspection shall include, at minimum, inspection of the:

- (a) outside of the vehicle:
 - (i) oil, water, and any other fluid leaks (power steering, power brakes, transmission, differential);
 - (ii) wheels, tires, lug bolts and nuts for serviceability;
 - (iii) all exterior lights for serviceability and operation;

- (iv) all glass, mirrors, windshields (clean and unbroken and mirrors adjusted for the driver);
- (v) exhaust system for leaks, looseness, and secure clamps;
- (vi) engine compartment for serviceability, hoses, belts, wiring, and proper fluid levels;
- (vii) battery for secure connections and no corrosion;
- (viii) fuel filler cap;
- (ix) lift system for those vehicles equipped;
- (x) service door, emergency exits, and buzzers; and
- (xi) stop arm and signs;
- (b) inside of the vehicle:
 - (i) all seats and interior lights;
 - (ii) horn, windshield wipers, all gauges and indicators;
 - (iii) emergency equipment including a first aid kit, fire extinguisher, reflectors, body fluid clean-up kit, and seat belt cutter;
 - (iv) parking brake and service brake;
 - (v) interior mirror;
 - (vi) cleanliness of vehicle;
 - (vii) heaters and defrosters;
 - (viii) air or hydraulic brake check; and
 - (ix) emergency exits and buzzers.

(2) All school-owned activity vehicle drivers shall perform, at a minimum, a thorough pre-trip inspection for operational check of the vehicle and equipment unless completed by other personnel who have completed department-approved pre-service training. The inspection shall, at minimum, include inspection outside of the vehicle pursuant to the requirements listed in items (i) through (viii) of Subparagraph (a) of Paragraph (1) of Subsection B of 6.41.4.11 NMAC and inside of the vehicle pursuant to the requirements listed in items (i) through (viii) of Subparagraph (b) of Paragraph (1) of Subsection B of 6.41.4.11 NMAC. All school-owned activity vehicle drivers shall inspect all gauges, seats, and interior lights of the school-owned activity vehicle.

(3) The driver shall not operate any school bus, activity school bus, or school-owned activity vehicle that does not meet the pre-trip inspection requirements. The driver shall immediately notify the transportation administrator or designee upon failure of the pre-trip inspection and document the reason for the failure.

C. Use the following basic driving, loading, and unloading procedures for school bus routes.

(1) Drivers shall obey all traffic laws, ordinances, and rules of the road and not drive the school bus faster than the posted speed limit.

(2) Loading and unloading shall occur, whenever possible, off of the traveled portion of the roadway and so that students do not have to cross the roadway.

(3) Drivers shall load or unload students only at established school bus stops unless an emergency dictates otherwise. School bus stops shall not be changed or the time schedules altered by the school bus driver or transportation service provider without the approval of the transportation administrator or designee. Drivers shall not grant permission for a student to load or unload except at the student's designated school bus stop without written approval from the transportation administrator or designee.

(4) Drivers shall use rear view mirrors to check traffic before arriving at the school bus stop.

(5) Drivers shall reduce the speed of the school bus when approaching the school bus stop.

(6) On morning school bus routes, drivers shall:

(a) bring the school bus to a complete stop eight to 10 feet before the school bus stop, set the parking brake and shift the transmission in neutral or, if equipped, park;

(b) make a complete stop at all established school bus stops whether students are present or not, unless a parent or guardian or the transportation administrator has notified the driver that the student will be absent;

(c) not wait for students unless they are observed making an effort to reach the school bus stop or unless otherwise specified in a student's IEP; and

(d) use rear view mirrors to check traffic.

(7) When loading, the driver shall check that all students are seated in the school bus before the school bus is put in motion.

(8) When unloading, the driver shall count the students that have exited the school bus. When students exit the school bus, drivers shall ensure the following.

(a) If students are required to cross the roadway, they shall walk eight to 10 feet in front of the school bus and be positioned perpendicular to the right front portion of the school bus where the driver can see them.

(b) The driver shall check rear view mirrors and all traffic lanes to ensure all required traffic is stopped before signaling students to cross the roadway to the left front portion of the school bus.

(c) Before signaling students to proceed the rest of the way, the driver shall check rearview mirrors and all traffic lanes again to ensure all required traffic is stopped.

(d) The driver shall check to be sure that all students have crossed the roadway safely by using the crossover mirrors and perform a final student count.

(e) The driver shall verify that all doors are free of obstructions then close all doors before the school bus is put in motion.

(f) The driver shall use rear view mirrors to check traffic before departing from the school bus stop.

(9) The driver shall not operate the school bus in such a manner as to cause on-board accidents by jerking, stopping suddenly or swerving unnecessarily.

(10) The driver shall not leave the driver's seat without setting the park brake, putting the transmission in neutral or, if equipped, park, stopping the engine, and removing the keys. Exceptions include the following:

(a) school buses with a wheelchair lift that meets 6.40.2 NMAC requiring a vehicle interlock system for school buses built after July 1, 2003, and to deactivate the child check safety system. The driver may leave the key in the ignition with the engine off when deactivating the child check safety system but the service door shall be closed;

(b) school buses equipped with a diesel engine and automatic transmission where the driver shall follow the manufacturer's recommendation for parking in gear.

(11) The driver shall keep the school bus clean, well ventilated, and, when necessary, properly heated.

(12) The driver, if traveling in a convoy, shall follow the lead school bus and shall maintain proper distance between vehicles.

(13) The driver shall report all hazards on the school bus route, whether potential or existing, and all causes for failure to operate on schedule to the transportation administrator or designee.

(14) The driver shall not use the school bus outside regular to-and-from transportation or a planned LEA-sponsored activity trip without the approval of the transportation administrator.

D. In addition to requirements pursuant to Subsection C of 6.41.4.11 NMAC use the following if the school bus must be loaded or unloaded on the roadway.

(1) If the school bus must be loaded or unloaded on the traveled portion of the roadway:

(a) The driver shall activate the alternating amber flasher lights not less than 100 feet nor more than 300 feet from a stop in urban areas or not less than 300 feet nor more than 1,000 feet from a stop in rural areas to warn motorists that the school bus is about to stop on the roadway.

(b) The alternating red flasher lights and stop arm shall be activated after the school bus is completely stopped and the service door is opened.

(i) If a school bus is approaching another school bus that has stopped to load or unload students with its alternating amber or red flasher lights activated, the approaching school bus shall mimic the other bus by activating its alternating amber or red flasher lights and shall not load or unload students.

(ii) Once the school bus loading or unloading students has deactivated its alternating amber or red flasher lights, the approaching school bus shall resume operations.

(2) If the school bus must be loaded or unloaded on the traveled portion of the roadway with multiple traffic lanes in each direction, highway, or a divided roadway:

(a) the school bus shall stop in the right-hand or outside traffic lane;

(b) students shall not be loaded or unloaded in a designated right-turn lane or in a lane immediately adjacent to a designated right-turn lane;

(c) loading and unloading shall occur only on the side of the roadway on which the student lives.

(3) The alternating red flasher lights shall be deactivated before the school bus is put in motion.

(4) The driver shall use good judgment when activating and deactivating the alternating flasher lights so as not to impede traffic unnecessarily.

E. Load and unload students at schools using the following procedures.

(1) If loading or unloading must occur on the street, alternating flasher lights shall not be activated unless the school bus is stopped on the traveled portion of the roadway.

(2) When loading or unloading, the school bus parking brake shall be activated, transmission shall be in neutral or, if equipped, in park, and the engine shall be off. Should the driver be required to leave the driver's seat, the keys shall be removed from the ignition switch. Exceptions to removing the key from the ignition switch:

(a) school buses built after July 1, 2003, that are equipped with an interlock for wheel chair lifts; or

(b) school buses equipped with a child check safety system. In buses equipped with this system, the service door shall be closed before the driver leaves the driver's seat.

(3) When loading, school buses may be parked in a single file as close as possible to avoid students or other people from going between the school buses.

(4) When loading, school buses shall be parked prior to dismissal time, if possible. School buses shall be parked in the order that they arrive at the school.

(5) The driver shall not back up a school bus on school grounds unless absolutely necessary and then only with assistance from an adult of the driver's choosing.

F. Operate a school bus on an interstate highway using the following procedures.

(1) All loading or unloading shall be done at points off the interstate highway either at an interchange, service, or frontage road.

(2) The school bus shall not cross over to the opposite roadway or make any other similar maneuver except at interchanges and then only in a manner consistent with the proper procedures at any given interchange unless directed otherwise by a law enforcement officer.

(3) School buses using portions of the interstate highway shall not stop on or adjacent to the roadway unless there is an emergency or as directed by a law enforcement officer.

(4) The school bus shall not stop on the interstate highway nor shall any students or other passengers load or unload on the interstate highway except in an emergency.

G. Follow the procedures for school buses crossing railroad tracks: The driver is always responsible for the safe movement of the school bus and in no instance shall a railroad signal, active or non-active, abrogate this precaution. The following procedures shall apply to school buses or activity school buses at railroad crossings.

(1) Before crossing any track or tracks of a railroad, the school bus driver shall activate the hazard warning lights and shall bring the school bus to a full and complete stop not less than 15 feet or more than 50 feet from the rail nearest the front of the school bus.

(2) On multiple lane roadways, the school bus shall be in the extreme right traffic lane whenever possible.

(3) If a stop and go traffic light controls the movement of traffic at the railroad crossing, the driver need not stop unless the traffic light indicates to stop.

(4) When approaching a railroad crossing, the driver shall carefully observe traffic and reduce the speed of the school bus in advance of stopping.

(5) While completely stopped prior to crossing and until completely across the railroad crossing, the driver shall:

- (a) fully open the service door;
- (b) fully open the window to the driver's immediate left;
- (c) turn off all noisy equipment, radio, and fans;
- (d) direct passengers to be silent if passengers are making noise;
- (e) listen and look in both directions along the track or tracks for approaching trains or other

vehicles; and

(f) keep the transmission of the school bus in first gear by maintaining a speed which does not cause the transmission to shift.

(6) The school bus driver shall not proceed through the railroad crossing or around crossing gates unless directed by law enforcement officer or railroad personnel if:

- (a) there are operating flashing red lights;
- (b) there is an operating bell;
- (c) a crossing gate is closed or in the process of being opened or closed;
- (d) the rear portion of the school bus cannot be positioned more than 15 feet from the rail nearest

the rear of the school bus; or

(e) the view in either direction is unclear or is obstructed in any way until the driver has secured the school bus and performed a visual inspection to verify that no trains or other vehicles are approaching.

(7) After safely and completely crossing the railroad tracks, the driver shall:

- (a) fully close the service door;
- (b) turn off hazard warning lights;
- (c) adjust the window to the driver's immediate left;
- (d) resume use of any noisy equipment, radio, and fans; and
- (e) continue traveling safely.

(8) When traveling near railroad tracks, even if not crossing, the school bus driver shall be aware of hazardous circumstances on the railroad tracks that could present a danger to the school bus. In such situations, the driver shall remain aware and instruct the students to remain silent until there is no longer a danger.

H. Address student safety.

(1) The driver shall be responsible for the safety and orderly conduct of school bus passengers.

(2) The driver, school bus assistants and substitute school bus assistants shall meet all requirements of student IEPs when transportation is a related service.

(3) The driver shall report all serious discipline cases to the transportation administrator or designee in accordance with the department and the LEA's policies.

(4) The driver shall have the authority to assign any passenger to a seat.

(5) The driver shall not carry on any unnecessary conversations with passengers while driving.

(6) The driver shall not permit the transportation of firearms, knives, explosives, breakable glass, or other dangerous objects, reptiles, or animals, except a service animal authorized by an IEP.

(7) In transporting musical instruments, shop projects, or other school projects, items shall be transported pursuant to the requirements listed in Subparagraph (e) of Paragraph (1) of Subsection T of 6.41.4.9 NMAC.

(8) On the school bus, the driver shall not permit items to block the aisle or exits.

(9) While a school bus is in motion, the driver shall not permit any passengers to occupy any area in front of the passenger seating area. All passengers shall be properly seated.

I. Perform a post-trip inspection.

(1) The driver shall, as part of each post-trip inspection, ensure that no passengers remain on board.

(2) The driver shall submit a signed, LEA-approved form reporting all faulty or improperly functioning equipment to the transportation administrator or designee, or the transportation service provider.

J. Participate in emergency evacuation drills for school buses. All school bus drivers, substitute school bus drivers, activity bus drivers, school bus assistants, and substitute school bus assistants shall participate in the emergency evacuation drills or adequate alternate instruction scheduled by the transportation administrator.

K. Be familiar with the location and use of the following emergency equipment:

(1) hazard warning lights;

(2) fire extinguisher;

(3) first aid kit;

(4) body fluid cleanup kit;

(5) triangular warning reflectors; and

(6) seat belt cutter.

L. Address emergency evacuations and accidents.

(1) Emergency evacuations shall take place if there is a fire or danger of fire involving the vehicle. The vehicle shall be stopped and evacuated immediately. Passengers shall move a safe distance away from the vehicle and remain there until given further direction.

(2) Emergency evacuations may take place if the vehicle is stopped in an unsafe position. The driver shall immediately determine whether it is safer for passengers to remain in the vehicle or to evacuate the vehicle. The driver shall direct the passengers to evacuate the vehicle if:

(a) the vehicle has stopped in the path of a train;

(b) the position of the stopped vehicle may change, thus increasing the danger to passengers; or

(c) the position of the stopped vehicle is such that there is danger of another vehicle colliding into

it.

(3) In the case of any accident, the driver's first responsibility is for the safety of the passengers. The driver shall:

(a) stop immediately;

(b) notify police and the LEA administrator and, if appropriate, the transportation service provider;

(c) remain calm and reassure passengers;

(d) if necessary to evacuate the vehicle, direct passengers to a safe place away from traffic and not permit passengers to leave the scene of the accident;

(e) render reasonable assistance to persons injured in the accident;

(f) remain at the scene of the accident and not move the vehicle unless required by local ordinance or a law enforcement officer;

(g) if possible, place reflectors appropriately to warn traffic;

(h) obtain information such as names, license numbers, registration numbers, location, time, road and weather conditions, and a listing of all passengers including their seating locations;

(i) make no admission as to liability nor assume responsibility for the accident;

(j) comply with federal, state, department regulation and LEA policy and procedures in reporting the accident; and

(k) adhere to any vital emergency medical information provided.

M. Alternating flasher lights shall not be used when the school bus is:

(1) on school grounds to load or unload students;

(2) completely off the traveled portion of the roadway;

(3) at a railroad crossing; or

(4) stopped, except when loading or unloading students on the roadway.

[6.41.4.11 NMAC - Rp, 6.41.4.11 NMAC, 3/27/2018]

6.41.4.12 SCHOOL BUS SAFETY AND EQUIPMENT: All school buses used to transport students on school bus routes and LEA-sponsored activities shall meet requirements pursuant to 6.40.2 NMAC and the state of New Mexico guide for school bus maintenance and safety audit program, school bus inspection guide.

A. Each school bus shall be equipped with an operable seat belt for the driver that shall be used when the school bus is in motion.

B. Each school bus shall have seat belts or a seat harness as required on school buses when required in a student's IEP.

C. Each school bus shall have at least one seat belt cutter properly secured in a location within reach of the driver while the driver is belted into the driver's seat pursuant to Paragraph (1) of Subsection YY of 6.40.2.10 NMAC. The seat belt cutter shall be durable and designed to eliminate the possibility of the operator or others being cut during use.

D. Each school bus shall carry a first aid kit with contents pursuant to Paragraph (2) of Subsection P of 6.40.2.10 NMAC.

E. Each school bus shall carry a body fluid clean-up kit pursuant to Paragraph (3) Subsection P of 6.40.2.10 NMAC.

F. Each school bus shall be equipped with at least one UL-approved pressurized dry-chemical fire extinguisher complete with hose. The fire extinguisher shall have a total rating of 2A10BC or greater and meet the requirements of Paragraph (1) of Subsection P of 6.40.2.10 NMAC. The extinguisher shall be securely mounted in the driver's compartment, fully charged and in working condition.

G. Each school bus shall be equipped with a minimum of three triangular warning reflectors pursuant to Paragraph (4) of Subsection P of 6.40.2.10 NMAC, and the driver shall be knowledgeable as to their proper placement. Drivers shall use reflectors in the event of prolonged stops on the roadway.

(1) On a two-lane road:

(a) a warning reflector shall be placed on the traffic side of the school bus 10 feet from the front or rear of the school bus, depending on traffic direction;

(b) a warning reflector shall be placed in the center of the traffic lane or shoulder occupied by the disabled school bus 100 feet from the rear of the school bus; and

(c) a warning reflector shall be placed in the center of the traffic lane or shoulder occupied by the disabled school bus 100 feet from the front of the school bus.

(2) On a one-way or divided highway, warning reflectors shall be placed on the traffic side of the school bus at 10, 100, and 200 feet from the rear of the school bus and placed so as to direct traffic away from the school bus.

(3) If the school bus is disabled within 500 feet of a curve, crest of a hill, or other obstruction:

(a) a warning reflector shall be placed on the traffic side of the school bus 10 feet from the rear of the school bus in the direction of the obstruction;

(b) a warning reflector shall be placed on the traffic side of the school bus 100 feet from the rear of the school bus in the direction of the obstruction; and

(c) a warning reflector shall be placed on the traffic side of the school bus up to 500 feet from the rear of the school bus in the direction of the obstruction.

H. The hazard warning lights shall be used only when it is necessary to stop the bus on the shoulder of the roadway or on the roadway. The hazard warning lights shall also be used when the speed of the school bus is less than one-half of the posted speed limit.

I. The emergency door(s), windows, and roof hatches shall not be fastened or wired so as to prevent opening from the inside or outside.

J. Loose items shall be properly stowed underneath in equipment compartments or securely fastened if carried inside the school bus.

K. Trailers shall not be attached to a school bus.

L. Trailers shall not be hitched to school-owned vehicles while the vehicle is transporting students.

[6.41.4.12 NMAC - Rp, 6.41.4.12 NMAC, 3/27/2018]

6.41.4.13 CONTINUING REQUIREMENTS FOR DRIVERS, SUBSTITUTE DRIVERS, SCHOOL BUS ASSISTANTS, AND SUBSTITUTE SCHOOL BUS ASSISTANTS:

A. School bus drivers, substitute school bus drivers, and drivers of activity buses shall maintain and provide to the employer a copy of the following:

(1) a current CDL with appropriate class and endorsements;

(2) a current DOT medical examiner's certificate in compliance with federal and state CDL licensing requirements;

(3) a driving record obtained through the New Mexico motor vehicle division or the national driver register or other states' motor vehicle division and printed annually; and

(4) a current first aid and CPR certificate which has been obtained from a course approved by the department.

B. School-owned activity vehicle drivers shall maintain and provide to the employer a copy of the following:

(1) a current driver's license;

(2) a current medical examiner's certificate from a physical recorded on the DOT form;

(3) a driving record pursuant to requirements in Paragraph (3) of Subsection A of 6.41.4.13 NMAC; and

(4) a current first aid and CPR certificate pursuant to the requirements in Paragraph (4) of Subsection A of 6.41.4.13 NMAC.

C. School bus assistants and substitute school bus assistants shall maintain and provide a copy to the employer of the following:

(1) a current first aid and CPR certificate pursuant to the requirements in Paragraph (4) of Subsection A of 6.41.4.13 NMAC; and

(2) a physical examination renewed every 24 months from the date of the last examination or before as specified by a licensed medical professional.

D. In-service Training: To remain qualified, school bus drivers, substitute school bus drivers, school bus assistants, and substitute school bus assistants shall complete a total of eight hours per semester of in-service training that has been approved by the transportation administrator. Persons who do not complete the required hours of in-service training are disqualified from duty until those hours of in-service training are completed.

6.41.4.14 USING SPORT UTILITY VEHICLES (SUVS) FOR TO-AND-FROM TRANSPORTATION:

A. General requirements. An LEA electing to transport students in an SUV on a to-and-from route shall:

- (1) be limited to transport up to six students who are enrolled in the LEA;
- (2) only transport students whose residence is within the boundaries of the LEA, with the exception of those students in foster care or homeless children and youth as required as part of the best interest determination;
- (3) only transport students who live five or more miles from the student's or students' school, with the exception of those students in foster care or homeless children and youth as required as part of the best interest determination;
- (4) require that the SUV driver be an LEA employee certified as a school-owned activity vehicle driver;
- (5) require that the driver meet all federal, state, and department qualifications and licensing requirements.

The driver shall:

- (a) allow the LEA to obtain the driver's driving record through the New Mexico motor vehicle division, or the national driver register or other states' motor vehicle divisions;
- (b) satisfactorily complete a physical examination using the current DOT physical examination form:
 - (i) physical examination shall be renewed every 24 months from the date of the last examination or before as specified by a licensed medical professional;
 - (ii) additional physical examinations shall be required at any other time at the request of the LEA or the department's transportation bureau;
 - (iii) all physical examinations shall be conducted by a licensed medical professional;
- (c) meet the requirements of the Controlled Substances and Alcohol Use and Testing in accordance with 49 CFR Part 382;
- (6) require that the driver complete pre-service training as outlined in department guidance. The pre-service training shall be provided only by a school bus driver instructor that has activity vehicle certification or an activity vehicle instructor that has been certified by the department;
- (7) require the SUV driver transporting students on to-and-from routes to obtain two hours of in-service training per semester;
- (8) be required to insure both the SUV and SUV driver through the public school insurance authority;
- (9) establish written procedures for an immediate substitute SUV or school bus should an SUV fail to meet pre-trip inspection requirements; the substitute SUV or school bus shall meet all pre-trip requirements;
- (10) require the SUV driver to immediately report in writing on the appropriate form(s) signed by the SUV driver any faulty or improperly functioning equipment to the transportation administrator or their designee;
- (11) require all passengers to enter and exit on the passenger side of the SUV;
- (12) require the SUV driver to ensure that no student remains in the SUV at the conclusion of the route;
- (13) be required to have the vehicle inspected semi-annually by an authorized dealer including the manufacturer's recommended multi-point inspection. An inspection shall not occur within 90 days from the prior inspection. All inspections shall occur during the school year. Any defects found by the dealer shall be repaired prior to the vehicle being used to transport students. The vehicle shall be considered out of service until all defects are repaired by the dealer. The semi-annual inspections shall be submitted to the department's transportation bureau along with the documentation of all repaired defects;
- (14) require the SUV driver to conduct a daily, thorough pre-trip operational check of the SUV and equipment; the pre-trip shall be documented and shall cover at a minimum:
 - (a) wheels, tires, lug bolts, and nuts for serviceability;
 - (b) all exterior lights for serviceability and operation;
 - (c) all glass, mirrors, windshields (clean, unbroken and mirrors adjusted for the driver);
 - (d) exhaust system for leaks and looseness of connections;
 - (e) fluid leaks under and in the front (oil, water, power steering, transmission, brakes) and in the rear (brakes and differential);
 - (f) engine compartment for serviceability (battery, belts, wiring, hoses, fan);
 - (g) engine compartment for fluid levels (oil, engine coolant, power steering, brake, windshield washer, transmission);
 - (h) fuel filler cap;
 - (i) all gauges, seats, and interior lights;
 - (j) horn and windshield wipers;
 - (k) emergency equipment;
 - (l) cleanliness of SUV;
 - (m) electronic locks; and
 - (n) heaters and defrosters;
- (15) not allow the SUV driver to operate the SUV if it does not meet the pre-trip inspection requirements;
- (16) not allow an employee to operate an SUV for to-and-from transportation if the person's driving record shows:

(a) a conviction for driving a vehicle while intoxicated (DWI) or driving under the influence of intoxicating liquor or drugs (DUI) within the previous three years;

(b) a conviction for DWI or DUI between three years and 20 years prior to the date of application for employment unless a written verification from a licensed counselor or physician has been provided that the person has successfully completed an alcohol or drug abuse program. On-line programs are not acceptable;

(c) a conviction two or more times for DWI or DUI;

(d) their driver's license has been suspended or revoked within the previous five years for any serious traffic offense;

(e) a conviction of more than three serious traffic offenses within the previous three years;

(f) a conviction of any felony within the previous 10 years, or there exist other reasonable grounds related to the services of transporting students rendering the applicant ineligible;

(17) not allow an employee to operate an SUV for to-and-from transportation if the person's fingerprint-based background check shows:

(a) a conviction for any violation of the Controlled Substances Act;

(b) a conviction of child abuse pursuant to Section 30-6, NMSA 1978, Crimes Against Children and Dependents; or

(c) conviction of any other criminal offense in which a child was a victim as required by the

offense; and

(18) ensure all SUVs shall be alcohol, drug and tobacco free areas. Prior to or during work periods, all SUV drivers shall not use alcoholic beverages, illegal substances, or legal substances which would impair the driver's ability to perform required duties.

(19) ensure that student evacuation drills or adequate alternate instruction are conducted pursuant to Paragraph (3) of Subsection C of 6.41.4.9 NMAC.

(20) adopt a policy defining the replacement cycle for SUVs.

B. Procedures and criteria to establish routes. The local superintendent or charter school administrator shall demonstrate a need before providing to-and-from transportation in an SUV.

(1) Those students receiving to-and-from transportation through the use of an SUV must be approved by the superintendent or charter school administrator. The superintendent or charter school administrator must approve annually. In addition, the superintendent or charter school administrator must approve any changes to an SUV route that occur after the annual approval.

(2) On forms provided by the department, the local superintendent or charter school administrator shall submit the following information to the secretary of education or designee and to the department's transportation director or designee for approval before using an SUV to transport students on a to-and-from route:

(a) a description of the need to transport students in an SUV;

(b) a list of students to be transported in an SUV;

(c) the location of the school and location of the students' residence as shown on a map; and

(d) the local superintendent or charter school administrator must sign the form submitted to the

department.

(3) A revised request for the SUV route must be submitted to the department for approval if there are any changes to the initial request.

(4) LEAs may count the students and miles for transportation funding who receive transportation services through the use of an SUV; however, only half of the miles will be counted through the funding formula.

(5) Written notification shall be given to the department's transportation director or designee immediately when the LEA is no longer providing transportation in an SUV to the student or students who had been previously approved.

(6) Students in foster care or homeless children and youth may be transported as otherwise prescribed and required by law or department rule.

C. Construction standards. To provide for the safety of students, all SUVs used to transport students on to-and-from routes shall adhere to construction standards requirements.

(1) All SUVs used to transport students on to-and-from routes shall:

(a) be LEA owned;

(b) be a minimum six-passenger, full-size, extended-length, SUV;

(i) the SUV shall not accommodate more than nine people including the driver; and

(ii) the SUV shall not include vans or mini-vans;

(c) meet applicable United States department of transportation federal motor vehicle safety

standards;

(d) comply with all applicable state statutes and comply with child restraint recommendations from the national highway traffic safety administration;

(e) have operable seat belts which all occupants are required to wear while the SUV is in motion;

(f) bear the words "SCHOOL VEHICLE" and the name of the LEA in reflective letters at least eight inches high on both sides of the SUV;

(g) bear the words "SCHOOL VEHICLE" and the name of the LEA in reflective letters on the rear

of the SUV;

(h) be marked with reflective material that is at least one and three-fourths inches in width, placed horizontal and centerline of the SUV extending the length of both sides and rear of the SUV;

(i) be equipped with red LED strobe lights on the front and back of the SUV that shall be used during loading and unloading; and

(j) be equipped with electronic locks and child safety locks on all doors; all locks shall be engaged when the SUV is in motion.

- (2) All SUVs used to transport students on to-and-from routes may:
- (a) be equipped with a maximum speed limiter and shall be set at 75 miles per hour;
 - (b) have a two-way radio communication system;
 - (c) have an operable recording video camera;
 - (d) be equipped with a back-up camera; and
 - (e) be painted national school bus glossy yellow, in accordance with the colorimetric specification

of national institute of standards and technology (NIST) federal standards no. 595a, color 13432, except that the hood should be either that color or lusterless black, matching NIST federal standard no. 595a, color 37038.

D. Safety equipment. All SUVs used to transport students on to-and-from routes shall have:

- (1) a first aid kit with contents pursuant to 6.40.2 NMAC, New Mexico School Bus Construction Standards;
 - (2) a seat belt cutter within the driver's reach while belted;
 - (3) operable seat belts available to all passengers;
 - (4) a fire extinguisher mounted inside the SUV;
 - (5) a reflective safety vest that must be worn by the driver when the driver is exiting the SUV;
 - (6) a cargo net to secure all items not under students' control; and
 - (7) a minimum of three triangular warning reflectors;
- (a) the SUV driver shall be knowledgeable of the warning reflectors' operation and proper

placement;

- (b) the warning reflectors shall be used in the event of prolonged stops on the roadway as follows:

(i) one warning reflector at a distance of approximately 100 feet in front and one reflector approximately 100 feet in back of the disabled SUV in the center of the traffic lane occupied by the disabled SUV;

(ii) one warning reflector at the traffic side of the disabled SUV, not less than 10 feet from the front or rear of the disabled SUV;

(iii) if the SUV is disabled within 500 feet of a curve, crest of a hill, or other obstruction to view, the SUV driver shall place the warning reflector in that direction to afford ample warning. The warning reflector must in no case be less than 100 feet or more than 500 feet from the disabled SUV.

E. Route requirements. All to-and-from transportation shall adhere to route requirements.

- (1) Loading and unloading shall occur, whenever possible, off of the roadway.
- (2) Students shall not cross the roadway for loading or unloading purposes.
- (3) The SUV driver shall load and unload at established route stops only unless an emergency dictates

otherwise.

(4) The student shall load or unload only at the student's designated route stop unless the driver has written approval from the transportation administrator or designee.

- (5) The SUV driver shall ensure all doors are closed and locked before putting the SUV in motion.
- (6) The SUV driver shall keep the SUV clean, well ventilated, and properly heated when necessary.
- (7) The SUV driver shall obey all traffic laws, ordinances, and rules of the road.
- (8) The SUV driver shall report all hazards, whether potential or existing, on the route and all causes for

failure to operate on schedule to the transportation administrator or designee.

F. Loading and unloading on route. All to-and-from transportation shall adhere to loading and unloading requirements.

- (1) The SUV driver shall use mirrors to check traffic when approaching the stop.

(2) The SUV driver shall reduce the SUV's speed.

(3) The SUV driver shall activate the strobe lights not less than 100 feet nor more than 300 feet from a route stop in urban areas and not less than 300 feet nor more than 1,000 feet from a route stop in rural areas to warn motorists that the SUV is about to stop.

(4) On morning routes, a complete stop shall be made at all established route stops whether students are present or not, unless a parent or guardian or transportation administrator has notified the driver that the student will be absent. The SUV driver shall not wait for students unless they are observed making an effort to reach the route stop or unless otherwise specified in the student's IEP.

(5) When loading students, the SUV shall be brought to a complete stop, the transmission put in park and the emergency brake activated.

(6) When unloading students, the SUV shall be brought to a complete stop, the transmission put in park and the emergency brake activated.

- (7) When the SUV driver leaves the driver's seat, the keys shall be removed from the ignition switch.

- off.
- (8) When all students have been completely and safely loaded or unloaded, the strobe lights shall be turned off.
 - (9) The SUV driver shall check mirrors and make a thorough live sight inspection of all traffic before resuming travel.

G. Loading and unloading at schools. All to-and-from transportation shall adhere to requirements when loading and unloading at schools.

- (1) The SUV driver shall load and unload students in the same location that loading and unloading of school buses occur.
- (2) The SUV shall be parked in place for loading prior to dismissal of school. If loading or unloading on the street, the SUV shall be stopped parallel to the curb. Strobe lights shall not be activated unless the SUV is stopped on the traveled portion of the roadway.
- (3) The vehicle shall be brought to a complete stop, the transmission put in park, and the emergency brake activated before loading or unloading students.
- (4) When the SUV driver leaves the driver's seat, the keys shall be removed from the ignition switch.
- (5) The driver shall not back up the SUV on school grounds unless absolutely necessary.

H. Operating on interstate highways. All to-and-from transportation shall adhere to operating requirements on interstate highways.

- (1) The SUV driver shall not make any stop except in an emergency nor shall any student load or unload while the SUV is on the interstate. All loading or unloading shall be done at points off the interstate.
- (2) The SUV driver shall not drive the SUV onto an opposite roadway or make any other similar maneuver except at interchanges and then only in a manner consistent with the proper procedures at any given interchange.

I. Railroad crossings. The driver shall use extreme caution when approaching and crossing highway-grade railroad crossings.

J. Continuing standards for drivers: An SUV driver shall no longer be eligible to transport students:

- (1) for three years if they receive a conviction for DWI or DUI. They may requalify if a written verification from a licensed counselor or physician is provided that the person has successfully completed an alcohol or drug abuse program. On-line programs are not acceptable. They are permanently ineligible if they have two or more DWI or DUI convictions;
- (2) for five years receive a suspension or revocation of their driver's license for any serious traffic offense;
- (3) for three years receive convictions for more than three serious traffic offenses;
- (4) if they receive any convictions pursuant to Paragraph (2) of Subsection P of 6.41.4.9 NMAC; or
- (5) if they do not complete the previous semester's required in-service training; to become eligible again, they must complete the training.

K. Driver files. LEAs shall maintain SUV driver files that include the following:

- (1) annual driving record check;
- (2) copy of current medical examiner's certificate from the physical;
- (3) copy of current and valid driver's license;
- (4) pre-service training record;
- (5) documentation of required in-service training pursuant to item (iii) of Subparagraph (d) of Paragraph (1) of Subsection S of 6.41.4.9 NMAC and Paragraph 7 of Subsection A of 6.41.4.14 NMAC;
- (6) proof that the driver is enrolled in a random drug and alcohol testing program; and
- (7) a current first aid and CPR certificate pursuant to the requirements in Paragraph (4) of Subsection A of

6.41.4.13 NMAC.

[6.41.4.14 NMAC - Rp, 6.41.4.14 NMAC, 3/27/2018]

HISTORY OF 6.41.4 NMAC:

6.41.4 NMAC, Standard for Providing Transportation for Eligible Students; filed 12/31/1998 - Repealed and Replaced with 6.41.4 NMAC, Standard for Providing Transportation for Eligible Students, effective 3/27/2018.

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