

Document No. \_\_\_\_\_  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-67-240, 59-67-410, 59-67-470, and 59-67-570

R.43-80. Operation of Public Pupil Transportation Services

**Preamble:**

South Carolina Code of Laws Section 59-67-470 (Bus drivers; selection; eligibility, training and certificates) establishes criteria for selecting and employing school bus drivers. It also authorizes the State Board of Education to provide a rigid training and testing program for prospective drivers and requires that successful candidates be issued school bus driver certificates. Regulation 43-80, Section N further details the training/testing processes and establishes different classifications of school bus driver certificates.

The change to the regulation is proposed to allow greater flexibility in certifying drivers to operate school buses.

Changes will also be made to unify the titling of each certification category and their respective sub-classifications; to clarify the vehicles which may be operated under each certification category; to reflect that all certification categories have multiple sub-classifications; to renumber the regulation to reflect the addition of a sub-classification; and to remove a reference and timeline for changing from a single-category certification program to a multi-category certification program.

Clean up will be done on this regulation to renumber sections and subsections; change the terminology from pupil(s) and child(ren) to student(s), in addition to other minor changes, to bring this regulation in line with other agency regulations.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on May 27, 2016.

Section-by-Section Discussion

Entire Document	Cleanup has been done on this regulation to renumber sections and subsections; change the terminology from pupil(s) and child(ren) to student(s), in addition to other minor changes, to bring this regulation in line with other agency regulations.
Section N	Renumbered as “XIV”, see 4 <sup>th</sup> paragraph, Certificate A: replaces “any school bus” with “school buses”.
Section N	Renumbered as “XIV”, see 6 <sup>th</sup> paragraph, Certificate C: adds the word “only”.
Section N	Renumbered as “XIV”, see 7 <sup>th</sup> paragraph, Certificate C, replaces “Certificate categories B and C are” with “Each certificate category is”.
Section N(8)	Renumbered as “XIV(H)” changes “3 through 7” to “C. through G.”.
Section N(8)(1)	Renumbered as “XIV(H)(1)” adds “Commercial—” after the heading “Certificate-A”, and replaces the “period” after the word “following” with a “colon”.
Section N(8)(1)(a)	Renumbered as “XIV(H)(1)(a)” replaces “Commercial Driver’s License” with the “CDL” acronym and adds “to qualify for issuance”

	at the end of the section.
Section N(8)(2)	Renumbered as “XIV(H)(2)” adds new text about the new requirements for a Certificate-A Non-Commercial and adds sub sections (a–b). Old section “N(8)(2)” is renumbered as “XIV(H)(3)”, adds “—” after the heading “Certificate-B Commercial”, and replaces the “period” after the word “following” with a “colon”.
Section N(8)(3)	Renumbered as “XIV(H)(4)” adds “—” after the heading “Certificate-B Non-Commercial” and replaces the “period” after the word “following” with a “colon”.
Section N(8)(4)	Renumbered as “XIV(H)(5)” adds “—” after the heading “Certificate-C Commercial”, and replaces the “period” after the word “following” with a “colon”.
Section N(8)(5)	Renumbered as “XIV(H)(6)” adds “—” after the heading “Certificate-C Non-Commercial”, and replaces the “period” after the word “following” with a “colon”.
Section N	Renumbered as “XIV”, delete final two paragraphs in Section N.
Section P	Renumbered “XVI”. In the April 4, 2009, regulation Section P was moved to Section S. The information in Section P should have been deleted and replaced with information concerning operational stop-arms on all state-owned buses. This deletion and addition will correct this error.

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on October 11, 2016, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://ed.sc.gov/scdoe/assets/File/policy/state-board/Regulations/RegReviewedbySBE16-17.pdf>.

Written comments should be submitted to Richard Podmore, Director of Safety and Information, Office of Transportation, 1429 Senate St., Room 1104-A, Columbia, SC 29201 or by e-mail to [rpodmore@ed.sc.gov](mailto:rpodmore@ed.sc.gov) on or before 5:00 p.m. on September 26, 2016.

**Preliminary Fiscal Impact Statement:**

No additional funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to Regulation 43-80, Section N.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 43-80. Operation of Public Pupil Transportation Services

Purpose: Regulation 43-80 establishes the function and operation student transportation services.

Legal Authority: Statutory Authority: 1976 Code Sections 59-5-60, 59-67-240, 59-67-410, 59-67-470, and 59-67-570

Plan for Implementation: The proposed amendments will be incorporated in 43-80 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same

manner as the existing regulation. District personnel will be informed of the revised regulation through electronic correspondence.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

South Carolina Code of Laws Section 59-67-470 establishes criteria for selecting and employing school bus drivers and also authorizes the State Board of Education to provide a rigid training and testing program for prospective drivers and requires that successful candidates be issued school bus driver certificates. The proposed amendments add an additional certificate classification sub-category which will provide districts with an option for certifying drivers to operate a Full-Functional School Bus which does not require a commercial driver's license to operate.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The proposed revisions have no effect on the environment or on public health.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

There will be no detrimental effect on the environment or on public health if the proposed revisions are not implemented.

**Statement of Rationale:**

Regulation 43-80, Section N details the training/testing processes and establishes different classifications of school bus driver certificates. The proposed amendments offer districts greater flexibility in certifying drivers to operate school buses.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

R.43-80. Operation of Public ~~Pupil~~ Student Transportation Services

AI. The school district board of trustees (Board of Trustees) shall be responsible to the State Board of Education (SBE) for the supervision of the school transportation program in the district. This shall include the recruitment of school bus drivers, employment and dismissal of school bus drivers, supervision of school bus drivers and the ~~pupils~~ students being transported, proposed routing of buses, accurate transportation records as to mileage, number of ~~pupils~~ students transported pursuant to Section 59-67-100, driver's time reports, school bus safety, and enforcing all other transportation regulations. The

recruitment and employment of school bus drivers and supervisory personnel is the responsibility of the ~~school district board of trustees~~ Board of Trustees. The transportation of ~~pupils~~ students is an integral and essential part of the school program, and teachers and administrative personnel shall be assigned to school bus duties in the interest of the transportation program.

~~B~~II. Transportation on regular school bus routes is authorized for public school ~~pupils~~ students. Public school ~~pupils~~ students include three-year to five-year old ~~pupils~~ students that are disabled, kindergarten ~~pupils~~ students in half-day programs, and the K-12 regularly enrolled students during the 180-day school year. Three- and four-year old ~~children~~ students attending public school-sponsored kindergarten or child development programs must be permitted to ride state-owned buses to the extent funds are made available by the General Assembly. Special programs operated and/or sponsored by the governing body of the school district may use school buses as long as transportation services are paid for by the school district at no cost to the State and do not disrupt school bus maintenance servicing or regular school bus routes. A special program is any education or other program sponsored by the school district that is not a program required by State statute or regulation to be operated by the school district. A student that is disabled shall be accompanied by an aide if the student's Individual Education Program so specifies.

Assignment of buses for new routes will be made on the basis of actual need. Justification must be submitted showing that all buses presently assigned to the district or area are being used to the maximum before additional equipment can be assigned.

To enhance school bus routing effectiveness, kindergarten ~~pupils~~ students shall be assigned to morning or afternoon sessions on the basis of where they live.

~~C~~III. The State shall not be required to operate buses for high school, junior high school, middle school, and elementary school ~~pupils~~ students separately. Approval of separate transportation will be given only when such transportation can be accomplished with the same number of buses and approximately the same mileage. The schedule of work and the opening and closing hours for all schools served by the same buses must be arranged so as to facilitate a maximum amount of school work and at the same time permit the operation of a satisfactory and economical transportation program. School districts shall stagger school opening times when feasible to maximize the use of the school bus transportation system.

~~D~~IV. Five-year-old through grade 12 public school ~~pupils~~ students that have temporary physical handicaps or have a chronic disorder of lengthy duration may have their parents or guardians apply for these students to receive special school bus transportation services. The application process is as follows:

~~1~~A. Secure appropriate forms for the District Superintendent.

~~2~~B. Have the ~~pupil~~ student examined by a licensed medical doctor and receive a written statement from the licensed medical doctor to the effect that without special school bus transportation service, unusual hardship will be experienced by the ~~pupil~~ student in walking the required distance to the regular route.

~~3~~C. Submit the statement from the licensed medical doctor to the District Superintendent for approval.

~~4~~D. The District Superintendent shall submit the health statement with a Request For Special School Bus Transportation Service approval to the local representative of the ~~State~~ South Carolina Department of Education (SCDE). Approval by the ~~State Department of Education~~ SCDE shall be required before a change in a school bus route for this purpose becomes official.

~~5~~E. Approval for such a change in school bus routes shall terminate at the time the ~~pupil~~ student no longer qualifies for special school bus transportation service, or when the ~~pupil~~ student for whom the service was intended has moved residences.

~~EV.~~ Each school district shall prepare route descriptions and maps in accordance with laws and regulations and, upon approval of the ~~district's board of trustees~~ Board of Trustees, shall submit the route descriptions and maps to the designated representative of the ~~State Department of Education~~ SCDE by October 15th of each year. Proposed changes in routes after October 15th must be approved by the designated representative of the ~~State Department of Education~~ SCDE before a change is made. In emergencies or unusual situations, districts may make route changes in keeping with laws and regulations with approval by telephone from the designated representative of the ~~State Department of Education~~ SCDE. Such approval must then be submitted in writing, with written approval received from the designated representative of the ~~Department~~ SCDE. Changes made without notification to and approval by the designated representative of the ~~Department~~ SCDE will result in the district being charged the prevailing rate per mile for permit trips. The amount for unauthorized mileage will be deducted from the district's transportation funding.

Written approval or disapproval of all routes will be provided by the ~~State Department of Education~~ SCDE no later than November 15th. A period of two weeks will be given to the district for corrections to be made after a notice of disapproval. Districts operating routes after November 15th that have not been approved will be considered as operating unauthorized routes and operated at the expense of the school district.

~~FVI.~~ School bus stops on each route shall not be closer than two-tenths of a mile apart at safe points. Stops shall have a clear visibility of 600 feet in each direction or a "School Bus Stop Ahead" sign shall be located at a point 600 feet in each direction of the designated stop. During periods of inclement weather, buses may be allowed to stop on the regular route at safe points nearest the house of each ~~child~~ student; however, buses shall not be permitted to leave regular routes. Stops and turn-about shall not be made on blind curves, steep grades, or near the crest of hills or in any other unsafe traffic environment.

~~GVII. Pupils~~ Students shall not be transported from one district or attendance area to another when an appropriate school is provided within the district or attendance area. When an intra-district Choice Program is approved by an appropriate ~~school district board of trustees~~ Board of Trustees, ~~pupils~~ students may be transported across attendance boundaries; however, this transportation shall be provided in the most productive and cost efficient manner and shall not violate the continuous riding time restrictions provided in statute.

~~HVIII.~~ No school bus shall stop for the purpose of picking up or discharging any non-handicapped school ~~child~~ student living within one and one-half miles of the school, unless under the application provisions of Section 59-67-420 the ~~child~~ student qualifies for transportation under one of the following conditions.

~~1A.~~ Where no additional state-owned school buses are required, it will be permitted for school buses to transport ~~children~~ students, that reside along the route, to and from school on the established route within one and one-half miles distance of the school if there are vacant seats on the school bus. When transporting ~~children~~ students that reside within the one and one-half mile distance of the school, other provisions of law and regulations must be maintained, and the school district must assume any additional operational expense.

~~2B.~~ When the ~~school district~~ Board of Trustees of any school district desires to have ~~children~~ students transported to and from school within one and one-half miles distance of the school, state-owned buses may be used for this purpose provided the ~~school district~~ Board of Trustees pay to the ~~State Department of Education~~ SCDE an amount per mile to be determined annually by the ~~State Department of Education~~ SCDE. The per-mile amount should cover at a minimum all costs associated with the provision of the equipment used to provide the service. The methodology to determine this minimum cost shall be approved by the ~~State Board of Education~~ SBE. The driver salary and benefits shall be paid directly by the school district. No additional state-owned buses will be assigned for transportation of students living within one and one-half miles of the school.

~~IX.~~ Regularly assigned buses may be used to transport ~~pupils~~ students to vocational classes upon approval of the ~~State Department of Education~~ SCDE provided regular buses are the most cost effective method of transportation. If a regular assigned bus is not the most cost effective method, the District shall examine less costly transportation options. The ~~State Department of Education~~ SCDE shall reimburse the district for the least expensive alternative transportation mode. When buses are used, the class schedules shall be arranged so that buses can complete their regular morning and afternoon routes. As with all school bus transportation services, the ~~school district~~ Board of Trustees shall be responsible for providing adequate supervision on the bus at all times.

~~IX.~~ Buses shall be removed from routes when, in the opinion of the ~~State Department of Education~~ SCDE, abuse or vandalism becomes so excessive that it interferes with the maintenance and operation of buses for the regular school program.

~~KXI.~~ The ~~school district~~ Board of Trustees must correct problems in the routing, supervision and/or use of any school bus under its jurisdiction. If problems are not corrected after official notification by the designated representative of the ~~Department of Education~~ SCDE, the school district shall assume all financial responsibility and all liability associated with operating the buses.

~~LXII.~~ Buses shall be left at the designated school bus parking area during the school day. Exceptions:

~~1A.~~ With prior written approval by the ~~Department of Education~~ SCDE drivers of buses may be transported by school bus pool to their home mid-day provided it can be justified economically. The ~~Department of Education~~ SCDE for economic justification purposes will allow a pool bus to travel a distance of no more than five miles per driver transported one way per day. Pooling shall be defined as the transportation of more than one bus driver to home or to work on a single bus. In no case shall there be an adverse economic impact upon the bus maintenance services.

~~2B.~~ Drivers of buses may drive their assigned bus home mid-day when the one-way mileage does not exceed five miles. Any additional mileage shall be at the district's expense.

~~3C.~~ Buses may be parked at another school when there will be no adverse economic impact upon bus maintenance services.

~~4D.~~ At the end of the school day, drivers may drive their vehicle back to their home or a designated public parking facility only when it can be proven that to do so can be justified economically.

The exceptions for use of buses and the related economic justifications shall be part of the route and schedule plan submitted by the local school district to the ~~Department of Education~~ SCDE.

In exceptions ~~A.1~~ and ~~C.3~~ above, the request for approval shall include a plan to insure the proper servicing and maintenance of the bus.

The school district shall provide for safe loading and unloading of students and a suitable concrete or asphalt-paved area for the parking and servicing of buses during the school hours. The parking and service area shall be located and designed to insure that vehicular traffic, students or unauthorized personnel are not in or around parked buses during the school day and shall be in compliance with all safety and fire regulations.

~~MXIII.~~ Each school district is required to keep each school bus in a clean and sanitary condition. Each district is responsible for all excessive driver and passenger abuse to the buses. Any school district using a bus on a trip not authorized by the ~~Department of Education~~ SCDE shall assume all financial responsibility and liability.

The school district Board of Trustees shall designate, to the Department of Education SCDE, a school official to see that proper care is taken of the buses, that the buses shall not be abused; to see that drivers make required reports promptly; to assist in the investigation and collection of the cost for damages to state-owned equipment; and to aid in any proceedings, either civil or criminal.

~~NXIV.~~ 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~~ students 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~~ school buses 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 only 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.

Each certificate category is ~~Certificate categories B and C~~ are divided into two sub classifications: authorization to operate commercial vehicles and authorization to operate 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.

A1. 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).

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

C3. 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~~ SCDE or the United States Department of Transportation (USDOT) "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 (CDL) 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.

D4. Driver candidates shall successfully pass the SCDE School Bus Driver Physical Performance Tests.

E5. Driver candidates shall successfully complete a minimum of 10 hours of SCDE Behind-the-Wheel Road Skills Training, for initial issuance only.

F6. Driver candidates shall pass the SCDE Behind-the-Wheel Road Skills Examination.

G7. 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 USDOT Regulation, Title 49, Chapter III, Section 382, et al., and Federal Highway Administration for testing drivers of commercial vehicles.

H8. The driver candidate must satisfy the above common requirement items C.3 ~~through~~ through G.7 within one hundred and eighty (180) days after successfully completing item B2.

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 Commercial—requires the following:-

a. The driver candidate must possess a valid ~~Commercial Driver's License~~ CDL with the appropriate endorsements required by ~~state~~ State and ~~federal~~ Federal law necessary to operate a school bus type commercial motor vehicle to qualify for issuance.

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

2. Certificate-A Non-Commercial—requires the following:

a. A driver candidate must possess a valid driver’s license that meets the requirements in ~~state~~ State and ~~federal~~ 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.

3. Certificate-B Commercial—requires the following:

a. A driver candidate must possess a valid ~~Commercial Driver's License~~ CDL with the appropriate endorsements required by ~~state~~ State and ~~federal~~ Federal law to operate a school bus type commercial motor vehicle ~~classified by SCDMV as commercial~~ 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-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.

5. Certificate-C Commercial—requires the following:

a. A driver candidate must possess a valid ~~Commercial Driver's License~~ CDL with the appropriate endorsements required by State and Federal law to operate a school bus type commercial motor vehicle ~~classified by SCDMV as commercial~~ 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.

6. Certificate-C Non-Commercial—requires the following:

a. A driver candidate must possess a valid driver’s license that meets the requirements in ~~state~~ State and ~~federal~~ 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.~~

~~OXV.~~ State-owned school buses shall comply with the minimum posted speed, if greater than 45 miles per hour, for the highway used. Except that public school buses transporting Handicapped students shall comply with Section 59-67-525.

~~PXVI.~~ All state-owned buses shall be equipped with an operational stop-arm. ~~Each school district shall submit to the Department of Education in writing no later than May 1st of each year, any major changes in school assignments which would require a change in the number of buses for the following school year.~~

~~QXVII.~~ The school district Board of Trustees shall have the authority to remove a bus from a regular school bus route when it is determined that the conduct of the passengers or others endangers the life and safety of the bus driver and passengers.

~~RXVIII.~~ The school district Board of Trustees is authorized to assign seats to bus passengers when it is determined to be in the best interest of the transportation program.

~~SXIX.~~ Each school district shall submit to the ~~Department of Education~~ SCDE in writing no later than May 1st of each year, any major changes in school assignments which would require a change in the number of buses for the following school year.

#### FXV. SPECIAL TRANSPORTATION SERVICE

~~1A.~~ When state-owned buses or boats are used by the schools for educational purposes other than transporting ~~pupils~~ students to and from school, the cost of operation shall be borne by the school district. The operator shall be paid by the local school district. In addition, a charge for the use of the bus or boat (use fee) as determined by the ~~State Department of Education~~ SCDE and approved by the ~~State Board of Education~~ SBE, payable to the ~~State Department of Education~~ SCDE, shall be made. The school district Board of Trustees will be responsible for damages to the bus or boat as a result of abuse. The bus or boat use fees are applicable to all trips other than the regularly scheduled trips or trip segments to and from school as shown on the approved route description for the school district.

~~2B.~~ 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.

~~3C.~~ The use of state-owned buses and boats for purposes other than transporting ~~pupils~~ students to and from school shall in no way conflict with the regular school schedule.

~~4D.~~ The use of state-owned buses and boats shall be limited to those events and activities sponsored by school districts.

~~5E.~~ Request for documentation of the use of buses and boats for purpose of special services must be secured from the designated representative of the ~~Department of Education~~ SCDE prior to the vehicle's use.

~~6F.~~ The use of state-owned buses for special purposes for trips outside the State shall be limited to athletic and other school activities in adjacent counties in Georgia and North Carolina with the following exceptions. In North Carolina: Polk, Henderson, Transylvania, Jackson, and Macon Counties have mountainous terrain. State-owned buses shall not be used for special activities in these counties without prior route approval by the designated representative of the ~~Department of Education~~ SCDE.

~~7G.~~ The ~~Department of Education~~ SCDE permit For The Use Of School Buses or Boats prepared by the school district must accompany the operator on each trip made by the bus or boat.

Should any of the above regulations governing the use of school buses or boats for special services be violated in any school district, the ~~Department of Education~~ SCDE may withdraw approval to use state-owned school buses or boats from any further special service.

~~UXXI.~~ The bus or boat use fees shall be based on formula approved by the ~~State Board of Education~~ SBE. The formula shall reflect the operational cost experienced by the ~~State Department of Education~~ SCDE plus an appropriate vehicle replacement charge. In compliance with approved ~~State Board of Education~~ SBE bus or boat use fee formula, the ~~Department of Education~~ SCDE shall establish an annual fee for bus and boat use.

~~VXXII.~~ Variations from Transportation Regulations may be approved by the ~~State Department of Education~~ SCDE when such variations are clearly in the interest of safety, efficiency and economy. School districts seeking a variance from a regulation must submit a written request seeking approval from the ~~Department of Education~~ SCDE. The ~~Department~~ SCDE will approve or disapprove the request, in writing.

~~WXXIII.~~ In accordance with Section 59-67-520 of the *Code of Laws of South Carolina*, as amended, it is hereby declared the policy of the ~~State Board of Education~~ SBE to provide transportation for handicapped ~~children~~ students within a school district to the nearest school in which a class is located serving the ~~pupil's~~ student's disabilities.

~~XXIV.~~ Eligibility for Transportation - Eligibility for transportation under the above provisions shall be limited to the following types of disabilities:

- ~~1A.~~ Trainable mentally handicapped (TMH)
- ~~2B.~~ Deaf-blind (DB)
- ~~3C.~~ Hearing handicapped (HH)
- ~~4D.~~ Visually handicapped (VH) (Legally Blind)
- ~~5E.~~ Emotionally handicapped (EH) (Severely)
- ~~6F.~~ Orthopedically handicapped (OH)
- ~~7G.~~ Educable mentally handicapped (EMH)
- ~~8H.~~ Learning disabled (LD)
- ~~9I.~~ Other health impaired (OHI)
- ~~10J.~~ Pre-school handicapped
- ~~11K.~~ Profoundly mentally handicapped (PMH)
- ~~12L.~~ Traumatic brain injury (TBI)
- ~~13M.~~ Autistic

~~14N.~~ Other disabilities identified in Section 504 of the Rehabilitation Act and the Americans With Disabilities Act.

Legal age for transporting ~~children~~ students with disabilities are three ~~(3)~~ and four ~~(4)~~ years old and public school students (K-12) except for the hearing and visually handicapped which is 4-21 years of age. Students with disabilities may be transported on regular route school buses.

~~YXXV.~~ ~~The school district~~ Board of Trustees shall be responsible for locating classes for ~~children~~ students with the above disabilities in or near the geographic center of the district or area so that all ~~children~~ students with these disabilities can be transported on the same bus. ~~The State Department of Education~~ SCDE shall not be required to provide separate transportation for ~~children~~ students with disabilities.

~~ZXXVI.~~ Transportation will be provided either on state-owned buses or by contract between the ~~State Department of Education~~ SCDE and the school district, whichever is most economical to the State.

The following procedure shall be used in requesting transportation:

~~1A.~~ State-Owned Buses—State-owned buses will be assigned when the number of eligible students (usually minimum of 6) live within an area to make a bus route feasible from a time and mileage standpoint. School district officials shall submit a map and route description to the designated representative of the ~~State Department of Education~~ SCDE to justify assignment of the bus. Maps and descriptions will be submitted annually in the same manner as for regular bus routes.

~~2B.~~ Contract Transportation—Contract transportation will be limited to ~~pupils~~ students who cannot be transported efficiently by state-owned buses. The following procedures will be used in requesting contract transportation.

~~a1.~~ ~~The State Department of Education~~ SCDE will be notified of the name of the ~~pupil~~ student, location of residence, and school to which such ~~pupil~~ student(s) is to be assigned. If it is determined that the ~~pupil~~ student or ~~pupils~~ students ~~can not~~ cannot be transported on a bus already assigned to the district or if the number of ~~pupils~~ students is insufficient to justify an additional bus, then, a contract will be signed between the school district and the parent or other individuals for transportation.

~~b2.~~ Contracts between the school district and parents or other individuals to transport one ~~child~~ student will be based on a rate per mile as determined by the ~~State Department of Education~~ SCDE and approved by the ~~State Board of Education~~ SBE for each 90 school days. If more than one student is transported, the contract may be used on the rate per vehicle or passenger mile for the actual number of miles traveled.

~~e3.~~ When it is in the best interest of the State, contracts may be written for transporting students who live within 2 miles of the school. The ~~State Board of Education~~ SBE shall establish the funding limitation on the basis of a designated amount of dollars per student for 90 school days.

~~e4.~~ The maximum payment for transportation for any one ~~pupil~~ student shall not exceed the amount established annually by the ~~State Board of Education~~ SBE for each 90 school days unless a special exception is approved by the ~~State Board of Education~~ SBE.

~~e5.~~ All proposed contracts must be approved by the ~~State Department of Education~~ SCDE prior to commencing transportation. Reimbursement will be from the date of approval.

~~f6.~~ Contract transportation will not be approved if transportation on state-owned buses is more cost effective or productive except when otherwise required by the student's Individual Education Plan. Exceptions may be made in extreme cases upon written recommendation of the affected ~~pupil's~~ student's

licensed medical doctor and the school district and upon approval by the ~~State Department of Education~~ SCDE.

~~AA~~XXVII. Transportation will be provided only during the regular school term not to exceed 180 school days.

~~BB~~XXVIII. Transportation on state-owned buses or by contract of ~~pupils~~ students attending multi-district programs or programs conducted by agencies other than the public schools, will be provided only if the home district has received approval of "another facilities agreement" from the ~~State Department of Education~~ SCDE. This approval must be received prior to commencing transportation. The home district is responsible for securing contracts for transportation routes and for the requisitioning of funds.

~~CC~~XXIX. Persons contracting to provide transportation must have insurance coverage at least equal to that carried on state-owned buses as required by Section 59-67-710 of the *Code of Laws of South Carolina*, as amended.

~~DD~~XXX. Reimbursement to the district for contracts shall be made at the end of each 90 school days. Request for reimbursement shall be submitted on a form furnished by the ~~State Department of Education~~ SCDE. The request for reimbursement shall be pro-rated if ~~pupil~~ student attends less than 90 school days.

~~EE~~XXXI. The ~~Department of Education~~ SCDE will establish a School Bus Specifications Committee for the purpose of creating specifications for the procurement of state-owned school buses. The Committee will be composed of members of the General Assembly or their designees; representatives of the business community; mechanical engineers profession; both local school district and state student transportation officials representing school bus maintenance, administration, driver training, and operations; and a representative of the ~~Budget and Control Board, Materials Management Office~~ State Fiscal Accountability Authority, Procurement Services. The State Superintendent of Education (SSE) or designee will make Committee appointments. The Committee will be responsible for reviewing, amending, and developing school bus specifications for all types of school buses purchased by the State. These specifications will assure that the student transportation needs of the State are efficiently and effectively addressed. The Committee will recommend the specifications to the ~~State Superintendent of Education~~ SSE or designee for approval.