

Title 6. Education

Chapter III. Division of Public School Academic Facilities and Transportation, Department of Education

Subchapter A. Generally

Part 334. Rules Governing Maintenance and Operations of Public School Buses and Physical Examinations of School Bus Drivers

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Effective: May 2, 2022"

"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."

Subpart 1. Generally

6 CAR § 334-101. Purpose of rules.

The purpose of this part 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.

Authority. Arkansas Code § 6-19-101.

6 CAR § 334-102. Definitions.

As used in this part:

(1)(A) "Advanced practice registered nurse" or "APRN" means a nurse licensed by the State of Arkansas as an advanced practice registered nurse.

(B) An APRN has advanced education at least at the master's level, as well as a national certification from a certifying body recognized by the Arkansas State Board of Nursing (i.e., ANCC, NAPNAP);

(2) "Commission" means the Commission for Arkansas Public School Academic Facilities and Transportation;

(3) "Division" means the Division of Public School Academic Facilities and Transportation;

(4) "Licensed physician" means a person licensed by the State of Arkansas to practice medicine;

(5) "Out of service" means a school bus that is out of compliance with the safety requirements of this part and the Arkansas School Bus Inspection Handbook;

(6)(A) "School bus driver" means 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.

(B) 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;

(7) "School bus" means an motor vehicle designed to carry ten (10) or more passengers that is:

(A) 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

(B) Privately owned and operated for compensation for the transportation of students to or from school or school-sponsored activities; and

(8) "School district" means 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 Arkansas Code § 6-23-301 et seq.

Authority. Arkansas Code § 6-19-101.

Codification Notes. "ANCC" means the American Nurses Credentialing Center.

"NAPNAP" means the National Association of Pediatric Nurse Practitioners.

6 CAR § 334-103. Written policies.

(a) All public school districts shall establish written policies concerning transportation by school districts, including but not limited to:

- (1) Transportation eligibility;
- (2) Student behavior while being transported; and
- (3) Emergency procedures while being transported.

(b)(1) 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.

- (2) Each evacuation drill shall be documented and kept on file.

Authority. Arkansas Code § 6-19-101.

6 CAR § 334-104. School bus drivers.

(a)(1) Each school district shall establish a training program for school bus drivers.

(2) The training program must be developed and administered to ensure that each driver attains a high degree of competence in and knowledge of his or her duties and responsibilities as a school bus driver.

(b) Every newly hired school bus driver shall receive a minimum of twenty-four (24) hours of preservice training for the type or types of school buses that he or she will be driving prior to driving any school bus.

(c) Annually, every school bus driver shall receive an additional three (3) hours of in-service training provided by the Division of Public School Academic Facilities and Transportation.

(d) 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:

- (1) All training required in this part;
- (2) A physical examination as required in 6 CAR § 334-105;
- (3) Having met any additional qualifications required by a school district board of directors; and
- (4) A commercial driver's license.

(e) 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:

- (1) A qualified bus driver is not available to operate a school bus due to death, resignation, disability, illness, or other cause;
- (2) The school district board of directors is not able to obtain a qualified bus driver with a certificate certified by the division; and
- (3) The file of the substitute driver will be annotated to reflect the cause and facts of his or her temporary designation as a driver.

(f) Extra-curricular trips shall be made by certified drivers only.

(g) School bus driver files shall contain at a minimum:

- (1) A copy of the driver's current commercial driver's license;
- (2) Documentation of the driver's current physical examination as required by this part;
- (3) Proof of the driver's current state and federal background check clearance;
- (4) The driver's semiannual driver record check;
- (5) Documentation of the driver's pre-employment and random drug and alcohol testing;
- (6) Documentation of the driver's current clear Child Maltreatment Central Registry check; and
- (7) Documentation of the driver's current Federal Motor Carrier Safety Administration Drug and Alcohol Clearinghouse query.

(h) If the division gives a school district written notice of any deficiency in the files

required by subsection (g) of this section 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 Arkansas Code § 6-19-111(d).

Authority. Arkansas Code § 6-19-101.

6 CAR § 334-105. Physical examination for bus drivers.

(a) Physical examinations as required by law and this part for school bus drivers may be given by either a licensed physician or an APRN only.

(b)(1) 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.

(2) 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.

(3) The results of the physical examination shall be reported on a United States Department of Transportation form or the School Bus Driver Physical Examination Form (form), which is Appendix A to this part.

(4) The results of all physical examinations shall be used in compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

(c) 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.

(d) 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.

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

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

- (2) The fit of the driver's glasses, if applicable;
- (3) The percentage of field of vision possessed by the driver (with a minimum of seventy percent (70%) necessary to qualify as a "yes" response on the form);
- (4) Absence of color blindness, with the specific colors to be tested being red, green, and amber;
- (5) Hearing, with a demonstrated ability to perceive a forced whispered voice from at least five feet (5') 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) Indications of cardiovascular disease of such a nature that would interfere with driving a school bus;
- (7) Abnormalities of the lung that would interfere with driving a school bus;
- (8) Blood pressure (within normal limits);
- (9) Amputation of member (arm, hand, leg, or foot);
- (10) Evidence of epilepsy or seizures;
- (11) Use of drugs other than those prescribed by a physician; and
- (12) Diabetes (insulin dependent).

(f)(1) 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 subsection (e) of this section and the guidelines listed on the form, whether the driver is physically qualified to drive a school bus.

(2) The examining official shall date and sign his or her name to the form.

(g)(1) 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.

(2) Only the following persons shall be allowed access to the results of these physical examinations:

(A) Supervisors and managers to determine necessary restrictions and accommodations in an employee's job duties;

(B) First aid and safety personnel should an employee's disability require

emergency treatment; and

(C) Government officials upon request who are investigating compliance with the Americans with Disabilities Act of 1990.

Authority. Arkansas Code § 6-19-101.

6 CAR § 334-106. Preventive maintenance inspection.

(a) 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.

(b)(1) 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.

(2) Preventive maintenance inspections will be scheduled as follows:

(A) Inspection A - Safety equipment inspection with air brake adjustment (one thousand (1,000) miles or monthly);

(B) Inspection B - Inspection A plus oil change – Gasoline (three thousand (3,000) miles) or diesel (six thousand (6,000) miles or service manual recommendation);

(C) Inspection C - Inspection A plus B plus tune-up – Gasoline only (two thousand (2,000) miles); and

(D) Inspection D - Inspection A, B, and C plus transmission (twenty-four thousand (24,000) miles).

(c) Completed inspection results shall be kept on file by the school district as long as the district owns the bus.

(d) **Repair procedure.**

(1) Each day, the bus driver will complete a driver inspection report to be turned in to the Director of the Division of Public School Academic Facilities and Transportation or designee at the end of each day so that a work order can be generated if necessary.

(2) All repairs will be performed and documented by the signature of the mechanic completing the repair.

(3) 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.

(e)(1) Each school district shall maintain a maintenance file on all school buses it owns or operates.

(2) 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).

(3) Maintenance shall meet or exceed manufacturer's recommended service intervals for each body or chassis component and for all repairs.

(4) A maintenance record also shall contain at a minimum the following information concerning the school bus:

(A) Year, make, and model;

(B) Vehicle identification number;

(C) Mileage;

(D) Bus number and district;

(E) Nature and due date of the various inspection and maintenance operations to be performed; and

(F) A record of all inspections, and repairs and maintenance including date and nature of repairs and maintenance.

(f) The individual school bus files shall be readily accessible to the Department of Education, the Division of Public School Academic Facilities and Transportation, and the authorized inspector.

Authority. Arkansas Code § 6-19-101.

6 CAR § 334-107. Annual school bus inspections by the division.

(a) Division of Public School Academic Facilities and Transportation 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 this part.

(b) School districts shall self-inspect all of their buses on a semiannual basis, utilizing the criteria found in the handbook.

(c) 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.

(d) Each bus shall be issued an inspection sticker upon successfully passing inspection.

(e) 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 reinspected by a division school bus inspector.

(f) If a school district operates any school bus in violation of subsection (e) of this section, any culpable officer or employee of the district may be subject to the sanction of Arkansas Code § 6-19-111(d).

Authority. Arkansas Code § 6-19-101.

6 CAR § 334-108. Parental monitors on school buses.

(a) 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.

(b) A parental monitor under this section is a qualified volunteer under the Arkansas Volunteer Immunity Act, Arkansas Code § 16-6-101 et seq.

(c) Prior to acting as a parental monitor under this section, the volunteer must pass the same records checks as required of nonlicensed staff under Arkansas Code § 6-17-414.

(d) Nothing in this section 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.

Authority. Arkansas Code § 6-19-101.

Appendix A. School Bus Driver Physical Examination Form

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/165/6CARpt.334Appendix.pdf>