

POLICY SERVICES

ADVISORY

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Policy Advisory Discussion

The advisories being recommended for adoption are primarily based upon changes to transportation regulations by the Public Education Department (PED) as found in 6.41.4 of the New Mexico Administrative Code (NMAC). Advisory 153, Extracurricular Activity Eligibility, is based on a change by the New Mexico Athletic Association (NMAA) to part 6.2 of the NMAA handbook, and advisory 154, Student Suspension / Expulsion, is provided to correct an oversight in an optional procedure Policy Services did not include in the original policy.

Preparing the changes, additions and omissions based on the PED regulations for transportation has been especially tedious due to the detail of the content. You will find attached the full content of 6.41.4 NMAC consisting of twenty-five (25) pages, which you will need as directed by the content, to provide copies to each of the transportation employees. **It is suggested that the document 6.41.4 NMAC be read in its entirety before reviewing the recommended policies, regulations and exhibits.**

Due to the extensive detail and requirements, Policy Services has incorporated many subsections of the PED regulation into particular policies by reference. This is unusual for Policy Services, but the separation of the directives into useful parts and standardized naming systems required this solution. The PED document states that each district must establish in excess of sixteen policy statements. Please understand that directions and requirements of statute and regulation need not be included in District Board policies since the policy is directing the administration to follow these already written statements by reference to them.

An attempt has been made to explain the content of each policy referent while including the requirements in the PED document, but that may not be possible. There are simply too many cross overs from one part of the PED regulation to another. If questions arise as to where a particular aspect of the regulation can be found in the policy manual, please contact Policy Services. Most parts of 6.41.4 NMAC are in these advisories but some were already in policy and have been cross referenced in the advisories.

Policy Advisory No. 141 - Transportation Services. One of the responsibilities of the Local Board of Education, among many as expressed in 6.41.4.8 NMAC, is that the Board provide a platform:

- for adequate community, parent, staff, and transportation service providers participation in the development of policies and procedures;
- for information and training; and,
- for access to policies defining rights of the various communities.

Policy Services gives direction within the policy to the cross references located at the bottom of each policy. Policies such as those for homeless and at risk student have already been put in place because of transportation statutes. Others related to the policy process and complaint procedures already exist and simply need to be consulted for the information they provide. As to the platform demanded by PED, it is suggested districts make access to their policy manuals on line as simple as possible from their web sites. Establishing a link directly to the district policy manual would be a large step toward providing the platform PED requests. This policy on Transportation Services was rewritten and updated to be the general beginning with the rest of the transportation policies intended to provide the information and education on rights, responsibilities, policies, and procedures. Note that the policy is extended by the last sentence to include 6.41.4.8 NMAC and 6.41.4.9 NMAC which contain about twelve (12) pages of responsibilities assigned to the Board which are to be carried out by the administration. It is also extended by reference to 6.41.4.10 NMAC which gives direction to Transportation providers. One of the interesting inclusions from PED is that the district or transportation provider is to have a "transportation administrator" to perform daily observations relative to alcohol and substance use by transportation personnel. The exhibit is a reminder that there are certain requirements if a district contracts for transportation services.

Policy Advisory No. 142 - Student Transportation. This policy establishes that student transportation is generally not a right but a privilege and begins the process of providing the procedures to be followed and explained to the persons involved with student transportation. The rule then goes on to detail the procedures as related to student behavior or conduct, parental responsibilities and those of the bus drivers. Duties and responsibilities of bus support personnel are found in other policies and regulations. Because the student conduct and discipline procedures were redrawn and placed in this policy and regulation, the bus incident report was placed with this policy as an exhibit, removing it from the bus safety program. Districts are cautioned to review the procedures in the regulation with care to make sure these are the procedures being followed in their district.

Policy Advisory No. 143 - Eligibility for Bus Transportation / Walkers and Riders. This policy contains only a minor modification since it was revised upon the statutory change to 22-16-4 NMSA allowing SUV's for limited student transportation purposes. It was also modified in the past to include special needs students. Policy Services recognizes the PED authority written into the law to establish safety rules for the SUV use but to have expanded those rules to five (5) pages single spaced is a bit ridiculous. The rules may trump the intent of the statutory use. Reference to the appropriate part of the regulation is suggested if an SUV is proposed for transportation use. Districts should consider whether they can meet the safety requirements for the use of the SUV.

Policy Advisory No. 144 - Special Education Student Transportation (Students with Special Transportation Needs). The PED has specifically made special needs student transportation a policy requirement in 6.41.4.8 NMAC and 6.41.4.9 NMAC. Some of the requirements such as how long the bus waits for loading and unloading Students with special issues and service animal certification, training and immunization are without merit. If a student has an IEP, health management plan, 504 plan or is otherwise in need of a special transportation arrangements, special circumstances are to be taken care of in the plan or IEP. A single policy could not cover all circumstances. As to the service animals, Policy Services explained federal and state law in advisory 118 and policy IMG that indicated no conditions could be placed on the service animal but that it must be under control. A cross reference to IMG or related policies is noted in the policy itself.

Policy Advisory No. 145 - Bus Safety Program. This policy is a hodge podge of all of the Regulations from PED covering Bus Safety from equipment requirements, district and transportation requirements, driver and support staff requirements to community, student, staff, and parent directions. There was no way to incorporate all of the PED regulations so they were incorporated as legal references and policy cross references with PED policy issues being given emphasis within the document. A written emergency plan of action that is to be provided drivers per 6.41.4.9 C1 NMAC is provided in the regulation following the policy. Please note that districts are welcome to suggest or add to the emergency action plan as they see the need.

Policy Advisory No. 146 - Bus Driver Requirements, Training, and Responsibilities (Includes Bus Assistants and Substitutes). Again, Policy Services could not include all of the items implied by the title and included in 6.41.4 without including most of the PED rule. Therefore, the appropriate parts of the PED Regulation are made a part of the policy by reference. If those parts were included it would add six (6) pages single spaced to the policy. Since each driver or transportation support staffer is to get a copy of the whole 6.41.4 NMAC this seems superfluous.

The policy is intended to emphasize both the records which must be kept by the district and provided by the employee as well as the duties to be performed by the employees. Please reference the sub parts of the administrative code for extensive inclusions.

Policy Advisory No. 147 - Bus Purchasing and Maintenance. A minor change to the title of the guide used for standards and maintenance of buses is found in this policy.

Policy Advisory No. 148 - Student Conduct on School Buses. As Policy Services has done in the past, when a policy titled with a named activity found in another policy like Bus Conduct or a procedure is included in the manual, it is cross referenced to the more complete document.

Policy Advisory No. 149 - Transportation to Student Activities. Renaming this policy to a more encompassing title in accord with Policy Services guidelines was done to cover the broader sweep of the PED rule . It allows the omission of a specific policy on event drivers, the content of which was changed by PED to now cover all school owned vehicles driven for activity purposes. There are two (2) pages of directions by PED on actions to be taken for any district sponsored activity trip. These pages are included by reference to that part in the code. A regulation on the responsibilities for any and all drivers whether a bus or other activity vehicle is driven is found following this policy. Again, Policy Services advises that the drivers be made aware of 6.41.4.11 NMAC and receive a copy of 6.41.4 NMAC as required.

An exhibit to this policy explains that the district should provide either a check list or an actual copy of 6.41.4.11 NMAC to all drivers. This may be accomplished by providing the whole of 6.41.4.NMAC but is mentioned to give emphasis to the intent of PED. With the broader scope of this policy to include all drivers, policy EEAFB was omitted in its entirety.

Policy Advisory No. 150 - Student Transportation in Private Vehicles. Policy Services recognizes that it did not include percapita mileage reimbursement within this policy when originally written. The procedures were, however, found in the regulation supporting this policy. The addition of one sentence from the new PED rule to the policy should make the procedure found in the accompanying policy regulation clear. The regulation EEAG-R accompanying EEAG was not revised but is included with this document for clarity.

Policy Advisory No. 151 - Support Staff Hiring. Four (4) pages of new requirements to be given consideration in the hiring process relevant to transportation related employment were

added by reference to the NMAC in the hiring policy. It would not be a good idea to make a separate policy on hiring of transportation personnel from that of others, but the PED clearly intended to make the hiring of transportation employees a priority in the hiring process. It is suggested that each district make certain that their employment process includes 6.41.4.9 NMAC M through S for transportation related employment. Policy Services incorporated the issue by reference and outlined the included actions necessary by major areas. Interpreting the requirements will still require use of the NMAC.

Policy Advisory No. 152 - Extracurricular Activity Eligibility. Recently the New Mexico Athletic Association sent out a memorandum explaining a change in eligibility requirements made in Section 6.2 of the New Mexico Activities Association Handbook. The change is reflected in the change to policy JJJ. A failing grade is no longer allowed in the passing semester grade average. Eligibility is determined by the Semester grade and eligibility can be reestablished during the next semester by obtaining a passing average at the next grading period and maintaining that average. The cumulative semester average passing grade is still allowed if the student has no more than one F grade at the last semester. A copy of the memo announcement is attached following the policies in the support materials.

Policy Advisory No. 153 - Student Suspension / Expulsion. An addition to policy JKD was made as a result of a review of PED regulation in the NMAC made at the request of a practicing New Mexico attorney. Some districts have had difficulty with holding a long term suspension or expulsion hearing within the ten (10) days of a temporary suspension. This is usually because there has been a previous suspension or is related to the notice period required for long term suspension or expulsion. The considerations provided in the revisions to the policy are a part of 6.11.2.12 G4 j NMAC Students status pending hearing. Should you wish to review the NMAC in your on line manual, simply click on the legal reference at the bottom of the policy and go to the citation indicated..

Please note the ALERT at the heading **Membership of Review Hearing Authority** in this policy. Districts have locally determined the hearing officer for this purpose, from the Superintendent alone to a committee. Please reference your current policy and make sure your policy reflects the decision of the Board as to who is to be the hearing authority. Where a small district is involved in long term suspension, the Superintendent may be involved in the very process which is being heard by the Review Hearing Authority and should not be named here because of the conflict of interest.

Policy Advisory No. 154 - Administering Medicines to Students. Policy JLCD had an addition made to reflect the recent Transportation Standards requiring a policy on where medications are to be placed in transportation vehicles and who is to use them, if necessary, during transportation. No single policy statement would allow for the myriad of circumstances that could exist for transporting medicine and allowing for its use while transporting. To provide a policy statement on this issue, Policy Services reviewed the current policy and found that there was no explicit method for transporting medicines to school. The added policy statement

puts the responsibility for transporting medicine with the parent or guardian under most circumstances. It recognizes the need for a health management plan to be prepared if medication is to be transported for use on school property, during transportation or on activity trips. Doing it this way plans for the location, responsibility, use and security of medications with the inclusion of the parties at interest. A cross reference to the policy on Students with Special Transportation Needs is provided.

Policy Advisory No. 155 - Do Not Resuscitate Orders. About this issue, Policy Services does not agree that requiring such a policy is the prerogative of the PED Transportation Division. However, Policy Services has provided this policy to districts where this has been an issue or the addition was requested. There are few calls for this policy in smaller districts but it could come up. The position of Policy Services in preparing this policy is straight forward. A School Board's responsibility is to protect the health and well-being of all students and school personnel. Accordingly, district officials and employees must not accept nor retain Do Not Resuscitate orders presented by parents or physicians. As you read the policy and regulation you will find it self explanatory as to how the issue may to be handled. Districts may handle this issue differently. Please take the opportunity to discuss this during the process of considering adoption of a policy on the issue.

Materials of a legal nature in support of this advisory may be found following the text of the policies. If you have any questions, or requests call Policy Services at (505) 469-0193 or E-mail Dr. Donn Williams, Policy Services Director at [nmsbapolicy@cox.net].

This Material is written for information only and is not intended as legal advice. Please consult your attorney if legal explanations are needed.

TRANSPORTATION SERVICES

In the budgeting process, the Board may grant appropriations for transportation.

Transportation of students is a privilege extended to students in the District, and is not a statutory requirement except for necessary transportation of students with disabilities,~~as indicated in their respective individual education programs,~~ certain children with health management plans, foster children and other at risk students as required by New Mexico Statutes.

The responsibility for the operation of student transportation shall be vested in the Superintendent. Reasonable efforts shall be made to eliminate any particular hazards that might adversely affect the safety and welfare of any student.

Transportation services for students may be provided through use of school bus service contracts for up to five years approved by the School Board on forms approved by the Public Education Department (PED). The district shall follow the rules of PED pertaining to the parameters of such contracts including placing a lien on each contractor school bus. All contracts must require that all state and federal statutes and regulations, including department regulations are adhered to in the performance of the contract. The contract can only be terminated in accord with the state law and PED regulations.

Transportation service providers are to follow 6.41.4.10 NMAC titled "Requirements of Transportation Service Providers" and that regulation is incorporated into this policy by reference.

Community members, parents, and transportation service providers may be involved in the development of student transportation policies and procedures. This should be in accord with the procedures outlined in board policies relevant to community involvement and adoption of policy as cross referenced below. Complaints from parents, transportation providers, and others regarding school transportation may be made using the complaint forms found with policies KEB through KED as applicable.

Adult volunteers, district employees, supervisory personnel and others may be transported with students as determined necessary by the school administration.

The local education agency or school district, in providing student transportation as indicated by the PED, shall adhere to the requirements of 6.41.4.8 NMAC and 6.41.4.9 NMAC. These sections of the New Mexico Administrative Code are incorporated in this document by reference.

Adopted: date of manual adoption

LEGAL REF.: 22-8-27 NMSA
 22-8-29 NMSA
 22-16-1 NMSA *et seq.* (1978)
 6.41.4 NMAC *et. seq.*

CROSS REF.: BG - School Board Policy Process
 BGB - Policy Adoption
 EEAE - Bus Safety Program
 JFABD - Admission of Homeless Students
 JGC - Assignment of at-risk students to classes and programs
 KEB - Public Concerns and Complaints
 KEC - Concerns / Complaints About Personnel
 KED - Concerns / Complaints about Facilities and Services

TRANSPORTATION SERVICES**(Transportation Service Provider Requirements)**

6.41.4.10 NMAC provides the requirements for Transportation Service Providers and may be needed as a resource for districts that contract student transportation services for to and from school. Additionally, these districts may need to get the forms for agreements from the New Mexico Public Education Department Transportation division.

STUDENT TRANSPORTATION

The school district recognizes that transportation is an essential part of the school district services to students and parents, but the district further recognizes that transportation by school bus is a privilege and not a right for most students. The purpose of this policy is to provide guidance for safe transportation and to educate students, staff, parents, community members and transportation providers on safety issues and the responsibilities of school bus ridership.

All persons who ride school buses to and from school, for extra-class or co-curricular purpose or provide these services are to be aware and practice the established procedures indicated. The guidance provided in this policy should to be distributed to all students, parents, staff and transportation service providers in pre school communications, handbooks or individually at registration if entering school or employment after the beginning of the school year. Parents are encouraged to go over these procedures with their children and caretakers to ensure that the procedures are followed for the safety and welfare of those students. Student complaints about transportation services may be made using the forms found in policy JII for Student Concerns, Complaints and Grievances. Adults may use established complaint procedures cross referenced below.

LEGAL REF.: 22-16-4 NMSA (1978)
 22-12-10 NMSA (1978)
 6.41.4.14 NMAC
 42 U.S.C. 11301, McKinney-Vento Homeless Assistance
 Act of 2001

CROSS REF.: EEAFB - Extracurricular Activity Event Driver Requirements
 JFABD - Admission of Homeless Students
 JGC - Assignment of at-risk students to classes and programs
 JIC - Student Conduct
 JII - Student Concerns, Complaints and Grievances
 JK - Student Discipline
 JKD - Student Suspension Expulsion
 JLCD - Administering Medicines to Students
 JLCG - Do Not Resuscitate
 KEB - Public Concerns and Complaints
 KEC - Concerns / Complaints About Personnel
 KED - Concerns / Complaints about Facilities and Services

REGULATION**REGULATION****STUDENT TRANSPORTATION****Student bus transportation procedures****Arriving at pickup point:**

- Be on time. Leave home in good time so that you will arrive at the pickup point before the school bus.
- If you have to walk along the road to reach the bus stop, walk on the left side facing oncoming traffic.
- Walk on the shoulder of the road where possible, and not on the traveled portion.
- If other students are waiting at the bus stop, get in line without pushing or crowding and stay off the roadway.
- Respect the property of others while waiting at your bus stop.
- Keep your arms, legs and belongings to yourself.
- Use appropriate language.
- Stay away from the street, road or highway when waiting for the bus. Wait until the bus stops before approaching the bus.

Board the bus:

- Line up in single file parallel to the roadway, with younger students in front, so they can board first.
- Wait until the bus comes to a complete stop before attempting to get on board.
- Board the bus quickly but without crowding or pushing.
- Never run on the bus, as the steps or floor may be slippery, especially in wintertime. Place your foot squarely on the step, not on the edge, and use the handrail.
- Be particularly careful if you are carrying books or parcels, as it is difficult to see the steps and to hold the handrail.

- Go directly to your seat and sit straight, well to the back of the seat, and face the front of the bus.

Conduct on the bus:

- Follow driver's instructions.
- The bus will not move until all passengers are seated.
- Remain seated throughout the trip, and leave your seat only when the bus has reached its destination and comes to a complete stop.
- Keep your books and parcels on your lap or put them under the seat or on the luggage rack.
- Keep the aisle clear.
- Do not talk to the driver except in case of emergency.
- Avoid doing anything that might disturb or interfere with the driver. Refrain from loud or boisterous talking or yelling.
- Never stick hands, arms, head, or feet out of the windows of the bus.
- Do not open windows without the driver's permission.
- Do not throw anything within the bus or out of a window; you might injure a pedestrian or force a motorist to make a dangerous maneuver.
- Do not touch the emergency door or exit controls or any of the bus safety equipment.
- Do not discard refuse in the bus.
- Eat at home or school, but not on the bus.
- Obey promptly the directions and instructions of the school bus driver.
- Consequences for school bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's eligibility to ride the bus in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be at the sole discretion of the school district. Parents or guardians will be notified of any suspension of bus privileges.

Prohibited items:

- Tobacco is not allowed in a school bus.
- Alcoholic beverages shall not be carried onto a school bus.

- Insects, reptiles, or other animals shall not be transported in a school bus with the exception of Service Animals.
- No weapon, explosive device, harmful drug, or chemical shall be transported in a school bus.

Exit from the bus:

- Remain seated until the bus has reached its destination and comes to a complete stop.
- Do not push or crowd when leaving the bus.
- No fighting, harassment, intimidation or horseplay.
- After getting off the bus, move away from the bus.

Crossing the highway:

- If you must cross the road, walk to a point about ten (10) feet in front of bus but do not cross until you can see that the driver has indicated that it is safe to do so.
- As you cross the road, look continuously to the right and left. At an intersection, look in all directions.
- Cross at right angles to the highway. Never cross the highway diagonally.
- Walk briskly across the road, but do not run.
- Never cross the road behind the bus.

Accident or other emergency:

- In case of an accident or emergency, older students should help the driver to maintain order and assist younger students.
- Stay in the bus unless otherwise directed by the driver.
- If you have to leave the bus, stay in a group and obey the driver's instructions.
- Do not expose yourself or others to needless hazard.
- Medical needs for students with disabilities are to be handled in accord with the individualized educational program (IEP).
- All medications required by disabled students will be carried and administered by the person and means designated by the IEP.

- All medication transportation shall be prearranged and be subject to a prior health management plan being prepared if for purposes of possible use on the transportation.

Consequences for misconduct:

Emergency removal of a student from the bus may occur if the student endangers or reasonably appears to endanger the health, welfare, or safety of themselves, any other person, student, teacher, or employee. The driver must contact the school administration for approval of any emergency removal and file a written behavioral report within twenty four (24) hours with a copy sent to the parents of the removed child.

Consequences for bus misconduct are to be handled by the Principal of the school of attendance in accord with the minimal due process procedure including an opportunity to be heard. Exception: Students with individual educational programs or 504 accommodation plans including transportation will be referred to the team responsible for preparing the program. Such plans or programs shall include procedures for discipline and emergency removal for violation of bus conduct rules. A student may use policy JII Student Concerns, Complaints, and Grievances to make a complaint regarding transportation.

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 warning, 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, the principal will then call the student to the office and warn the student that the parents must be notified that the student may be put off the bus or suffer other consequences if misbehavior reoccurs.
- If poor conduct continues, the driver will again report the incident to the principal. After discussion with the child the consequences will be determined.
- 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. Parents, community members, and others may submit complaints regarding transportation issues by completing the forms provided with Policies KE through KED. These can be obtained through the school Web site or from the school office.
- A student who is put off one (1) bus will be refused transportation by all drivers for the specified period of time.

Possible reporting outcomes:

- 1st report: Student will be placed on probation and the parent/guardian will be notified that further behavior infractions may result in disciplinary action up to or including loss of ridership privileges.
- 2nd report: Student may be suspended from the bus for a minimum of 1 day or suffer other consequences dependent upon the seriousness of the offenses reported.
- 3rd report: Meeting with parent/guardian. Possible loss of bus ridership privileges for an extended period.

Other Discipline:

Depending on the nature and number of the offenses, consequences such as loss of transportation privilege, suspension or expulsion from school also may result from school bus stop misconduct.

Records:

Records of school bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of serious misconduct may be provided to law enforcement.

Vandalism/Bus Damage:

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) may result in the loss of bus privileges or other disciplinary sanctions until damages are paid.

Notice:

Students will be given a copy of school bus rules and the responsibilities and behavior standards for bus riders before the end of the first full week of school or when a child enrolls, if this occurs during the school year. The rules will also be posted on each bus.

Criminal Conduct:

In cases involving criminal conduct (for example, assault, weapons, possession or vandalism), the Superintendent, local law enforcement officials and the Department of Public Safety may be informed.

Parent/Guardian Responsibilities for Transportation Safety

- Provide the school office with proper student information including the home address, the home telephone number, and the telephone number at which the parent/guardian may be reached in the event of an emergency.
- Provide the school office and the transportation office with accurate information regarding student name, address, phone number, emergency information and day care information. Remember to immediately notify the school office of any changes.
- Instruct children to be at the school bus stop at least 5 minutes before the scheduled pick-up time and not to arrive at the bus stop substantially more than 10 minutes prior to the scheduled pick-up time.
- Remain alert to impending weather patterns and have your child properly clothed for the current weather conditions.
- Consider in advance how long your child should wait at pick-up locations during conditions of extreme cold or extreme wind- chill conditions.
- Both parents and students should know the school name and the route number of the bus. Students in K-2 should have a "bus tag" fastened to their book bag or backpack containing the route, stop and child's name and contact information.
- Provide the child with a book bag or backpack for books and loose papers, pencils, etc.

Parent and Guardian Notification:

A copy of the school district school bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents and guardians are asked to review the rules with their students.

School Bus Driver Duties and Responsibilities

All school bus drivers shall be adequately prepared, both physically and mentally, each day to perform required duties. These shall include:

- Operating the vehicle in a safe and efficient manner.
 - Wearing driver's seat belt whenever the bus is in motion.
 - Safety. The primary concern of each driver is safety. Drivers will exercise extreme caution during the loading and unloading process as well as when driving.
 - Defensive Driving. All drivers are to drive defensively at all times. A definition of defensive driving is: driving in a manner to avoid accident involvement despite

adverse conditions created by roads, weather, traffic, or errors of other drivers or pedestrians.

- Driving Adjustments. Winter and wet weather conditions require adjusting speed and normal driving practices to compensate for road conditions.
 - Emergency Doors. Emergency doors must be free and operable. Under no circumstances may the doors be obstructed to prevent easy access.
 - Service Door. The service door of the bus must be closed at all times while the bus is in motion.
 - Overloads. The registration card in all vehicles designates the maximum number of passengers allowed. This limit cannot be exceeded. A driver should call the dispatch office for instructions should a vehicle become overloaded.
 - Railroad Crossings. All vehicles must stop at railroad crossings, using required procedures, whether they are loaded or empty. Drivers shall not activate the eight-way lights. Four-way hazard lights are to be used before stopping and when crossing the tracks.
 - Speeding and Other Moving Violations. No bus will travel faster than road, traffic and weather conditions safely permit, regardless of the posted speed limit. Any driver convicted of a moving violation with a school bus will face disciplinary action. Other reports or warnings regarding speeding will result in suspension and/or termination.
 - Smoking Prohibited. Smoking by either the driver or the passengers is prohibited on any school bus or on school property.
- Conducting thorough pre-trip and post-trip inspections of the vehicle and special equipment.
 - Bus Inspection. Drivers are required to make a pre-trip inspection of the bus before each trip. Failure to do so is a violation of State law. Defects are to be reported in writing. Drivers are required to check their buses for students, vandalism and articles left on the bus after each route segment.
 - Safety Equipment. All drivers are responsible for ensuring that the necessary safety equipment is aboard the bus, including fire extinguisher, first aid kit, bodily fluids clean-up kit, flashlight, reflectorized emergency warning device, and any additional items required by the district. Drivers of vehicles for disabled students will ensure all student health information cards are on board the bus.

- Bus Cleaning. Drivers are required to keep the interior of their buses swept and free of trash at all times.
- Fueling. The driver is responsible for ensuring that his or her assigned vehicle is adequately fueled before leaving the yard. Smoking is prohibited in the fueling area. The engine shall be turned off while fueling. It is against the law to fuel with passengers aboard.
- Ensuring the safety, welfare and orderly conduct of passengers while on the bus.
- Meeting emergency situations in accordance with operating procedures.
- Communicating effectively with school staff, students, parents, law enforcement officials and the motoring public.
 - Relations with Students. Bus drivers will treat students with respect and will refrain from any conduct which is intended or could be perceived as demeaning, intimidating or harassing.
 - Relations with School Officials. School officials can and will be of considerable assistance to drivers. They are trained in the education of students and it is in their best interest that control and discipline be maintained on the bus. Therefore, it is very important drivers have good relationships with the school officials and give them full cooperation.
 - Relations with the Public. It is important to remember that to the general public, the driver represents the school district. Buses are one of the most visible vehicles on the road. Drivers must deal with students, parents, and other motorists in a polite, professional and considerate manner.
 - Student Discipline. Although drivers are responsible for maintaining order on the bus, drivers must always remember that the types of actions they may use are governed by school district policy. Drivers must never, under any circumstances, use corporal punishment. Drivers have no authority to deny a child the privilege of riding the bus, or drop the student at other than the designated stop. Any denial of bus-riding privileges can come only from the school authorities.
 - Route Changes. Drivers may not make changes in the pick-up or drop-off schedule for his or her route without prior authorization. Bus stops may not be added, deleted or moved without approval. Drivers may not deviate from the established route without prior permission except as required by an emergency or temporary road conditions.

- Route Problems. Any problems, of whatever kind, encountered by a driver on the routes or trips should be brought to the attention of the Dispatch Office or the transportation supervisor as soon as possible.
- Unauthorized Passengers. Only authorized passengers may be transported in a bus. Any other passenger must be specifically approved by a school administrator.
- Notices. It is the responsibility of the driver to check for notices each day and to check with his or her supervisor regularly.
- Completing required reports.
 - It is the responsibility of the driver to completely fill out and turn in all reports, discipline referrals, time cards, and mechanical defect slips as required. This includes all requirements pertaining to pre-trip inspections and stop-arm violation reports.
- Completing required training programs successfully.
- Providing maximum safety for passengers during loading and unloading.
 - Standees Prohibited. Standees are not allowed on a moving school bus. Drivers must not move a bus from a stopped position until all passengers are seated. Students are to remain seated until the bus has stopped.
 - Dangerous Articles. No weapons or articles that may be classified as dangerous, may be transported on a school bus. This includes any and all weapons, gasoline cans, animals, and other dangerous or objectionable items. Possession of weapons on school property or the bus will not be tolerated. Service animals are allowed.

EXHIBIT**EXHIBIT****STUDENT TRANSPORTATION****SCHOOL BUS INCIDENT REPORT**

Bus No. Driver's Name Date

Type of Incident

Student's Name

Incident:

- | | |
|--|---|
| <input type="checkbox"/> Failure to remain seated | <input type="checkbox"/> Throwing objects on bus |
| <input type="checkbox"/> Refusing to obey driver | <input type="checkbox"/> Hanging out of window |
| <input type="checkbox"/> Fighting | <input type="checkbox"/> Spitting |
| <input type="checkbox"/> Profanity | <input type="checkbox"/> Disobeying bus monitor |
| <input type="checkbox"/> Lighting matches | <input type="checkbox"/> Bothering others (see comment) |
| <input type="checkbox"/> Smoking on bus | <input type="checkbox"/> Vandalism |
| <input type="checkbox"/> Throwing objects out of bus | <input type="checkbox"/> Other (see comment) |

Comments:

Signature:

Action taken by school:

Signature of School Official

**ELIGIBILITY FOR BUS TRANSPORTATION/
WALKERS AND RIDERS**

The Board authorizes the administration to provide regular school bus transportation to and from school for the following categories:

- Students with disabilities who require transportation, as indicated in their respective individual education programs including three (3) and four (4) year-old developmentally disabled children.
- Students living within a two (2) mile radius of the school where hazardous or difficult routes exist and where other arrangements cannot be provided.
- Students who are residents within a school attendance area and:
 - If students in grades kindergarten through six (6), live more than one (1) mile from the school.
 - If students in grades seven (7) through nine (9), live more than a mile and a half (1 1/2) from the school.
 - If students in grades ten (10) through twelve (12), live more than two (2) miles from the school.
- Transportation for homeless students and foster children to their school of enrollment, if it is the school of origin, will be arranged as needed by the school liaison or contact person for those students.

Upon proof of need by the Superintendent and as specified in statute 22-16-4 NMSA, up to six (6) students whose residences are five (5) or more miles from their school or schools of enrollment, may be transported to and from school by means of a school owned sport utility vehicle, driven by a school employed certified activity driver, in accord with the safety rules of the Public Education Department. If an SUV is proven necessary, reference procedures in 6.41.4.9 NMAC C3 and 6.41.4.14 NMAC A through K for General Requirements before establishment of the route.

Transportation Zones

The following stipulations will define bus transportation zones and other items that may affect students in open enrollment.

Student(s) who select the freedom of choice alternative in school attendance, and commute from one zone to another must provide individual means of transportation. The District assumes no responsibility in freedom of choice transportation endeavors nor will the District provide transportation for the students.

Transfers must be made at the beginning of a semester. If an emergency arises or reasonable justification can be provided, the school principal will review the request. In the event the principal negates the request, the matter may be presented to the Superintendent and ultimately to the Board for a decision. Transfer students will be expected to remain in the school of their choice until the close of the semester in which they are enrolled.

Students may be denied enrollment in a school out of their attendance boundary if the school of their choice is overcrowded.

Adopted: date of manual adoption

LEGAL REF.: 22-16-4 NMSA (1978)
22-12-10 NMSA (1978)
6.41.4.9 NMAC
6.41.4.14 NMAC
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: EEAFB - Extracurricular Activity Event Driver Requirements
JFABD - Admission of Homeless Students

SPECIAL EDUCATION STUDENT TRANSPORTATION

(Students with Special Transportation Needs)

If a student with special needs is capable of using the same transportation services as nondisabled students, special education law does not require transportation to be listed as a related service in the Individual Educational Program (IEP).

It must be decided on an individualized basis whether or not a special education student or one with a disability requires transportation as a related service in order to receive a free appropriate public education (FAPE). If a student with a disability requires transportation as a related service, the school district must provide it.

Homeless children, those in foster care and those with a disruption in their education as defined in New Mexico statute shall be afforded transportation as indicated in related policies. Transportation for homeless students and foster children to their school of enrollment, if it is the school of origin, will be arranged as needed by the school liaison or contact person for those students. If additional costs are incurred for this service reference 6.41.4.9 I NMAC for alternative sources of funding.

A representative of the district's transportation services or the transportation provider shall be afforded the opportunity to participate in the development of the transportation service required as a part of any of the following student groups:

- Those with an Individual Educational Program (IEP) stipulating the requirement of transportation services,
- Those with health management plans in need of special transportation,
- Those with 504 accommodation plans,
- Homeless students , foster care students and those with disruption in their education to their school of origin or enrollment as necessary.

A plan for implementation of any and all transportation related needs will be prepared and approved for each student to receive such services.

Transportation time to and from school for a student with an IEP shall be comparable to transportation time provided to neighborhood students as a part of the required services. The transportation services to be provided shall be spelled out in the students IEP or

transportation plan including who and how will any required student medication be transported and if necessary applied during transport. Misconduct on student transportation will be in accord with standard procedures unless a change in transportation arrangements (removal of transportation for more than an aggregate of ten (10) days for a student with an IEP) is contemplated. At that time, matters will be referred to the team responsible for determination of transportation.

See related policies cross referenced below for additional policy issues referent to special needs students.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.8 NMAC
 6.41.4.9 NMAC
 6.41.4.11NMAC
 6.41.4.13 NMAC
 6.41.4.14 NMAC
 34 C.F.R. § 300.34
 34 C.F.R. § 300.104
 34 C.F.R. § 300.107

CROSS REF.: EE - Transportation Services
 EEA - Student Transportation
 EEAE - Bus Safety Program
 IHB - Special Instructional Programs
 IHBA - Special Instructional and Accommodation Programs for Disabled
 Students
 IMG - Animals in the Schools
 JFABD - Admission of Homeless Students
 JGC - Assignment of at-risk students to classes and programs
 JLCD - Administering Medicines to Students
 JIC - Student Conduct
 JK - Student Discipline

BUS SAFETY PROGRAM

The safety and welfare of student riders is to be the first consideration in all matters pertaining to transportation. Toward that end, all District transportation department personnel, bus operators, and bus passengers shall comply with the applicable regulations and shall immediately report to the Superintendent any violation of rules or state statutes that threatens the safety of a passenger. A roster of students shall be maintained and updated with information provided by the school office. Bus drivers are to track the students daily and keep and enforce a seating roster in case of emergencies.

Bus evacuation drills shall be conducted and documented at least ~~twice every school year~~, once each semester, at the school in accord with 6.41.4.9 C2 NMAC and shall include every passenger, driver or support person who rides a school bus and is in school on the day of the evacuation drill.

All vehicles used to transport students shall be maintained in such condition as to provide safe and efficient transportation service with a minimum of delays and disruption of such service due to mechanical or equipment failure. Buses shall be replaced at such intervals as will provide good equipment at all times.

Students shall not be put off the bus until reaching their destination without proper administrative authorization.

~~In addition to~~ Notwithstanding the regular state inspections, each school bus shall be inspected by the driver daily, before and after each use, to ascertain that it is in safe condition and equipped as required by all provisions of law, and that all equipment is in good working order. Additionally, the drivers, bus assistants, substitute assistants and activity vehicle drivers shall perform the responsibilities as enumerated in 6.41.4.11NMAC and 6.41.4.14 NMAC.

~~Each school bus owned by, or contracted to, the District will conform to all applicable federal and state requirements as provided by the Commercial Motor Vehicle Safety Act of 1986.:~~ 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. Regulation 6.41.4.12 NMAC shall, as it relates to safety and equipment, become a part of this policy by reference.

Each driver of a District-owned or District-contracted school bus, as defined by and covered by the Commercial Motor Vehicle Safety Act of 1986, will conform to all requirements of said act and such statutes and regulations as may govern the operation and maintenance of the vehicle including the New Mexico guide for school vehicle maintenance and safety audit program..

The service provider or district transportation shall conform to the general requirements as outlined in 6.41.4.9 NMAC for emergencies, loading and unloading of students, and establishing school bus stops.

Adopted: date of manual adoption

LEGAL REF.: 6.40.2 NMAC
 6.41.4.8 NMAC
 6.41.4.9 NMAC
 6.41.4.11 NMAC
 6.41.4.12 NMAC
 6.41.4.13 NMAC
 6.41.4.14 NMAC

CROSS REF.: EE - Transportation Services
 EEA - Student Transportation
 EEAEA - Bus Driver Requirements, Training and Responsibilities

REGULATION**REGULATION****BUS SAFETY PROGRAM**

~~Student behavior on a school bus should be the same as that in a well ordered classroom with the exception that students are free to talk, but with no screaming or shouting.~~

(Emergency Plan of Action)

To be provided to each driver.

Fire.

In the event of a fire, the first priority is to evacuate the bus. Drivers will make certain passengers are safe and accounted for before attempting to put out the fire using on board safety equipment..

Injuries/Medical Emergencies.

Drivers will be familiar with first aid and CPR procedures. Drivers should first contact the dispatcher to call 911 in the case of serious injuries. Drivers should administer proper first aid in accordance with their training and level of ability. In the event an injured passenger is taken to the hospital, record the students name and the name of the hospital where the student is sent.

Tornado.

If there is likelihood that a tornado or similar wind event will hit a vehicle, and there is no escape route available or no time to drive to a safe location, the driver should evacuate the bus, taking the first aid kit. The driver will take the students to the basement of a nearby building or to the nearest depression or ditch upwind (toward the storm) of the bus far enough away from the bus so that the bus will not roll over on them. Instruct the students to cover their heads with their arms. If the students are wearing coats or jackets, these can be used to provide additional protection for their heads and bodies. Drivers should take only the first aid kit and roster of students from the bus.

If drivers are on the road when they hear a tornado warning or spot a funnel, and there is no time to evacuate the students after stopping the bus, drivers should have the students assume the protective position, remaining in their seats, with their heads below window level.

Evacuation.

Drivers should evacuate buses only when there is a danger of fire, collision or other potential hazard. Drivers should inform passengers that there is an emergency, and in very calm and precise terms, tell them exactly what they are to do. When safely possible, drivers will keep all evacuees a minimum of 100 feet from the bus. They should be loaded back onto the bus only when the driver has determined it is safe to do so.

Accident.

In case of an accident, the driver should immediately assess students for injuries and begin any emergency first aid procedures if necessary. The driver must also notify the school district and law enforcement of any school bus accidents immediately.

Upon providing emergency care and notifying the district, the driver shall:

- In cooperation with police officer and/or ambulance service, assist with the care of students..
- See that all injured students receive proper care.
- Determine facts pertaining to the accident.
- Call transportation/district staff to give a list of names of students and circumstances so they can begin calling parents.
- Discuss the accident only with police and school district officials.
- Record all students' names.
- Not leave the scene of an accident until released by the driver's supervisor.

Before leaving for the day, the driver shall fill out an accident report.

Cold Weather Stop.

If a driver is stuck or stalled in cold weather, the driver should call for assistance and wait for help. The driver should avoid relying on the engine to provide heat for the driver and passengers as long as possible. If it is necessary to run the engine to provide heat, the driver will make sure the exhaust pipe is clear of snow, open windows for ventilation, and check passengers frequently for headaches or drowsiness.

Dangerous Weapons

If a driver observes or learns that a passenger may have a dangerous weapon on the bus, he or she should remain calm and call for assistance using a pre-determined code. The driver should give the location of the bus to the dispatcher, continue the route and wait for assistance. The driver should not inform the passenger suspected of having the weapon that he or she knows

of the weapon. Follow the directions of the those providing assistance as to when and where to stop and what to do next.

Lights.

In an emergency stop, the driver should turn on the four-way hazard warning lights, and running or clearance lights.

Obtaining Assistance.

The driver should use the communications system to obtain assistance. Drivers should report the location and number of the bus, the nature of the problem, and the status of the passengers. If the driver cannot contact the dispatcher, he/she should ask a passerby or other motorist to do so from the nearest telephone. The driver should record the number and location of the school bus, the nature of the emergency, and the status of the passengers for the person providing the communication.

EXHIBIT

EXHIBIT

~~BUS SAFETY~~ OMIT ~~PROGRAM~~

~~This checklist may be used by District officials as a guide for transportation documents or transportation handbooks.~~

~~Arriving at pickup point:~~

- ~~• Be on time. Leave home in good time so that you will arrive at the pickup point before the school bus.~~
- ~~• If you have to walk along the road to reach the bus stop, walk on the left side facing oncoming traffic.~~
- ~~• Walk on the shoulder of the road where possible, and not on the traveled portion.~~
- ~~• If other students are waiting at the bus stop, get in line without pushing or crowding and stay off the roadway.~~

~~Board the bus:~~

EXHIBIT

EXHIBIT

~~BUS SAFETY PROGRAM~~

~~SCHOOL BUS~~ OMIT ~~INCIDENT REPORT~~

 Bus No. _____ Driver's Name _____ Date _____

 Type of Incident _____

 Student's Name _____

Incident:

- | | |
|--|---|
| <input type="checkbox"/> Failure to remain seated | <input type="checkbox"/> Throwing objects on bus |
| <input type="checkbox"/> Refusing to obey driver | <input type="checkbox"/> Hanging out of window |
| <input type="checkbox"/> Fighting | <input type="checkbox"/> Spitting |
| <input type="checkbox"/> Profanity | <input type="checkbox"/> Disobeying bus monitor |
| <input type="checkbox"/> Lighting matches | <input type="checkbox"/> Bothering others (see comment) |
| <input type="checkbox"/> Smoking on bus | <input type="checkbox"/> Vandalism |
| <input type="checkbox"/> Throwing objects out of bus | <input type="checkbox"/> Other (see comment) |

**BUS DRIVER REQUIREMENTS, TRAINING,
AND RESPONSIBILITIES**

(INCLUDES BUS ASSISTANTS AND SUBSTITUTES)

Bus drivers and support staff employed by the District or employed by contractors who provide transportation services to the District shall comply with applicable provisions of the Commercial Motor Vehicle Safety Act of 1986 and all applicable requirements of the state of New Mexico. Additionally, bus drivers and bus support personnel, where appropriate, shall perform their duties in a safe and efficient manner in accord with federal, state, local statutes and regulations, department regulations, and district policies. Regulations 6.41.4.11 NMAC through 6.41.4.13 NMAC are made a part of this policy by reference as a means of emphasizing safety, records requirements, and safety equipment as they apply to all drivers and assistants.

Bus drivers and substitutes shall also maintain and provide their employer with a copy of the following:

- a current CDL with appropriate class and endorsements;
- a current DOT medical examiner's certificate in compliance with federal and state CDL licensing requirements;
- 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
- a current first aid and CPR certificate which has been obtained from a course approved by the department.

School Bus Assistants and substitute assistants shall maintain and provide their employer with a copy of the following:

- a current first aid and CPR certificate pursuant to the requirements in Paragraph A of 6.41.4.13 NMAC; and
- a physical examination renewed every 24 months from the date of the last examination or before as specified by a licensed medical professional.

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.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.11 NMAC
 6.41.4.12 NMAC
 6.41.4.13 NMAC

CROSS REF.: EE - Transportation Services
 EEA - Student Transportation
 EEAE - Bus Safety Program

BUS PURCHASING AND MAINTENANCE

The District and all contractors who provide transportation services to the District shall comply with applicable provisions of the Commercial Motor Vehicle Safety Act of 1986 and all applicable requirements of New Mexico guide for school vehicle maintenance and safety audit program that pertain to vehicle standards, periodic inspection, and maintenance of school buses.

LEGAL REF.: 22-16-1 NMSA *et seq.* (1978)

Adopted: date of manual adoption

STUDENT CONDUCT ON SCHOOL BUSES

SEE policy EEA and Regulation EEA - R

~~Students are required to conduct themselves in the bus, prior to boarding the bus, and subsequent to leaving the bus in a manner consistent with established standards for classroom behavior.~~

~~When a student fails to practice proper conduct, the bus driver will inform the principal of the misconduct, which may then be brought to the attention of the parents.~~

~~Students who become serious disciplinary problems related to school transportation may have their riding privileges suspended. In such cases, the parents of the students involved become responsible for seeing that their children get to and from school safely. The principal is the only person authorized to suspend riding privileges.~~

~~Students riding on special activity buses are under the direct supervision of the bus driver in cooperation with sponsor(s). Students who do not conduct themselves properly will be denied the privilege of riding on special activity buses.~~

TRANSPORTATION TO STUDENT ACTIVITIES
~~EXTRACURRICULAR ACTIVITY BUSES / SPECIAL EVENTS~~

~~The Director of Transportation will ensure that the activity buses receive proper care. District mechanics will provide routine maintenance on activity buses.~~

~~Scheduling of buses will be the responsibility of the Director of Transportation or designee. School personnel will adhere to the established guidelines on requesting transportation service.~~

~~Buses will not travel beyond a radius of five hundred (500) miles without Board approval.~~

Planned District sponsored activity trips including co-curricular and extra-curricular activities will be arranged through the transportation department. All such trips outside of the district boundaries using school buses or commercial common carriers shall require a signed authorization for the activity trip to be presented to the bus drivers. Commercial common carrier buses may be used for activity trips as needed per the determination of the transportation department and available funding. Prior to and during work periods all drivers, school bus assistants and substitute school bus assistants shall not have used and will not use alcoholic beverages, illegal substances, or legal substances which would impair the driver's or the assistant's ability to perform required duties.

Activities of special nature including co-curricular and extra-curricular activities shall be conducted in accord with 6.41.4.8 NMAC D and 6.41.4.9 NMAC T. By reference these sections of the New Mexico Administrative Code shall be considered incorporated into this policy in their entirety.

Students are required to ride to and from school-sponsored activities in District-provided transportation unless other arrangements have been approved by the Superintendent.. An exception may be granted for a student to be released to a parent or legal guardian at the completion of the activity if a written request is received and approved by the principal prior to the trip. Students will only be released to persons specified in the request form after provision of satisfactory identification to the person in charge of supervision of the student.

No activity travel will be scheduled between 1:30 a.m. and 5:00 a.m. without Board Administrative approval and a plan to incorporate opportunities for rest and relaxation for students, support personnel and drivers. All activity travel must conform to current Department of Transportation (DOT) Regulations regarding on duty, continuous, and total driving time.

School owned activity vehicle driver

This policy shall be interpreted in a manner which is consistent with applicable statutes and regulations adopted by the federal and state governments. In the event of inconsistency, the federal or state-adopted requirements shall prevail.

Drivers of school vehicles, including activity drivers, are not required to obtain a Commercial Drivers License (CDL) unless they operate a vehicle that is designed to carry ten (10) or more passengers, including the driver.

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 district handbooks.

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

- a current driver's license;
- a current medical examiner's certificate from a physical recorded on the DOT form;
- a driving record pursuant to requirements in Paragraph (3) of Subsection A of 6.41.4.13 NMAC; and
- a current first aid and CPR certificate pursuant to the requirements in Paragraph (4) of Subsection A of 6.41.4.13 NMAC

The District shall verify the following documentation is in each driver applicant's file:

- a completed employment application form that meets or exceeds federal, state and department requirements, unless the applicant is currently employed by the LEA;
- documentation pursuant to requirements listed in Subparagraphs (b), (c) and (f) of Paragraph (1) of Subsection M of 6.41.4.9 NMAC;
- 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;
- a completed New Mexico school-owned activity vehicle driver pre-service training record per the current SBDI manual provided by the department;
 - 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;

- 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 (4) years of the driver applicant's date of application; and

All drivers and assistants are to comply with the list of responsibilities indicated in 6.41.4.11 NMAC.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.8 NMAC
6.41.4.9 NMAC
6.41.4.11 NMAC
6.41.4.13 NMAC
6.41.4.14 NMAC

CROSS REF.: EEAE - Bus Safety Program
JIC - Student Conduct
JK - Student Discipline

TRANSPORTATION TO STUDENT ACTIVITIES**(Responsibilities)**

6.41.4.11 NMAC provides the responsibilities for any and all drivers whether bus or activity vehicle is driven and may be taken intact from the New Mexico Administrative Code or made into a check list form. Regardless of the form, the district should make sure each driver has a copy of 6.41.4 NMAC and that they are aware of 6.41.4.11 NMAC.

~~EXTRACURRICULAR~~ **OMIT** ~~ACTIVITY~~ ~~EVENT DRIVER REQUIREMENTS~~

~~Drivers operating a school-owned vehicle or school equipment for planned school-sponsored programs, functions or activities shall be employees of the School District. Before operating a school-owned vehicle or school equipment the driver or operator shall comply with the following requirements.~~

~~The Superintendent or designee is authorized to determine when the needs of the School District warrant the use of school-owned vehicles with a designed seating capacity of nine (9) persons or less or to operate school equipment in order to address the needs of the District's educational programs, activities, functions or events.~~

~~In carrying out this authority, the Superintendent or designee may authorize school employees to drive school-owned vehicles or to operate school equipment for such purposes; so long as the use is consistent with state law (i.e., the circumstances *do not require* the use of a school bus under state regulation) and the requirements of this policy are met.~~

~~This policy shall be interpreted in a manner which is consistent with applicable statutes and regulations adopted by the federal and state governments. In the event of inconsistency, the federal or state-adopted requirements shall prevail.~~

~~Drivers of school vehicles, including activity drivers, are not required to obtain a Commercial Drivers License (CDL) unless they operate a vehicle that is designed to carry ten (10) or more passengers, including the driver.~~

~~All drivers transporting students in school-owned vehicles, whether on school activity trips or in connection with school programs or functions, shall be required to successfully complete a pre-service training conducted by a school bus driver instructor certified by the State School Transportation Director. As required by state regulations (NMAC 6.41.4.13F), such training shall include a minimum of twelve (12) *hours of training*, four (4) hours of which shall be, classroom instruction; one (1) hour of which shall address familiarization with the vehicle and equipment. Classroom instruction shall also address and review the Standards for Providing Transportation Services to Eligible Students, District and/or employer safety policies and regulations, general motor vehicle operating procedures, and passenger management.~~

~~All existing drivers at the time of adoption of this policy shall present documentation of completion of such training or satisfy this training requirement within six (6) months of adoption of this policy.~~

~~Within the first year of driving a school-owned vehicle, all drivers shall complete training, unless documentation is provided for previous completion, in a nationally recognized or state-approved first aid course, including cardiopulmonary resuscitation (CPR), and a nationally recognized or state-approved defensive driving course.~~

~~Adopted:~~ date of manual adoption

~~LEGAL REF.:~~ 6.41.4.9 NMAC

~~CROSS REF.:~~ EEB Business and Personnel Transportation Services

~~EEAE Bus Safety Program~~

~~JIC Student Conduct~~

~~JK Student Discipline~~

STUDENT TRANSPORTATION IN PRIVATE VEHICLES

During school or school-sponsored functions, students may be transported only in school-approved vehicles operated by District-authorized personnel unless specific approval by the Superintendent has been obtained.

The Board specifically forbids any employee to transport students for school purposes without prior authorization by the Superintendent.

The board may, subject to regulations adopted by the public education department, provide per capita or per mile reimbursement to a parent or guardian in cases where regular school bus transportation is impractical because of distance, road conditions or sparseness of population or in cases where the local school board has authorized a parent to receive reimbursement for travel costs incurred by having a child attend a school outside the child's attendance zone.

The Superintendent may develop regulations to govern the use of private vehicles for transporting students.

LEGAL REF.: 22-16-4 NMSA (1978)

Adopted: date of manual adoption

REGULATION**REGULATION****STUDENT TRANSPORTATION
IN PRIVATE VEHICLES**

The use of a private vehicle for transporting students requires written permission from the Superintendent.

- This permission may be in the form of a standing permit for employees who use their own vehicles regularly for school purposes. The permit will state the particular purpose, and whether it includes transportation of students.
- For each special trip involving students, including field trips, a special permit must be obtained in advance for the specific trip.
- Each employee authorized to use a private vehicle for school business purposes will be required to present proof of insurance to the District.
- No student will be sent on school errands with the student's own vehicle, an employee's vehicle, or a District-owned vehicle.

Per Capita Feeder Policy

The transportation department will provide per capita or per mile reimbursement to a parent or guardian in cases where regular bus transportation is impractical because of distance, road condition or sparse population. To be eligible for Per Capita Feeder Route, a pupil must live outside the legal walking distance to the nearest school bus route:

- Kindergarten through grade six (6) - One (1) mile radius.
- Middle School - One and one-half (1.5) mile radius.
- High School - Two (2) mile radius.

The transportation department will approve all agreement(s) made with parents or guardians for per capita feeder services. The agreement(s) will define the term of service, the contract amount, and the responsibilities of the parent. It will be the responsibility of the parent or guardian to transport their students to the bus stop five (5) minutes prior to the scheduled bus arrival and in the afternoon be waiting for the bus to return.

A parent or guardian who has entered the per capita agreement must provide proof of insurance, vehicle registration and drivers license to the transportation department and shall maintain the insurance for the term of the agreement. If the identity of the vehicle or driver changes or number of pupils transported changes, this information must be reported. There will be no reimbursement or back payment for time lapsed if the participant's insurance expires.

The transportation department shall establish the mileage reimbursement rate. This will include the mileage from the home to the bus stop, the return mileage from the bus stop to the home during the day, and the reverse in order to pick up the students in the afternoon. In cases where the student is transported to school by parents and the parent remains in the community or goes to a job, the reimbursement would not apply other than one (1) round trip per day.

The system of accountability will be in place to ensure that services are rendered according to the terms of the agreement. The transportation department will verify student attendance on a monthly basis before payment is issued. The parent's signature on the monthly voucher will assure us that they have transported their child each day to and from. There will be no reimbursement for a day on which the student is not in school.

SUPPORT STAFF HIRING

It shall be the policy of the District to employ and retain the best qualified personnel. This will be accomplished by giving careful consideration to qualifications and by providing competitive salaries within the financial capabilities of the District, adequate facilities, and good working conditions. Volunteers are to have background checks in accord with this policy.

Recruitment of support staff personnel is the responsibility of the Superintendent. Other members of the administration and supervisory staff will assist as responsibilities are delegated by the Superintendent.

The Board adopts the following general criteria and procedures, which shall be utilized in the selection process for initial employment:

- There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.
- Candidates for all positions shall be able to perform the duties of their position job descriptions.
- Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.
- A "background investigation" - consisting of communication with the applicant's (or employee's) former employer that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment - shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

In addition to the requirements in this policy and those of the fingerprint policy which follows, the district shall follow 6.41.4.9 NMAC M through S for the purposes indicated below. That part of the New Mexico Administrative Code shall be incorporated in this policy by reference.

- Commercial Drivers License (CDL) pre-employment screening.
- Returning CDL pre-employment screening.
- School owned activity driver pre-employment screening.
- School bus assistant and substitute school bus assistant pre-employment screening.

- Continuing standards for drivers.
- Pre-employment documentation maintenance (records maintenance).

Any employee's misstatement of fact that is material to qualifications for employment or the determination of salary shall be considered ~~by the Board~~ to constitute grounds for termination.

All offers of employment are contingent upon the satisfactory completion of background investigations.

Adopted: date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)
 28-1-2 NMSA *et seq.*
 6.41.4.9 NMAC

EXTRACURRICULAR ACTIVITY ELIGIBILITY

All interscholastic extracurricular activities in grades nine (9) through twelve (12) that are of a competitive nature and involve more than one (1) school where a championship, winner, or rating is determined shall be conducted under the provisions of this policy. Such activities will be established and designed to offer students worthwhile athletic and leisure-time interests, wholesome recreational and social activity, and an opportunity to develop skills in democratic and cooperative management for these activities.

All such activities conducted under the auspices of the District shall be under the direct supervision of the licensed individual responsible for the activity.

It is necessary to have the interscholastic extracurricular activities function within a realistic framework of control. In order that overenthusiastic students do not place a social or athletic function on a higher plane than the academic program, the following policy will be adhered to:

- All classwork counted for eligibility must be acceptable for graduation.
- The student must be enrolled in more than half of the school's regular class schedule.
- Regular attendance must be maintained and no more than fifteen (15) days or the same class more than fifteen (15) times may be missed each semester due to interscholastic extracurricular activities.
- The eligibility criterion for interscholastic participation shall be ~~either one or the other of the following:~~ be in accord with Section 6.2 on Scholarship of the New Mexico Athletic Association handbook:
 - ~~Following the last semester, a cumulative passing grade average of 2.0 on a 4.0 scale adjusted for honors points with no more than one (1) F or failure (only semester grades may be used and only at the beginning of the semester) or,~~
 - ~~The grades from the grading period immediately preceding participation must be a 2.0 on a 4.0 scale adjusted for honors points with no more than one (1) F or failure.~~
 - Fall 2018 eligibility will be based on the 2nd semester grades from 2017-2018 school year and must be a grade average of 2.0 on a 4.0 scale adjusted for honors points with no F's or failures. Eligibility will be determined by semester grades.

- Eligibility may be reestablished following each semester using the grades from the next grading period within the semester. A student may participate immediately with a 2.0 on a 4.0 scale adjusted for honors points with no F's or Failures. If an additional grading period (6 week periods) falls within the semester, eligibility will be checked at that point also.
- The cumulative period eligibility may only be used at the beginning of a semester and must include all high school semester grades beginning with the 9th grade year. This provision may be used if the student has no more than one F grade at the immediate past semester.
- If the student does not meet the eligibility requirements the penalty will be removal from participation in any athletic team or extracurricular performances or travel. A student that demonstrates academic progress toward eligibility may practice with the team or group.
- The responsibility for notification of students and parents of these requirements and for enforcement of the above rule rests with the Superintendent.
- The student and the parents or guardian shall be notified of ineligibility in a manner such that confidentiality is maintained when:
 - Ineligibility is pending.
 - Ineligibility is determined to be necessary.
- Support services ~~shall~~ may be made available to students who become ineligible for extracurricular programs as well as to students notified of pending ineligibility depending upon resources available.

Students whose behavior presents a problem or jeopardizes school discipline may be ineligible for participation in extracurricular activities until such time as their behavior warrants reinstatement.

The same general standards shall apply for special education students except that such eligibility shall be determined on a case-by-case basis in relationship to the respective students' individual education programs.

The Superintendent shall establish regulations to ensure that:

- Necessary documents in support of this policy are maintained.
- Necessary data related to ineligible students are collected and reported as required.
- The cultural traditions of students are considered when establishing or enforcing rules related to participation in extracurricular activities.

- The requirements of this policy are met.

The Superintendent may develop additional rules or procedures for the proper conduct of extracurricular programs and the implementation of the provisions of this policy.

Adopted: date of manual adoption

LEGAL REF.: 22-12-2.1 NMSA (1978)
 6.11.2.9 NMAC
 New Mexico Activities Association Handbook Sec. 6

CROSS REF.: JJIB - Interscholastic Sports

STUDENT SUSPENSION / EXPULSION

The authority to suspend a student for up to ten (10) days, after an informal hearing is held, rests with the school administrator or principal. If a danger to students or staff members is present, the principal may immediately remove the student from school, with prior contact with the parents and with a notice and hearing following as soon as practicable. A student may be removed from contact with other students as a temporary measure but shall be reinstated by the next school day unless short-term suspension is imposed.

In all cases, except summary suspension where a danger to students or staff is evident, the student shall remain in school until applicable due process procedures are instituted. In *no* instance shall students be released early from school unless parents have been notified.

The Superintendent may designate a hearing officer for suspension/expulsion hearings.

Regular Education Students

Suspension for ten days or less:

- *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
 - After having received notice, the student will be asked for an explanation of the situation.
 - The authorized District personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.
- *Step 2:* Following Step 1:
 - Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - ▲ Suspend the student for up to ten (10) days.
 - ▲ Choose other disciplinary alternatives.
 - ▲ Exonerate the student.
 - ▲ Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both, considering the following:

- ♦ Return the student to school upon expiration of the temporary suspension.
 - ♦ Obtain the parents knowing and voluntary waiver of the student's right to return to school until the additional hearing.
 - ♦ Conduct an interim hearing in accord with these guidelines for Suspension for ten days or less to support the student's continued exclusion pending the outcome of the formal procedures.
 - ♦ Parent(s) (or a student of majority) may elect to waive the formal hearing and review procedures and comply voluntarily with the proposed penalty, or may waive the hearing and review and negotiate a mutually acceptable penalty with the designated disciplinarian. Such a waiver and compliance agreement shall be made voluntarily, with knowledge of the rights being relinquished. This shall be evidenced by a written document signed by the student, the parent(s), and the appropriate school official.
- When suspension is involved:
 - ▲ A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
 - ▲ A letter/form to the parents will be written and mailed/sent with student by the day after the short-term suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
 - No appeal is available from a short-term suspension.

Suspension for over ten days or expulsion:

- *Step 3:* If the offense is one that could result in a suspension of over ten (10) days or expulsion, in addition to Step 1 and Step 2 a formal hearing will be arranged and conducted by a hearing officer appointed by the Superintendent. The appointed person (hearing authority) shall have no direct connection to the act or acts, person alleged to have perpetrated the acts, nor be an administrator of the school in which the acts took place.
- *Step 4:* A formal letter addressed to the student through the responsible parent or guardian will be delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing or mailed at least eight (8) days prior to the

formal hearing date (mailed documents are assumed received in three [3] days). The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of receipt of the notice by the parents. A copy of this letter will remain on file, and the letter should contain the following information:

- The charges and the rule or regulation violated.
 - The extent of the punishment to be considered.
 - The date, time, and place of the formal hearing.
 - A request for the parents and student to attend.
 - The hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action or with a negotiated penalty.
 - Failure of the student or parent to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default.
 - A designation of the District's witnesses.
 - That the student may present witnesses.
 - That the student may be represented by counsel or a representative designated in a written notice filed at least seventy-two (72) hours prior to the hearing date with the hearing officer or administrator.
 - The name, business address and telephone of the hearing authority or contact person through whom the student, parent or designated representative may request a delay or seek further information, including access to any documentary evidence or exhibits which the school proposes to introduce at the hearing.
 - That the conduct of the hearing will be informal, not adhering to the rules of evidence.
- *Step 5:* A formal hearing will be held, during which the student will be informed of the following:
 - Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.

- The student is entitled to a statement of the charges and the rule(s) or regulation(s) violated.
 - The student may be represented by counsel, without prejudice.
 - The student may present witnesses.
 - The student or counsel may cross-examine witnesses presented by the District.
 - The District has the right to cross-examine witnesses, and may be represented by an attorney.
 - The burden of proof of the offense lies with the District by a preponderance of the evidence.
 - Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.
- *Step 6:* The following will be the result of the hearing:
 - Upon the conclusion of a hearing by a hearing authority, the decision by the hearing officer may be given but shall be provided, in writing, within five (5) days to the student and parents. If initial notification is by mail, the parent shall be presumed to have received the notice on the fifth calendar day after the date of mailing unless a receipt for certified mail, if used, indicates a different date of receipt.
 - Upon the conclusion of a hearing and notice that an act or acts of misconduct have been proved, the discipline proposed or a lesser form of discipline as determined by the recommending administrator shall be imposed by the disciplinarian. The action may take place immediately upon the hearing officer's determination and informing of the student and parents. If the disciplinary action imposes any sanction it shall go into effect immediately and continue during any subsequent review.
 - *Step 7:* Administrative review may be conducted as follows:
 - Upon the conclusion of a hearing where determination that an act or acts of misconduct were proven, notice to the student and parents was given and discipline imposed, a review may be requested if the penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school suspension exceeding one school semester or a denial or restriction of student privileges for one semester or longer. To arrange such an appeal, the parent(s) of the student or the student must deliver to the Superintendent a letter directed to the review hearing authority within ten (10) days after receiving written notice of the determination. The letter must describe in detail any objections to the hearing

or the decision rendered. Failure to meet the dates or provide the written requirement will result in rejection of the request.

- The appeal to the review hearing authority will be on the record of the hearing held by the hearing officer and no later than fifteen (15) days following the request being received. If the review hearing authority determines that the student was not afforded due process rights or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the review hearing authority determines that the punishment was not reasonable, they may modify the punishment. The review hearing authority may uphold the hearing officer if no substantive errors in procedure are noted.
- All deliberations and decisions shall be held in closed session to avoid discussion of personally identifiable information in public.
- The review hearing authority shall prepare a written decision, including concise reasons in response to legitimate objections of the student or parent, and mail or deliver it to the administrator, the hearing officer and the student, through the parent, within ten (10) working days after the review is concluded. The decision of the review hearing authority is the final administrative review.

Membership of Review Hearing Authority

[ALERT: Most districts use the Superintendent as the Review Hearing Authority. Consult your current policy and insert your preference here]

Special Education Students

Suspension for Ten Days or Less

Short-term suspension (ten [10] days or less) may be used for special education students for disciplinary reasons on the same basis as for a regular education student. (It is not considered a change of placement.)

- *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
 - After having received notice, the student will be asked for an explanation of the situation.
 - The authorized District personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.
- *Step 2:* Following Step 1:

- Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - Suspend the student for up to ten (10) days.
 - Choose other disciplinary alternatives.
 - Exonerate the student.
 - Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
- When suspension is involved:
 - A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
 - A letter to the parents will be written to the student in care of the parents by the day following the suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
- No appeal is available from a short-term suspension.

Suspension for Over Ten Days

If a special education student is recommended for a suspension of more than ten (10) days during the school year (a possible change in placement), a manifestation determination conference must be held.

- *Step 3:* A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.
- *Step 4:* If the offense is not a manifestation of the disability of the student, the student may be suspended by following the District policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.

- *Step 5:* If the behaviors are a manifestation of the disability of the student, the District may not extend the suspension of the student beyond the initial ten (10) school days.

An exception to the above allows for an IDEA qualified student to be given a change in placement to an interim alternative educational setting for not more than forty-five (45) days, in accord with federal law and regulation, if the removal is for IDEA defined drug or weapons offenses or is based upon a due process hearing officer's determination that injury to the child or another is substantially likely if current placement is maintained.

Any interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current individualized educational program (IEP); and include services and modifications which are designed to prevent the behaviors for which the placement was made from recurring. (Caution: refer to IDEA statutes and regulations before implementing the exception.)

Expulsion

A student qualified under the Individuals with Disabilities Education Act (IDEA) as revised in 1997 may not be expelled from school but in compliance with federal law and regulation may be given a change in placement. The Individualized Education Program Team generally determines a change in placement of an IDEA qualified student. During any change in placement, the School District must provide payment for services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's Individualized Education Programs.

A student with a disability qualified under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 and not qualified under the Individuals with Disabilities Education Act as revised in 1997, may be suspended or expelled from school and education services may be ceased, if nondisabled students in similar circumstances do not continue to receive education services.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA (1978)
 6.11.2.7 NMAC
 6.11.2.8 NMAC
 6.11.2.9 NMAC
 6.11.2.10 NMAC
 6.11.2.11 NMAC
 6.11.2.12 NMAC
 20 U.S.C. 1400 *et seq.*, Individuals with Disabilities
 Education Act
 20 U.S.C. 7151 *et seq.*, The Gun-Free School Act of 1990
 29 U.S.C. 794 Rehabilitation Act of 1973, (Section 504)

CROSS REF.: IHB - Special Instructional Programs
JR - Student Records

ADMINISTERING MEDICINES TO STUDENTS

Under certain circumstances, when it is necessary for a student to take medicine during school hours, the District will cooperate with the family physician and the parents if the following requirements are met:

- There must be a written order from the physician stating the name of the medicine, the dosage, and the time it is to be given.
- There must be written permission from the parent to allow the school or the student to administer the medicine. Appropriate forms are available from the school office.
- The medicine must come to the school office in the prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact.
- A student should not carry medication to and from school unless authorized to self administer.

A responsible adult should bring medications to the school office if necessary. If medications are necessary for emergency use during transportation a written health management plan shall be prepared in consultation with the parents and school authorities indicating where the medication will be located during transportation and who will administer the medication.

The District reserves the right, in accordance with procedures established by the Superintendent, to circumscribe or disallow the use or administration of any medication on school premises if the threat of abuse or misuse of the medicine may pose a risk of harm to a member or members of the student population.

This policy and any related policies or amendments to such policies shall be forwarded to the District liability insurance carrier for review.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.3 NMSA
6.12.2.9 NMAC
6.41.4.9 NMAC

CROSS REF.: EBC-RC - Emergencies (First Aid)
EEAB - Special Education Student Transportation (Students with Special
Transportation Needs)

DO NOT RESUSCITATE ORDERS

Definition: "Do Not Resuscitate" (DNR) order means a parent's or physician's written request to withhold life saving techniques or resuscitative measures in the event of a respiratory or cardiac arrest suffered by a severely impaired or terminally ill student.

The School District believes that a decision not to resuscitate a student or initiate life-saving measures is a medical judgment best made by a physician in the context of a clinic, hospital, or other medical facility, based upon the particular circumstances presented by the student. The School District's ability and responsibility to make such judgments is substantially limited. The Board of Education takes the position that its paramount responsibility is to protect the health and well-being of all students and school personnel. Great emotional trauma could result to students and school personnel if school personnel are required to stand by, unable to render aid to a student in distress. Accordingly, it is the policy of the Board that School District officials and employees shall not accept nor retain DNR orders presented by parents or physicians.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.8 NMAC

CROSS REF.: EBC-RC - Emergencies (First Aid)

REGULATION**REGULATION****DO NOT RESUSCITATE ORDERS**

Board of Education policy will be fully explained to parents who present Do Not Resuscitate (DNR) orders. A school official shall meet with parent and physician to determine the child's medical diagnosis, current condition, prognosis and anticipated medical needs. School personnel shall then convene a multidisciplinary team meeting to develop a health management plan for the student, which may include a medical resuscitation plan, and individually appropriate life-sustaining interventions to be followed in a medical emergency. If parent declines to meet or to agree to a health management plan, this shall be noted in the student's file.

School health personnel and other school personnel who have been trained in emergency rescue procedures (Cardiopulmonary resuscitation [CPR]) are expected to administer first aid, including life-saving or resuscitation procedures, to a student in the event of an accident, choking, respiratory and/or cardiac arrest, or other life-threatening emergency.

Community emergency response personnel (911) will be called immediately and school personnel will continue resuscitation procedures until they are relieved by emergency response personnel.

Once transport of the student from the school to an emergency room or medical facility begins, "Do Not Resuscitate" orders shall become the responsibility of parents and physicians.

RELEVANT STUTUES, RULES AND CITATIONS

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; or

(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

- (b)
 - (xi) stop arm and signs;
 - 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.
[6.41.4.13 NMAC - Rp, 6.41.4.13 NMAC, 3/27/2018]

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.

(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.

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.

PRE-NMAC REGULATORY FILING HISTORY: The material in this regulation was derived from that previously filed with the State Records Center and Archives under State Board of Education Regulation 95-1 Standards for Providing Transportation for Eligible Students, filed February 2, 1995; and State Board of Education Regulation 83-3 State of New Mexico Standards for School Bus Operations, filed July 12, 1983, State Board of Education Regulation 83-3 State of New Mexico Standards for School Bus Operations Amendment #1, filed December 5, 1988; and State Board of Education Regulation 83-3 State of New Mexico Standards for School Bus Operations Amendment #2, filed January 24, 1990; and State Board of Education Regulation 77-6 Governing the Transportation of School Age Children Participating in School Sponsored Activities, filed September 13, 1977; State Board of Education Regulation 77-12 School Bus Driver's Manual, Revised Edition, filed January 16, 1978; and State Board of Education Regulation 77-12 Amendment #1 Special Education Supplement to the School Bus Driver's Handbook, filed August 21, 1978; and State Board of Education Regulation 71-9 School Bus Driver's Handbook, filed September 22, 1971; and State Board of Education Regulation 68-4 Regulations, Operating Procedures and Information for School Bus Drivers, filed March 12, 1968.

HISTORY OF REPEALED MATERIAL: 6.41.4 NMAC, Standard for Providing Transportation for Eligible Students; filed 12/31/1998 - Repealed effective 3/27/2018.



2018-2019

Scholastic Eligibility

1. **Use of Semester Grades Only:** Scholastic eligibility will be determined by *semester* grades. Eligibility checks for those deemed unable to participate at *semester* will undergo checks at designated marking periods (6/9 weeks) during that semester. If they are passing at the 9 week marking period, they are eligible for immediate participation that semester. If they are eligible at the 6 week marking period, they are eligible immediately and will undergo an additional check on the next 6 week marking period as well. **Fall 2018 eligibility will be based on 2nd semester grades from 2017-2018 school year.**
2. **No F's:** A student must have a minimum **GPA of 2.0 and NO F's** in order to be eligible to participate in activities/athletics. *This is a change from the past where a student was allowed one F.*
3. **Summer Courses:** Beginning in the summer 2018, students may make up multiple courses to attempt to gain eligibility. Any class eligible for replacement based on local district policy can be taken and have the grade replaced to gain eligibility. **The replacement classes are required to be the exact course that was listed on the official transcript (i.e. AP English must be replaced with AP English, etc.).**
4. **Cumulative Provision:** The cumulative provision may only be used at the beginning of the semester and must include all semester grades beginning with the 9th grade year. ***This provision may be used if the student has no more than one F grade at the semester.***

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