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Transmittal Sheet

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Effective Date _____ Code Number _____

Name of Agency Commission for Arkansas Public School Academic Facilities and Transportation

Department Division of Public School Academic Facilities and Transportation

Contact Lori Freno E-mail lori.freno@ade.arkansas.gov Phone 501-682-4234

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 6-19-101 et seq., 6-21-114

Rule Title: CAPSFT Rules Governing the Maintenance and Operations of Public School Buses and Physical Examination of School Bus Drivers

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published

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☒ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

Jan 3, 2022

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(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

Adopted by State Agency

Jan 28, 2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Lori Freno

lori.freno@ade.arkansas.gov

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-682-4234

lori.freno@ade.arkansas.gov

Phone Number

E-mail Address

General Counsel, Arkansas Department of Education

Title

April 22, 2022

Date

**Commission For Arkansas Public School Academic Facilities and Transportation
Rules Governing Maintenance and Operations of Public School Buses and Physical
Examinations of School Bus Drivers
Effective: May 2, 2022**

1.00 Regulatory Authority

The Commission for Arkansas Public School Academic Facilities and Transportation enacts these Rules pursuant to its authority set forth in Ark. Code Ann. §§ 6-19-101 et seq., 6-21-114, and 25-15-201 et seq.

2.00 Purpose of Rules

The purpose of these Rules is to ensure the safe and efficient operation of public school buses in Arkansas and to prescribe the requirements for the physical examination of school bus drivers.

3.00 Definitions

- 3.01 Advanced Practice Registered Nurse (or APRN) – A nurse licensed by the state of Arkansas as an Advanced Practice Registered Nurse. An APRN has advanced education at least at the Masters level, as well as a national certification from a certifying body recognized by the Arkansas State Board of Nursing (i.e., ANCC, NAPNAP).
- 3.02 Commission – The Commission for Arkansas Public School Academic Facilities and Transportation.
- 3.03 Division – The Division of Public School Academic Facilities and Transportation.
- 3.04 Licensed Physician – A person licensed by the State of Arkansas to practice medicine.
- 3.05 Out of Service – A school bus that is out of compliance with the safety requirements of these Rules and the Arkansas School Bus Inspection Handbook.
- 3.06 School Bus Driver – Any person transporting students in any vehicle meeting the definition of a school bus that requires the person to hold a Commercial Driver's License. A school bus driver will be deemed qualified if they possess a valid Commercial Driver's License, current certification of completed in-service training, current physical examination, and additional qualifications as required by the school district board of directors.

- 3.07 School Bus – A motor vehicle designed to carry ten (10) or more passengers that is:
 - 3.07.1 Owned by a public or governmental agency or a private school and operated for the transportation of students to or from school or school-sponsored activities; or
 - 3.07.2 Privately owned and operated for compensation for the transportation of students to or from school or school-sponsored activities.
- 3.08 School District – Every reference to “school district” shall include any open-enrollment public charter school that operates a school bus, except as waived by the State Board of Education pursuant to Ark. Code Ann. § 6-23-301 et seq.

4.00 Written Policies

- 4.01 All public school districts shall establish written policies concerning transportation by school districts, including but not limited to:
 - 4.01.1 Transportation eligibility;
 - 4.01.2 Student behavior while being transported; and
 - 4.01.3 Emergency procedures while being transported.
- 4.02 All students who are transported in a school bus shall be instructed in safe riding practices and shall participate in emergency evacuation drills at least twice each school year. Each evacuation drill shall be documented and kept on file.

5.00 School Bus Drivers

- 5.01 Each school district shall establish a training program for school bus drivers. The training program must be developed and administered to assure that each driver attains a high degree of competence in and knowledge of his or her duties and responsibilities as a school bus driver.
- 5.02 Every newly hired school bus driver shall receive a minimum of twenty-four (24) hours of pre-service training for the type or types of school buses that he or she will be driving prior to driving any school bus.
- 5.03 Annually, every school bus driver shall receive an additional three (3) hours of in-service training provided by the Division.

- 5.04 The Division shall certify an applicant as a school bus driver for a one-year period, which certification may be renewed annually, upon successful completion and documentation of:
 - 5.04.1 All training required in these Rules;
 - 5.04.2 A physical examination as required in Section 6.00 of these Rules;
 - 5.04.3 Having met any additional qualifications required by a school district board of directors; and
 - 5.04.4 A Commercial Driver's License.
- 5.05 A school district board of directors may provide a substitute driver who has not been certified by the Division to operate a school bus on a temporary basis until the next regularly scheduled school bus drivers examination is held in the locality if:
 - 5.05.1 A qualified bus driver is not available to operate a school bus due to death, resignation, disability, illness or other cause;
 - 5.05.2 The school district board of directors is not able to obtain a qualified bus driver with a certificate-certified by the Division; and
 - 5.05.3 The file of the substitute driver will be annotated to reflect the cause and facts of his/her his or her temporary designation as a driver.
- 5.06 Extra curricular trips shall be made by certified drivers only
- 5.07 School bus driver files shall contain at a minimum:
 - 5.07.1 A copy of the driver's current Commercial Driver's License;
 - 5.07.2 Documentation of the driver's current physical examination as required by these Rules;
 - 5.07.3 Proof of the driver's current state and federal background check clearance;
 - 5.07.4 The driver's semi-annual driver record check;
 - 5.07.5 Documentation of the driver's pre-employment and random drug and alcohol testing;

5.07.6 Documentation of the driver's current clear Child Maltreatment Central Registry check; and

5.07.7 Documentation of the driver's current Federal Motor Carrier Safety Administration Drug and Alcohol Clearinghouse query.

5.08 If the Division gives a school district written notice of any deficiency in the files required by Section 5.07 and the school district fails to remedy the deficiency within thirty (30) days of receiving notice, any culpable officer or employee of the district may be subject to the sanction of Ark. Code Ann. § 6-19-111(d).

6.00 Physical Examinations for Bus Drivers

6.01 Physical examinations as required by law and these Rules for school bus drivers may be given by either a licensed physician or an APRN only.

6.02 Each school district shall require all school bus drivers to undergo a physical examination by a licensed physician or an APRN upon a conditional offer of employment and before they are allowed to drive a school bus. The purpose of the physical examination is to ensure that the employee can perform the job-related duties of a bus driver and to determine if any reasonable accommodations are required. The results of the physical examination shall be reported on a U.S. Department of Transportation (DOT) Form or the School Bus Driver Physical Examination Form ("Form"), which is Exhibit A to these Rules. The results of all physical examinations shall be used in compliance with the Americans with Disabilities Act.

6.03 Each school district shall require all currently employed school bus drivers to undergo and pass a physical examination by a licensed physician or an APRN at least every two (2) years.

6.04 A school bus driver who seeks a renewal of his or her driver certification shall provide proof that he or she has satisfactorily passed a physical examination given by a licensed physician or APRN within the previous two (2) years.

6.05 The physical examination shall require the licensed physician or APRN performing the examination to make the following determinations:

6.05.1 The visual acuity of each eye (must be at least 20/40 with or without corrective lenses);

6.05.2 The fit of the driver's glasses, if applicable;

- 6.05.3 The percentage of field of vision possessed by the driver (with a minimum of 70% necessary to qualify as a “yes” response on the Form);
- 6.05.4 Absence of color blindness, with the specific colors to be tested being red, green, and amber;
- 6.05.5 Hearing, with a demonstrated ability to perceive a forced whispered voice from at least five (5) feet away with or without the use of a hearing aid, or average hearing loss in the better ear of less than or equal to forty (40) decibels needed to successfully pass this portion of the physical examination;
- 6.05.6 Indications of cardiovascular disease of such a nature that would interfere with driving a school bus;
- 6.05.7 Abnormalities of the lung that would interfere with driving a school bus;
- 6.05.8 Blood pressure (within normal limits);
- 6.05.9 Amputation of member (arm, hand, leg, or foot)
- 6.05.10 Evidence of epilepsy or seizures;
- 6.05.11 Use of drugs other than those prescribed by a physician; and
- 6.05.12 Diabetes (insulin dependent).
- 6.06 Upon conclusion of the physical examination, the licensed physician or APRN shall indicate on the Form, based upon the determinations made on the areas listed in § 6.05 above and the guidelines listed on the Form, whether the driver is physically qualified to drive a school bus. The examining official shall date and sign his or her name to the Form.
- 6.07 Results of physical examinations shall be maintained under strict confidentiality and in a file separate from the driver’s personnel file by each district’s central administrative office. Only the following persons shall be allowed access to the results of these physical examinations: supervisors and managers to determine necessary restrictions and accommodations in an employee’s job duties; first aid and safety personnel should an employee’s disability require emergency treatment; and government officials upon request who are investigating compliance with the Americans with Disabilities Act.

7.00 Preventive Maintenance Inspections

- 7.01 The Preventive Maintenance Inspection (PMI) control system is designed to give shop management an improved method for scheduling and controlling the necessary cycles of maintenance inspection performed in local school districts.
- 7.02 Using the PMI control system will enable the school system to certify, at least once each month, that each school bus used during that month has received the proper safety inspection. Preventive maintenance inspections will be scheduled as follows:
 - 7.02.1 Inspection A - Safety Equipment Inspection with Air Brake Adjustment (1,000 miles or monthly).
 - 7.02.2 Inspection B - Inspection A plus Oil Change – Gasoline (3,000 miles) or Diesel (6,000 miles or service manual recommendation).
 - 7.02.3 Inspection C - Inspection A plus B plus Tune-up – Gasoline only (2,000 miles).
 - 7.02.4 Inspection D - Inspection A, B, and C plus Transmission (24,000 miles).
- 7.03 Completed inspection results shall be kept on file by the school district as long as the district owns the bus.
- 7.04 Repair Procedure: Each day, the bus driver will complete a Driver Inspection Report to be turned in to the director or designee at the end of each day so that a work order can be generated if necessary. All repairs will be performed and documented by the signature of the mechanic completing the repair. After repairs are completed, a copy of the work order will be furnished to the driver for verification and a copy will be filed in the individual vehicle file folder.
- 7.05 Each school district shall maintain a maintenance file on all school buses it owns or operates.
 - 7.05.1 Maintenance files shall contain a written record of all mechanical work, service performed, and all parts (that are removed or replaced at periodic preventive maintenance intervals or for any emergency service). Maintenance shall meet or exceed manufacturer's recommended service intervals for each body or chassis component and for all repairs.

7.05.2 A maintenance record also shall contain at a minimum the following information concerning the school bus: the year, make, model, vehicle identification number, mileage, bus number and district, nature and due date of the various inspection and maintenance operations to be performed, a record of all inspections, and repairs and maintenance including date and nature of repairs and maintenance.

7.06 The individual school bus files shall be readily accessible to the Arkansas Department of Education, the Division, and the authorized inspector.

8.0 Annual School Bus Inspections by the Division

8.01 Division inspectors shall inspect all buses and audit school district transportation systems annually, in compliance with the criteria contained in the “Arkansas School Bus Inspection Handbook,” which is Exhibit B to these Rules.

8.02 School districts shall self-inspect all of their buses on a semi-annual basis, utilizing the criteria found in the Handbook.

8.03 Division inspectors shall have the authority to take any school bus out of service that is determined to be out of compliance with established safety criteria, and to issue an “Out of Service” notice.

8.04 Each bus shall be issued an inspection sticker upon successfully passing inspection.

8.05 No school district shall operate any school bus declared “Out of Service” until all repairs required by the out of service notice have been completed and the bus is re-inspected by a Division school bus inspector.

8.06 If a school district operates any school bus in violation of Section 8.05 of these Rules, any culpable officer or employee of the district may be subject to the sanction of Ark. Code Ann. § 6-19-111(d).

9.00 Parental Monitors on School Buses

9.01 A school district board of directors may create and implement a program to authorize a parent of a child enrolled in the school district to act as a monitor on a school bus transporting students to and from school.

9.02 A parental monitor under this section is a qualified volunteer under the Arkansas Volunteer Immunity Act, Ark. Code Ann. § 16-6-101 *et seq.*

- 9.03 Prior to acting as a parental monitor under Section 9.00, the volunteer must pass the same records checks as required of non-licensed staff under Ark. Code Ann. § 6-17-414.
- 9.04 Nothing in Section 9.00 of these Rules shall be construed to override or supersede any local school district policy regarding the use of adult volunteers as monitors or chaperones on a school bus transporting students to and from school-sponsored activities.

APPENDIX "A"
Arkansas Division of Academic Facilities & Transportation
SCHOOL BUS DRIVER PHYSICAL EXAMINATION FORM

NAME OF DRIVER _____

ADDRESS _____

PHYSICAL FITNESS:

1. EYES:

VISUAL ACUITY _____ RIGHT _____ LEFT _____

GLASSES PROPERLY FITTED: YES _____ NO _____

FIELD OF VISION: (Minimum of 70%) YES _____ NO _____

COLOR BLIND (RED-GREEN-AMBER) PASS _____ FAIL _____

2. HEARING:

PASS _____ FAIL _____

(Must perceive forced whispered voice \geq 5ft. with or without hearing aid, or average hearing loss in better ear \leq 40db.)

3. INDICATIONS OF CARDIOVASCULAR DISEASE THAT WOULD INTERFERE WITH DRIVING A SCHOOL BUS:

YES _____ NO _____

4. ABNORMALITIES OF THE LUNGS THAT WOULD INTERFERE WITH DRIVING A SCHOOL BUS:

YES _____ NO _____

5. BLOOD PRESSURE: (WITHIN NORMAL LIMITS) YES _____ NO _____

6. AMPUTATION OF MEMBER: ARM _____ HAND _____ LEG _____ FOOT _____

7. EVIDENCE OF EPILEPSY OR SEIZURES: YES _____ NO _____

8. CLINICAL DIAGNOSIS OF ALCOHOLISM: YES _____ NO _____

9. USE OF DRUGS OTHER THAN THOSE PRESCRIBED BY A PHYSICIAN:
 YES _____ NO _____

10. DIABETES (INSULIN DEPENDENT): YES _____ NO _____

11. ELIGIBILITY TO DRIVE A BUS: QUALIFIED _____

DISQUALIFIED _____

 PHYSICIAN OR APRN

 DATE

APPENDIX “A”

The following is intended to provide guidelines that will assist the physician in determining whether the driver is physically qualified to drive a school bus.

1. Eyes –
Visual Acuity – must be at least 20/40 with or without corrective lenses.
Glasses – must be properly fitted.
Field of Vision – if answer is no, then not qualified to drive a school bus.
Color Blind – if answer is fail, then not qualified to drive a school bus.
2. Hearing – if answer is “fail,” then not qualified to drive a school bus.
3. Cardiovascular Disease – if answer is yes, then not qualified to drive a school bus.
4. Lung Abnormalities – if answer is yes, then not qualified to drive a school bus.
5. Blood Pressure – must be within normal limits.
6. Amputation – if answer is yes to any, the examining official may approve the examinee if the amputation does not affect their ability to drive a school bus.
7. Epilepsy/Seizures – if answer is yes, then not qualified to drive a school bus.
8. Alcoholism – if answer is yes, then not qualified to drive a school bus.
9. Drug Use – if answer is yes, then not qualified to drive a school bus.
10. Diabetes – if insulin dependent, then not qualified to drive a school bus.

(Exception: If physician has controlled diabetes for a minimum of six (6) months with the use of insulin, the driver may be approved to drive).

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

ARKANSAS STATE LIBRARY



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Title of Rule:		
Rule Status	Date Adopted by Agency	Effective Date
<small>(Use drop down to select different status)</small>	MM/DD/YYYY	10 Days After Filing Other: _____ <small>(if other, specify date)</small>
Rule above is proposed and will be replaced by final version		
Financial and/or Fiscal Impact Statement Attached		
<h3>Certification of Authorized Officer</h3> <p>I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.</p> <p>Signature: _____ Date: _____</p> <p>Title: _____</p>		