

**Title of Regulation:**

**Regulation No.:** 43-80

**OPERATION OF PUBLIC STUDENT  
TRANSPORTATION SERVICES**

**Effective Date:** 05/24/19

**Constitutional and Statutory Provisions:**

Section(s):

56-5-180.	Bus defined.
56-5-190	School bus defined.
56-5-195	School bus safety standards.
56-5-196	Designation of daycare center as origin or destination for school transportation.
59-5-60.	General powers of [State] Board.
59-67-10	"School bus" defined.
59-67-20	Regulations of State Board of Education governing design and operation of school buses.
59-67-30	Painting and markings of school buses.
59-67-40	Applicability of laws and regulations to private school buses.
59-67-160	Physical examination of school bus driver.
59-67-240.	Other duties of driver; discipline of pupils for misconduct.
59-67-410.	Control by State Board of Education of school bus transportation.
59-67-470.	Bus drivers; selection; eligibility, training and certificates.
59-67-520	Transportation of handicapped persons.
59-67-535	Use of boats for transportation of school children from Sandy Island to transport residents.
69-67-570.	Rules and regulations.

Code of Laws of South Carolina, 1976.

**State Board Regulation:**

43-80. Operation of Public Student Transportation Services.

I. 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 students being transported, proposed routing of buses, accurate transportation records as to mileage, number of 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 Board of Trustees. The transportation of 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.

II. Transportation on regular school bus routes is authorized for public school students. Public school students include three-year to five-year old students who are disabled, kindergarten students in half-day programs, and the K-12 regularly enrolled students during the 180-day school year. Three- and four-year old 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 who 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 students shall be assigned to morning or afternoon sessions on the basis of where they live.

III. The State shall not be required to operate buses for high school, junior high school, middle school, and elementary school 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.

IV. Five-year-old through grade 12 public school students who 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:

A. Secure appropriate forms for the District Superintendent.

B. Have the 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 student in walking the required distance to the regular route.

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

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 South Carolina Department of Education (Department). Approval by the Department shall be required before a change in a school bus route for this purpose becomes official.

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

V. Each school district shall prepare route descriptions and maps in accordance with laws and regulations and, upon approval of the Board of Trustees, shall submit the route descriptions and maps to the designated representative of the Department by October 15th of each year. Proposed changes in routes after October 15th must be approved by the designated representative of the Department 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 or e-mail from the designated representative of the Department. Such approval must then be submitted in writing, with written approval received from the designated representative of the Department. Changes made without notification to and approval by the designated representative of the Department 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 Department 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. After this two week period, if corrections have not been made, any routes not approved by the Department will be operated at the expense of the district.

VI. School bus stops on each route shall be established at safe locations no closer than two-tenths of a mile apart. 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 established route at safe points nearest the house of each 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.

VII. 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 Board of Trustees, 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.

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

A. Where no additional state-owned/leased school buses are required, districts may choose to transport students, who reside along the established 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 students who 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.

B. When the Board of Trustees of any school district desires to transport students residing within one and one-half miles distance of the school, state-owned/leased buses may be used for this purpose provided the Board of Trustees pay to the Department an amount per mile to be determined annually by the Department. 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 SBE. The driver salary and benefits shall be paid directly by the school district. No additional state-owned/leased 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 students to vocational classes upon approval of the Department, 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 Department 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 Board of Trustees shall be responsible for providing adequate supervision on the bus at all times.

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

XI. The 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, the school district shall assume all financial responsibility and all liability associated with operating the buses.

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

A. With prior written approval by the Department, drivers of buses may be transported by school bus pool to their home mid-day provided it can be justified economically. The Department, 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.

B. 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.

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

D. 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.

In exceptions A. and C. 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.

XIII. 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 shall assume all financial responsibility and liability.

The Board of Trustees shall designate, to the Department, a school official to see that proper care is taken of the buses; to see 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/leased equipment; and to aid in any proceedings, either civil or criminal.

XIV. The school bus driver certification program is established by the SBE and administered by the Department to qualify individuals to drive one or more of the numerous types of school buses. A school bus is a vehicle as defined and described in Sections 56-5-190, 56-5-195, 56-5-2770, 59-67-10, 59-67-30, and 59-67-108 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 a 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 Section 59-67-10, must have a valid Department school bus driver's certificate in his or her possession when transporting or intending to transport preprimary, primary, or secondary public school students to or from school and school related activities. This includes transporting public school students to and from childcare or related activities.

Based on Section 59-67-40 and 59-67-108 of the South Carolina Code, an individual operating a FFSB equipped with enabled traffic control devices meeting the signage and lamp requirements of Section 56-5-2770 and meeting the color requirements of 59-67-30 for a private school must receive training in the use of these traffic control devices. Section 59-67-108 requires the Department to establish an appropriate level of certification for these individuals. An individual operating a bus, which does not meet the signage and lamp requirements of Section 56-5-2770 or meet the color requirements of 59-67-30 for a private school would not be required to receive training or the Department certification.

The SBE directs the Department 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 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 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 Department 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 Department and SCDMV. Certificates are only issued by the Department.

The Department 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 which all drivers must satisfy for issuance and renewal of a Department School Bus Driver's Certificate are as follows.

A. A driver candidate must:

1. not have more than four (4) current points against his or her driving record with the SCDMV;
2. not have more than four (4) points against his or her driving record with the SCDMV within the previous twelve (12) months;
3. not have had his or her driver's license suspended for a moving violation within the past twelve (12) months.

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

C. Driver candidates and school bus drivers shall have a physical examination which meets the requirements of Section 59-67-160 of the Code of Laws of South Carolina.

D. Driver candidates shall successfully pass the Department's School Bus Driver Physical Performance Tests.

E. For initial certificate issuance, driver candidates shall successfully meet the minimum number of training hours as set forth by the Federal Motor Carrier Safety Administration (FMCSA) or the Department, depending on the license and certificate type the candidate holds or seeks.

F. Driver candidates shall pass the Department's Behind-the-Wheel Road Skills Examination.

G. Drivers and driver candidates must be covered by a substance abuse testing program which complies with the USDOT Regulation, Title 49, Chapter III, Section 382, et al., and Federal Highway Administration for testing drivers of commercial vehicles.

H. The driver candidate must satisfy common requirement items C. through G. within one hundred and eighty (180) calendar days after successfully completing item B.

In addition to common requirements, A. through H., certificate categories have unique requirements which a driver must satisfy before issuance and/or renewal of the Department's School Bus Driver's Certificate.

1. Certificate-A Commercial—requires the following:

a. The driver candidate must possess a valid CDL with the appropriate endorsements required by State and 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 Department-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 which 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 ten (10) hours of Department-approved in-service training annually to qualify for renewal.

3. Certificate-B Commercial—requires the following:

a. A driver candidate must possess a valid CDL with the appropriate endorsements required by State and Federal law to operate a school bus type commercial motor vehicle to qualify for issuance.

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

5. Certificate-C Commercial—requires the following:

a. A driver candidate must possess a valid CDL with the appropriate endorsements required by State and Federal law to operate a school bus type commercial motor vehicle to qualify for issuance.

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

I. 1. Any drivers receiving a license suspension for a moving violation or accumulating more than four (4) points against his or her driving record with the Department of Motor Vehicles after being issued a Department 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 Department Certificate shall be revoked. The employer of the driver shall notify the Department within thirty (30) days of such excessive driver license points and DUI actions.

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

XV. State-owned/leased school buses shall comply with the speed limits established in Section 59-67-515 or posted speed limits if less than 45 miles per hour.

XVI. All state-owned/leased buses shall be equipped with an operational stop-arm which meets the requirements of Federal Motor Vehicle Standard (FMSS) 131; School Bus Pedestrian Safety Devices.

XVII. The 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.

XVIII. The Board of Trustees may authorize the bus driver to assign seats to bus passengers when it is determined to be in the best interest of the transportation program.

XIX. Each school district shall submit to the Department 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.

**XX. SPECIAL TRANSPORTATION SERVICE**

A. When state-owned/leased buses are used by the schools for educational purposes other than transporting 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 (use fee) as determined by the Department and approved by the SBE, payable to the Department, shall be made. The Board of Trustees will be responsible for damages to the bus as a result of abuse. The bus 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.

B. The use of state-owned/leased buses for purposes other than transporting students to and from school shall in no way conflict with the regular school schedule.

C. The use of state-owned/leased buses shall be limited to those events and activities sponsored by school districts.

D. Request for documentation of the use of buses for purpose of special services must be secured from the designated representative of the Department prior to the vehicle's use.

E. The use of state-owned/leased 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/leased buses shall not be used for special activities in these counties without prior route approval by the designated representative of the Department.

F. The Department permit For The Use Of School Buses prepared by the school district must accompany the operator on each trip made by the bus.

G. The bus use fees shall be based on formula approved by the SBE. The formula shall reflect the operational cost experienced by the Department plus an appropriate vehicle replacement charge. In compliance with approved SBE bus use fee formula, the Department shall establish an annual fee for bus use.

Should any of the regulations listed in this section governing the use of school buses for special services be violated in any school district, the Department may withdraw approval to use state-owned school buses from any further special service.

XXI. Variations from Transportation Regulations may be approved by the Department 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. The Department will approve or disapprove the request, in writing.

XXII. 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 SBE to provide transportation for handicapped students within a school district to the nearest school in which a class is located serving the student's disabilities.

XXIII. Eligibility for Transportation - Eligibility for transportation under State Board Regulation 43-80 Section XXII shall be limited to the following types of disabilities listed in State Board Regulation 43-243.1:

A. Autism (also referenced as autism spectrum disorder) including Autistic Disorder, Pervasive Developmental Disorder Not Otherwise Specified (PDD-NOS), or Asperger's Syndrome

B. Deaf-blindness

C. Deaf/Hard of Hearing

D. Developmental Delay

E. Emotional Disability

F. Intellectual Disabilities

G. Multiple Disabilities

H. Other Health Impairment

I. Orthopedic Impairment

J. Specific Learning Disabilities

K. Speech-Language Impairment

L. Traumatic Brain Injury

M. Visual Impairment

N. Other disabilities identified in Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

Legal age for transporting students with disabilities are three- and four- 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.

XXIV. The Board of Trustees shall be responsible for locating classes for students with the disabilities listed in State Board Regulation 43-80 Section XXIII in or near the geographic center of the district or area so that all students with these disabilities can be transported on the same bus. The Department shall not be required to provide separate transportation for students with disabilities.

XXV. Transportation will be provided either on state-owned/leased buses or by contract between the Department and the school district, whichever is most economical to the State.

The process for requesting transportation is limited to the two following options:

A. State-Owned/Leased Buses—State-owned/leased 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 Department to justify assignment of the bus. Maps and descriptions will be submitted annually in the same manner as for regular bus routes.

B. Contract Transportation—Contract transportation will be limited to students who cannot be transported efficiently by state-owned/leased buses. The procedures listed in this section will be used in requesting contract transportation.

1. The State Department will be notified of the name of the student, location of residence, and school to which such student(s) is to be assigned. If it is determined that the student or students cannot be transported on a bus already assigned to the district or if the number of 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.

2. Contracts between the school district and parents or other individuals to transport one student will be based on a rate per mile as determined by the Department and approved by the 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.

3. 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 SBE shall establish the funding limitation on the basis of a designated amount of dollars per student for 90 school days.

4. The maximum payment for transportation for any one student shall not exceed the amount established annually by the SBE for each 90 school days unless a special exception is approved by the SBE.

5. All proposed contracts must be approved by the Department prior to commencing transportation. Reimbursement will be from the date of approval.

6. Contract transportation will not be approved if transportation on state-owned/leased 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 student's licensed medical doctor and the school district and upon approval by the Department.

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

XXVII. Transportation on state-owned/leased buses or by contract of 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 Department. 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.

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

XXIX. 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 Department. The request for reimbursement shall be pro-rated if student attends fewer than 90 school days.

XXX. The Department will establish a School Bus Specifications Committee for the purpose of creating specifications for the procurement of state-owned/leased 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 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/leased 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 SSE or designee for approval.