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**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-67-20, 59-67-410 and 59-67-570

43-80 N. and T. Operation of Public Pupil Transportation Services

**Synopsis:**

The South Carolina Department of Education (SCDE) proposes to amend R 43-80 N. and T., Operation of Public Pupil Transportation Services, to establish the school bus driver certification program mandated by S. C. Code Ann. § 59-67-108 and to reflect recent changes to the Commercial Driver's License for school bus drivers offered by the Department of Motor Vehicles. These changes require new regulatory language to establish a multi-category School Bus Driver’s Certification program and an updated reference to the School Bus Commercial Driver's License.

Section-by-Section Discussion

(1) To implement the mandated school bus driver certification program established by S. C. Code Ann. § 59-67-108.

 43-80 N.—This section has been amended and restructured to create a school bus driver’s certification program that establishes unique school bus driver training and certification requirements based on the type of school bus being operated. The amendment establishes school bus driver certification requirements for school bus drivers transporting or intending to transport preprimary, primary, or secondary students to and from school, and school related activities, or children to and from childcare or related activities.

(2) To align existing regulatory language with changes instituted by the South Carolina Department of Motor Vehicles.

 43-80 N.—This section has been amended to reflected changes made to the school bus commercial driver’s license.

 43-80 T.2.—This section has been amended to acknowledge that portions of existing language in Part T has been moved to Part N, and clarifies the operator requirements for the state-owned school boat.

 43-80 T.—This section has been amended to create a driver certification program that establishes training and testing to assure that drivers can safely operate a school bus.

**Instructions:** Items N. and T.2. amended; Items A. through M. remain the same, Items O. through T.1. remain the same, and Items T.3. through EE. remain the same.

**Text:** 43-80 N. and T. Operation of Public Pupil Transportation Services

 N. The school bus driver certification program is established by the South Carolina Board of Education (SCBE) and administered by the South Carolina Department of Education (SCDE) to qualify individuals to drive one or more of the numerous types of school buses. A school bus is a vehicle as defined in Sections 59‑67‑10 and 56-5-195 of the South Carolina Code. The school bus definition designates a Full-functional School Bus (FFSB) vehicle as a school bus vehicle that is equipped with all signage and lamps to meet the requirements of Section 56-5-2770 and meets the National School Bus chrome yellow color requirements in Section 59-67-30, thus allowing it to control traffic when loading and unloading students. The school bus definition also designates the Multi-functional School Activity Bus (MFSAB) vehicle as school bus vehicle that cannot control traffic because it lacks either signage or lamp requirements of Section 56-5-2770 or does not meet the National School Bus chrome yellow color requirements in Section 59-67-30. The vehicle’s manufacturer passenger capacity rating has no effect on the vehicle’s status as a school bus.

 An individual driving a school bus, as defined in this regulation, must have a valid SCDE school bus driver’s certificate in his or her possession when transporting or intending to transport preprimary, primary, or secondary students to or from school, and school related activities, or children to and from childcare or related activities.

 The SBE directs the SCDE to establish a school bus driver certification program that provides for the following three (3) separate and distinct school bus driver’s certificate categories.

 Certificate A—Authorizes an individual to operate any school bus owned or leased by the State, a local school agency, a private contractor, a private school, or a childcare facility for the purpose of transporting school students.

 Certificate B—Authorizes an individual to only operate an MFSAB owned or leased by a local school agency, a private contractor, a private school, or a childcare facility for the purpose of transporting school students.

 Certificate C—Authorizes an individual to operate a school bus owned or leased by a private school or a childcare facility when the school bus is an FFSB. Additionally, the individual is authorized to operate an MFSAB owned or leased by a local school agency, a private contractor, a private school, or a childcare facility for the purpose of transporting school students.

 Certificate categories B and C are divided into two sub classifications: commercial vehicles and non-commercial vehicles. The non-commercial classification is established to certify individuals to only operate a school bus that is not classified as a Commercial Motor Vehicle by the South Carolina Department of Motor Vehicles (SCDMV).

 In order to obtain any one of the SCDE School Bus Driver’s Certificates, either an A, B, or C, an individual seeking certification or renewal must successfully complete all requirements established by this regulation and the related tests of the SCDE and SCDMV. Certificates are only issued by the SCDE.

 The SCDE School Bus Driver Certification Program includes requirements that are common to all three (3) certificate categories plus requirements that are unique to a driver certificate category.

 The common requirements that all drivers must satisfy for issuance and renewal of an SCDE School Bus Driver’s Certificate are as follows.

 1. Driver candidates must not have or have had in the past twelve (12) months more than four (4) points against his/her driver license or driving Motor Vehicle Record (MVR).

 2 Driver candidates shall successfully complete the SCDE School Bus Driver’s Classroom Training Program.

 3. Driver candidates shall have a physical examination administered by a qualified medical examiner; the driver must pass the examination every two years, or more frequently if directed by the medical examiner. The physical examination shall be administered using an “SCDE Medical Examination Report for Commercial Driver Fitness Determination” form provided by the South Carolina Department of Education or the United States Department of Transportation “Medical Examination Report” form. The driver candidate must provide the certificate testing administrator his or her qualifying Medical Examination Report prior to taking the school bus driver physical performance test and the commercial driver’s license skills test. The school bus driver candidate must provide a copy of the qualifying Medical Examination Report to his or her employer. An employer may require additional physical examinations as the employer determines to be appropriate. The State assumes no responsibility for the cost incurred by the employer or driver for the physical examinations required by this regulation.

 4. Driver candidates shall successfully pass the SCDE School Bus Driver Physical Performance Tests.

 5. Driver candidates shall successfully complete a minimum of 10 hours of SCDE Behind-the-Wheel Road Skills Training, for initial issuance only.

 6. Driver candidates shall pass the SCDE Behind-the-Wheel Road Skills Examination.

 7. Drivers must show proof that they are covered by and will continue to be covered by a substance abuse program. The program must comply with state and Federal laws requiring drivers to participate in a drug and alcohol testing program encompassing at a minimum: (1) a substance abuse policy; (2) a substance abuse education program; (3) substance abuse testing (including pre-employment, reasonable suspension, post-accident, and random selection testing); and (4) a substance abuse referral assistance program. The substance abuse testing program shall comply with the U. S. Department of Transportation Regulation, Title 49, Chapter III, Section 382 et al., and Federal Highway Administration for testing drivers of commercial vehicles.

 8. The driver candidate must satisfy the above common requirement items 3 though 7 within one hundred and eighty (180) days after successfully completing item 2.

 In addition to the above eight common requirements, certificate categories have unique requirements that a driver must satisfy before issuance and/or renewal of the SCDE School Bus Driver’s Certificate.

 1. Certificate-A requires the following.

 a. The driver candidate must possess a valid Commercial Driver's License with the appropriate endorsements required by State and Federal law necessary to operate a school bus commercial motor vehicle.

 b. The driver must complete a minimum of ten (10) hours of SCDE approved in-service training annually to qualify for renewal.

 2. Certificate-B Commercial requires the following.

 a. A driver candidate must possess a valid Commercial Driver's License with the appropriate endorsements required by State and Federal law to operate a school bus type vehicle to qualify for issuance.

 b. A driver must complete a minimum of two (2) hours of SCDE approved in-service training annually to qualify for renewal.

 3. Certificate-B Non-Commercial requires the following.

 a. A driver candidate must possess a valid Driver's License that meets the requirements in State and Federal law to operate a non-commercial school bus type vehicle with no restrictions other than vision correction to qualify for issuance.

 b. A driver must complete a minimum of two (2) hours of SCDE approved in-service training annually to qualify for renewal.

 4. Certificate-C Commercial requires the following.

 a. A driver candidate must possess a valid Commercial Driver's License with the appropriate endorsements required by State and Federal law to operate a school bus type vehicle to qualify for issuance.

 b. A driver must complete a minimum ten (10) hours of SCDE approved in-service training annually to qualify for renewal.

 5. Certificate C Non-Commercial requires the following.

 a. A driver candidate must possess a valid Driver’s License that meets the requirements in State and Federal law to operate a non-commercial school bus type vehicle with no restrictions other than vision correction to qualify for issuance.

 b. A driver must complete ten (10) hours of SCDE approved in-service training annually to qualify for renewal.

 Drivers accumulating more than four (4) points after being issued an SCDE School Bus Driver’s Certificate shall have the certificate suspended. If a certificated driver receives a ticket for Driving Under the Influence (DUI), the certificate shall be suspended, and if convicted of DUI, the driver’s SCDE Certificate shall be revoked. The employer of the driver shall notify the SCDE within thirty (30) days of such excessive driver license points and DUI actions.

 Driver candidates are subject to a South Carolina criminal background check that must be conducted by their employer before transporting students. The employer may require additional federal level security and criminal background checks.

 The SCDE shall establish procedures to transition the existing SCDE single category school bus driver certification program to the new multi-category School Bus Driver’s Certificate program. All drivers that have a valid SCDE school bus driver certificate, and are in good standing with SCDE in-service training requirements, will be converted to a School Bus Driver’s Certification A. All drivers that have a valid SCDE school bus driver certificate, but have not completed the SCDE in-service training requirements, will be considered for conversion to a School Bus Driver’s Certification B.

 Drivers must be in compliance with these requirements on or before August 15, 2008.

 T. Special Transportation Service

 2. The school boat must be operated by an individual with the required U.S. Coast Guard Merchant Marine Officer, Master of Steam and Motor Vessels license.

**Fiscal Impact Statement:**

There will be minimal increased costs to the State or its political subdivisions.

**Statement of Rationale:**

Regulation 43-80 N. and T. is amended to comply with the school bus driver certification program mandated by S. C. Code Ann. § 59-67-108 and to reflect recent changes to the Commercial Driver's License for school bus drivers offered by the Department of Motor Vehicles.