

2019 NDE Pupil Transportation Reminders



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Revised Pupil Transportation Rules 91 and 92 - Effective Date of July 1, 2019

The revisions to Rule 91 and 92 include the following:

- Vehicles considered "Motor Coach Buses" must meet more strict requirements.
- Driver physicals will be valid for two years beginning July 1.
- The Level I course has been reduced to three hours for drivers of small vehicles for routes.
- Employers of pupil transportation drivers are required to annually provide their drivers with in-service (minimum of two hours)
- Emergency Evacuations must be conducted by a qualified school bus driver.
- The School's Safe Pupil Transportation Plan must include a process to confirm drivers' ability to conduct daily tasks and emergency evacuations.

The changes in these Rules should be discussed with your transportation personnel. Rule 91 and Rule 92 are available at <https://www.education.ne.gov/legal/current-nde-rules-regulations/> and summary changes for each Rule are available at <https://www.education.ne.gov/fos/pupil-transportation/>.

Commercial Driver's License (CDL) Reminders

The following is a partial list of requirements that impact school bus drivers. The full list of requirements that began July 2015 can be found at <http://www.dmv.nebraska.gov/examining/CDL.html>

- In order to take the skills tests for a CDL, drivers must first have a Commercial Learner's Permit (CLP) for 14 days. All applicable knowledge tests must be passed in order to obtain a CLP.
- ALL CLP/CDL applicants are required to show proof of U.S. Citizenship or lawful status. A list of acceptable document for proof of citizenship, lawful status, identification and principal address can be found on the DMV website at www.dmv.ne.gov. Applicants will only have to provide proof of citizenship one time after July 2015 during the licensing process.
- A CDL School Bus Pre-Trip Inspection video is available on the DMV website at http://www.dmv.nebraska.gov/examining/School_Bus_pretrip_video.html
- For more information about these requirements, please contact **the Department of Motor Vehicles (DMV) at 402.471.3861**

- **Please note:** CDL skills tests are only administered at 22 DMV locations throughout the state and appointments for skills testing must be made in advance. (CDL knowledge tests can be taken at all Driver Licensing Services Offices.) Keep in mind that in order to schedule an appointment for the CDL Skills test, drivers must have held a valid Nebraska CLP for 14 days. Contact DMV at 402.471.7983 to find locations for the skills test and make appointments for skills tests. Drivers also have the option to be tested by a CDL Third Party Examiner for a fee.

Driver Physicals (Medical Exams)

- With the approval of Rule 91, medical exams for pupil transportation driver (*school bus and small vehicle on routes*) **will be valid for two years** unless the health profession approves the exam for a shorter period of time due to medical issues of the driver.
- Medical exams conducted beginning July 1, 2019, will be valid for two years.
- Drivers will provide the Medical Examiner's Certificate (last page of medical exam document) to their employer. Only drivers holding a CDL will provide a copy of the Medical Examiners Certificate to DMV when required by Federal CDL Regulations.
- The medical exams must be performed by a health professional that is a "Certified Medical Examiner" that is also listed on the FMCSA's (Federal Motor Carrier Safety Administration) National Registry. For more information and to locate for health professional nearby:
<https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>

DOT Alcohol and Controlled Substances Testing

- Schools are *required* by the U.S. DOT Federal Motor Carrier Safety Administration (FMCSA) to implement an Alcohol and Controlled Substances Testing Program for their employees who drive school buses requiring a CDL.
- The Lincoln Office of the FMCSA has compiled a list of links to their website with information that schools need to be aware of related to drug and alcohol testing. This list is provided on the NDE Pupil Transportation Page at <https://www.education.ne.gov/fos/pupil-transportation/> and is entitled *DOT Drug Testing Requirements*
- If you have questions, please contact Jennifer Lancaster with the Federal Motor Carrier Safety Administration, Nebraska Division at 402-437-5928.

Emergency Evacuations

- Twice during each school year, schools must provide an opportunity for *each* student to take part in instruction in safe riding practices and emergency evacuation drills.
- The instruction and drills must be provided to students whether the school owns the vehicle or transportation is provided by a private contractor and ***is required to be conducted by a qualified school bus driver per new Rule 91.*** Guidelines are available in the appendix of NDE Rule 91.
- Superintendents verify the emergency evacuations were conducted during the school year through the Pupil Transportation Report located in the NDE Portal within the Consolidated Data Collection (CDC).
- ***NDE has been receiving reports that some schools or contractors are not conducting emergency evacuation drills for their students. Please note that this is a statutory requirement.***

School Bus Driver In-Service

- New Rule 91 now requires employers of drivers to provide in-service to all their drivers. This in-service must be at least two hours and must include the following topics at a minimum:
 - Emergency Evacuations.
 - Loading/Unloading.
 - Student management.
 - Vehicle inspections.
 - School's Safe Pupil Transportation Plan.
- The Nebraska Safety Center has developed a pupil transportation driver in-service program for employers. Please contact the Nebraska Safety Center at 308-865-8256 for more information.

Additions of Safe Pupil Transportation Plan

- With the Revision to Rule 91, there were three additions to the requirements for a school's Safe Pupil Transportation Plan. The school must address these additional items:
 - Pupil behavior that is in violation of Student Conduct Standards [State Statute 79-262(1)].
 - Unattended items on or near the pupil transportation vehicle.
 - Functional capacity of a pupil transportation driver and processes to confirm a driver's ability to conduct daily tasks and emergency evacuations.
 - *Functional capacity of a driver is vital to assure that students are safe in all situations. This piece was added in response to the school bus fire in western Iowa in 2017 where the driver and a student were killed because the driver had limited mobility to evacuate the bus.*

Vehicle Inspections

- Vehicles (*including contracted vehicles*) that transport students must have been inspected according to NDE Rules 91 and 92. These inspections include:
 - *Pre-Trip Vehicle Inspection* done **before each trip** if an hour has passed since the last trip. (New requirement in Rule 91)
 - *80 day inspections* done before school and every 80 days thereafter
 - *Post-trip Vehicle Inspection* for any students left on board
- Documentation of the Pre-Trip, 80-day and Post Trip inspections must be kept in school files for a period of at least five years. This documentation would be a critical piece of information for the school if an accident occurs with a school vehicle.

Contracting for Pupil Transportation

- Private providers of pupil transportation are also required to follow all of the Rule 91 regulations
- Be aware that responsibility is yours as the administrator to assure these contractor-owned vehicles have been *documented* as safe pupil transportation vehicles. Like any pupil transportation vehicle, you must have documentation for the inspections of these contracted vehicles on file at the district.
- Require the vehicle identification numbers (VIN) be included on all invoices from the contractor. In the past, some contractors may not have been forthcoming with that information. Since schools are required to submit that information on the Pupil Transportation Report each spring, we have instructed many schools to hold payment until accurate VINs have been provided. Please do not accept a list of VINs for vehicles that may or may not have been actually used by your school.

Licensing Drivers

- School Bus Permits no longer exist since they were eliminated in statute effective January 1, 2019.
- A description of requirements for pupil transportation drivers are available at <https://www.education.ne.gov/fos/pupil-transportation/requirements-to-drive-a-pupil-transportation-vehicle/>

Driver Records

- Each year, schools must verify or obtain a record of satisfactory driving from DMV **for all drivers**. Policy established by local governing boards determines each school's definition of "satisfactory driving." (*NDE Rule 91 – 003.03A3*) ***This does include drivers of activity trips.***
- A criminal background check is required before a driver is hired and for **every** driver during the calendar year that coincides with the expiration of the individual's motor vehicle operator's license (every five years). Contact the Nebraska State Patrol for more information. (*NDE Rule 91 – 003-03A5*) ***This does include drivers of activity trips.***

Hiring out-of-state drivers

- Drivers residing in bordering states (Kansas, Colorado, Wyoming, South Dakota, Iowa, and Missouri) may be eligible to become a qualified pupil transportation driver without holding a current Nebraska License after completing the licensing process.
- A driver from a state other than the bordering states must first receive a Nebraska Driver's License prior to registering for a Level I Training Course.
- Contact the Department of Motor Vehicles at 402-471-3890 for more information.

"Need a Driver Today!"

- If a situation arises where students have to be transported in an emergency situation, a School Bus Permit is not required "when approved by the school administrator or person designated by the governing school board." (*NDE Rule 91 - 003-01A*)
- *This only applies to small vehicles such as a car or van...it does not include school buses because a CDL is required.*
- Emergency situations should be carefully defined in local policy. These situations could include that the parent of a sick child has no transportation available and their child needs to be taken home and no drivers are available.

Questions? Please contact Janice Eret at janice.eret@nebraska.gov or Bryce Wilson at bryce.wilson@nebraska.gov