**TITLE 6 PRIMARY AND SECONDARY EDUCATION**

**CHAPTER 41 TRANSPORTATION - SCHOOL BUS SAFETY**

**PART 4 STANDARD FOR PROVIDING TRANSPORTATION FOR ELIGIBLE STUDENTS**

**6.41.4.1 ISSUING AGENCY:** Public Education Department, hereinafter the department.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.2 SCOPE:** Provisions of Chapter 41, Part 4 apply to [~~public school districts and charter schools~~] Local Education Agencies (LEA). This regulation governs [~~local school districts~~] LEAs. If an [~~local school district~~] LEA chooses to provide transportation services by contracting with [~~an outside~~] a transportation service provider instead of through [~~district~~] LEA employed personnel, it may do so. The [~~local school district~~] LEA, however, is responsible for ensuring that the provisions of transportation services complies with all pertinent state and federal regulations and statutes including 49 Code of Federal Regulations Part 382 and [~~public education department~~] department regulations.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.3 STATUTORY AUTHORITY:** This regulation is promulgated pursuant to Sections 1111g(1)(E) and 1112c(5)(B) of ESEA Section 722g(J)(iii) of the McKinney-Vento Act, and Sections 22-2-1, 22-2-2, 22-8-26, 22-10A-5, [~~and~~] 22-16-2, 22-16-4, and Subsection D of 9-24-8, NMSA 1978.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.4 DURATION:** Permanent.

[12/31/1998; 6.41.4.4 NMAC - Rn, 6 NMAC 9.5.3.4, 7/1/2001; Rp, x/xx/2018]

**6.41.4.5 EFFECTIVE DATE:** [~~December 31, 1998,~~] xx xx, 2018, unless a later date is cited at the end of a section.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.6 OBJECTIVE:** [~~To establish a safe and efficient unified system of transportation responsive to the needs of eligible students and to guide the provision of school transportation and transportation as a related service to students with disabilities. Student transportation services, therefore, shall ensure that:~~]

[~~A. all eligible students are transported in a safe and timely manner;~~

 ~~B. all eligible students are served within the requirements of current federal and state laws and public education department regulations;~~

 ~~C. students with disabilities have equal access to a free, appropriate public education, regardless of variances in their abilities to participate in educational experiences;~~

 ~~D. students with disabilities receive services, which promote growth towards increased independence and competence;~~

 ~~E. students with disabilities are afforded the same degree of dignity and respect afforded other students and that they are provided services within the requirements of least restrictive environment; and~~

 ~~F. all decisions related to a student with disabilities are made with a child and family focus by teams which include family members working collaboratively with school personnel to determine, implement, and evaluate services based on the needs of the student and the family.~~]

To establish a safe, timely, and efficient system of transportation responsive to the needs of eligible public school students, hereinafter students, including children and youth in foster care and homeless children and youth, and to guide the provision of school transportation and transportation as a related service to students with an Individualized Education Program (IEP). LEAs, therefore, shall ensure that all eligible students are served within the requirements of current federal and state laws and department regulations.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.7 DEFINITIONS:**

 [~~A~~**~~. Activity bus driver~~** ~~- An individual who meets all state and local criteria to drive students on school sponsored activities in a school bus.~~]

 [~~B.~~]**A. “Activity driver”** means an individual who is employed by an LEA or a transportation service provider and has completed all federal, state, and department certifications, licensing requirements, and LEA criteria to drive students on school-sponsored activities.

 [~~C.~~ **~~Bus route~~** ~~- A designated course regularly traveled by a school bus to pick up students and take them to school, or to deliver students from school to their homes or designated bus stops that are approved by the local school district. Should the number of students on any bus drop below the number of ten, it shall be the responsibility of the school district to notify the state transportation director immediately.~~]

 **B. “Child welfare agency”** means the children youth and families department.

 **C. “Children in foster care”** means twenty-four hour substitute care for children and youth who are placed away from their parents or guardians and who are in custody of state or tribal welfare agencies.

 **D.** **“Conviction”** means an adjudication of guilt, and includes a guilty plea, judgment, or verdict, no contest, nolo contendere, conditional plea of guilty, or any other plea that would result in an adjudication of guilt in any court of competent jurisdiction. A conviction includes a deferred sentence and a conditional discharge prior to satisfaction of the conditions and after satisfaction of conditions where required by the act.

 **E.** “**Driver”** means school bus driver, substitute school bus driver, activity bus driver, school-owned activity vehicle driver, and sport utility vehicle (SUV) driver.

 [~~D.~~]**F. “Eligible student”** means:

 **(1)** Students eligible for transportation services under federal and state statute or under the [~~public education~~] department’s [~~"Hazardous Walking Regulation."~~] standard for determining hazardous walking conditions pursuant to Section 6.41.3 NMAC. [~~State statute provides that~~] Students are eligible for transportation services in accordance with Section 22-16-4 NMSA 1978 if school bus routes are:

 **(a)** one mile one way for students in grades kindergarten through [~~6~~] six;

 **(b)** one and one-half miles one way for students in grades [~~7-9~~] seven through nine, and;

 **(c)** two miles one way for students in grades [~~10-12~~] 10 through 12.

 **(2)** [~~Students with special needs~~] Students with an IEP are entitled to transportation pursuant to Subparagraphs a through c of Paragraph 1 of Subsection F of Section 7 of 6.41.4 NMAC, [~~or as specified in the definition of "transportation as a related service."~~] or transportation as a related service pursuant to Subsection DD of Section 7 of 6.41.4 NMAC.

 **G.** “**Employer”** means an LEA or transportation service provider.

 **H.** “**Homeless children and youth”** as defined by section 725(2) of the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes:

 **(1)** children and youth who are**:**

 **(a)** sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

 **(b)** living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;

 **(c)** living in emergency or transitional shelters;

 **(d)** abandoned in hospitals;

 **(2)** children and youth who have a primary nighttime address that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;

 **(3)** children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

 **(4)** migratory children under Title I Part C migrant education program.

 **I. “Individualized education program (IEP)”** [~~A written~~~~statement for a student with a disability that is developed and implemented in accordance with federal and state laws and regulations regarding individuals with disabilities and with Section 504 of the Rehabilitation Act of 1973, IDEA (Individuals with Disabilities Education Act) and ADA (Americans with Disabilities Act). The IEP serves as a communication tool between parents and the entire educational team and enables them as equal participants to decide collectively what the student's specific needs are, what services shall be provided to meet those needs, what the anticipated outcomes may be, and how the student's progress toward meeting the projected outcomes shall be evaluated.~~]

means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with Sections 300.320 through 300.324 of 34CFR.

 **J.** **“IEP team”** means individuals who are involved in writing a student’s IEP. In accordance with 34 CFR Section 300.321, Individuals with Disabilities Education Act, this team may include:

 **(1)** the student’s parents or legal guardian;

 **(2)** at least one of the student’s general education teachers;

 **(3)** the student’s special education teacher;

 **(4)** an individual who can interpret the instructional implications of a student’s evaluation;

 **(5)** an individual representing the school system;

 **(6)** individuals with knowledge or special expertise about the student;

 **(7)** representatives from transition service agencies, if applicable; and

 **(8)** the student, if appropriate.

 [~~F.~~ **~~Individualized services~~** ~~- Transportation modifications recommended by the IEP committee to provide for the individual needs of students.]~~

 [~~G.~~ **~~Least restrictive environment (LRE)~~** ~~- To the maximum extent appropriate, students with disabilities, including those in public institutions or placed or referred by public agencies to private institutions or other care facilities, are educated with students who are not disabled within the most inclusive environment. Special classes, separate schooling, or other removal of students with disabilities shall occur only when the nature or severity of the disability is such that education in regular classes or other natural environments with the use of supplementary aids and services cannot be achieved satisfactorily.~~]

 [~~H.~~]**K.** “**On-duty time”** means time related to the driving, servicing, or operation of the vehicle, or those duties assigned or necessary that are related to a specific activity trip such as staying with the [~~bus~~] vehicle for security purposes or assisting with supervision of students. On-duty time also includes performing any compensated work for an entity that is not a motor carrier.

 [~~I.~~]**L.** [**~~School activity trip]~~ “Planned school-sponsored activity trip”** means transportation of school groups when the activity is [~~school sponsored~~] approved according to the local board of education’s policy. Activity trips do not include recurring transportation that is part of the school day.

 **M.** “**Roadway”** means that portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of berm or shoulder.

 [~~J.~~ **~~School bus~~** ~~– Any motor vehicle with a rated seating capacity of 10 or more operating under the jurisdiction of the state board of education which is used to transport children, students, or teachers to-and-from school or to-and-from a school sponsored activity as defined in the Motor Vehicle Code. (Section 66-1-4.16 NMSA 1978)~~].

 **N**. “**School bus”** means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events, but not including a vehicle:

 **(1)** operated by a common carrier, subject to and meeting all requirements of the public regulation commission but not used exclusively for the transportation of students;

 **(2)** operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the public regulation commission but is not used exclusively for the transportation of students;

 **(3)** operated as a per capita feeder as provided in Section 22-16-6 NMSA 1978; or

 **(4)** that is a minimum six-passenger, full-size, extended-length, sport utility vehicle operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA 1978.

 [~~K.~~ **~~School bus assistant~~** ~~– An individual employed by a school district, or private contractor who is assigned to an approved route, who is not a driver, to help the driver and students.~~]

 **O.** “**School bus assistant”** means an individual employed by an LEA or a transportation service provider to help the school bus driver and students. A school bus assistant shall be provided on school buses when necessary, when required by law or regulation, or when required by a student’s IEP.

 [~~L.~~ **~~School bus driver~~** ~~– An individual employed by a school district, or private contractor that has completed all certification and licensing requirements and is assigned to drive an approved bus route.~~]

 **P.** “**School bus driver”** means an individual employed by an LEA or a transportation service provider that has completed all federal, state, and department certification and licensing requirements and LEA criteria and is assigned to drive a school bus on an LEA-approved school bus route or on a school-sponsored activity trip in a school bus that meets requirements pursuant to 6.40.2 NMAC.

 [~~M.~~ **~~School bus driver instructor~~****~~(SBDI)~~****~~–~~** ~~Any person certified by the school transportation bureau] to provide [behind the wheel pre-service training for New Mexico school bus drivers~~.]

 **Q.** “**School bus driver instructor** **(SBDI)”** means a person certified by the department to provide mandatory pre-service training to applicants who want to drive a school bus in New Mexico.

 **R. “School bus route”** means a designated course regularly traveled by a school bus for to and from transportation to pick up students and take them to school or to deliver students from school to their homes or to designated school bus stops that are approved by the LEA. Should the typical number of students on a school bus route drop below the number of 10, it shall be the responsibility of the LEA to notify the department transportation director by phone or email immediately.

 [~~N.~~ **~~School district administrator~~****~~-~~** ~~An individual designated by a local district to be responsible for school transportation services and must oversee the administration of the pupil transportation program.~~]

 **S. “School of origin”** means the school in which the child or youth is enrolled at the time of placement in foster care or prior to becoming homeless.

 [~~O.~~]**T.** “**School-owned activity vehicle”** means a vehicle other than a school bus that is used to transport students [~~to planned school sponsored activities~~] to and from planned school-sponsored activity trips.

 **U. “School-owned activity vehicle driver”** means an individual who meets all qualifications, licensing requirements and LEA criteria to drive students on school-sponsored activities in school-owned vehicles other than school buses.

 **V.** “**School-owned activity vehicle instructor” or** **“AVI”** means a person certified by the school transportation bureau to provide mandatory pre-service training to driver applicants for school-owned activity vehicles.

 [~~P.~~]**W.** “**Serious traffic offense”** means [~~a conviction of~~] any of the following offenses contained in [~~the Motor Vehicle Code (Articles 1 through 8 of Chapter 66 NMSA 1978)~~] Sections 66-1-1 through 66-8-141 NMSA 1978:

 **(1)** speeding in excess of 15 miles above any posted speed limit;

 **(2)** reckless driving;

 **(3)** careless driving;

 **(4)** passing a school bus;

 **(5)** following too closely;

 **(6)** operating a commercial motor vehicle without holding a valid commercial driver’s license (CDL) along with any endorsements;

 **(7)** racing on a highway;

 **(8)** homicide or great bodily harm by vehicle;

 **(9)** injury to a pregnant woman;

 **(10)** failing to stop after an accident involving death or personal injury; or

 **(11)** operating a vehicle after suspension or revocation of a driver’s license.

 **X.** “**Sponsor”** means an individual, such as a coach, teacher, or parent who accompanies students on a school-sponsored activity trip.

 **Y.** “**Substitute school bus assistant”** means an individual employed by an LEA or transportation service provider to help the school bus driver and students when the assigned school bus assistant is absent.

 [~~Q.~~]**Z.** “**Substitute school bus driver”** means an individual employed by an [~~school district or private contractor~~] LEA or transportation service provider to operate a school bus on a [~~regular to-and-from~~] school bus route when the assigned school bus driver is absent. The substitute school bus driver shall meet all certification and licensing requirements of [~~the regular~~] a school bus driver.

 **AA.** **“Sport Utility Vehicle (SUV)”** means a sport utility vehicle or a crew cab pickup truck. This type of vehicle differs from a typical four-door sedan due to being constructed on a light or medium truck chassis, making it more rugged and giving it higher ground clearance. It must have four full-size doors and seat six to nine passengers. Vans and mini-vans are excluded from this definition.

 **BB.** “**To-and-from route serviced by an (SUV)”** means a designated course regularly traveled to pick up designated students at their designated pick-up location to take them to school or to deliver designated students from school to a designated drop-off location.

 [~~T.~~]**CC.** [**~~Transportation supervisor~~] “Transportation administrator”** [~~An individual, designated by the district superintendent, charter school, or district transportation provider, who has responsibility to monitor and/or guide the local school transportation program and/or drivers and who is required to make daily observations to detect reasonable suspicion for alcohol and/or substance use.~~] means an individual employed by the LEA superintendent or transportation service provider who has responsibility to monitor and guide the transportation program, drivers, and assistants and who is required to make daily observations to detect reasonable suspicion for alcohol or substance use or both.

 [~~R.~~]**DD.** “**Transportation as a related service”** [~~Transportation modifications and/or supportive services specified in the IEP as required to assist a student with disabilities to benefit from educational services in the least restrictive environment. If modifications and/or supportive services are not required, transportation is not a related service. When the student's needs do not require modifications, transportation is provided as a regular service if the student is eligible.~~] means specific modifications or support services or both that are required for transportation of a student with an IEP.

 [~~S.~~]**EE.** “**Transportation service provider”** means an individual or business that has entered into a binding agreement with the local board of education to provide school transportation services.

 [~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.8 [~~LOCAL BOARD OF EDUCATION RESPONSIBILITIES~~] RESPONSIBILITIES OF THE LOCAL BOARD OF EDUCATION:** Each local board of education is responsible for adopting transportation policies, which ensure a safe, timely, and efficient [~~unified~~] system of transportation for all eligible students, including children in foster care and homeless children and youth, within its jurisdiction. School transportation services for eligible students shall be provided by use of a school bus [~~and/or per capita feeder~~], per capita feeder route, or SUVs or a combination of school bus, per capita feeder route or SUV. Additional options for transportation of children in foster care or homeless children and youth may be explored while ensuring the safety of students. Therefore, each local board shall establish policies in the following areas.

 **A.** **Community, parent and staff involvement:** Each local board of education shall:

 **(1)** provide a platform for adequate community, parent, staff, and transportation service provider participation in the development of policies and procedures for providing transportation services to eligible students;

 **(2)** approve a policy defining the [~~school transportation~~] responsibilities of parents, students, teachers, staff, and transportation service providers;

 **(3)** provide a platform for [~~that~~] adequate information [~~and/or~~] and training [~~is~~] provided to the community, parents, and school personnel so that each understands the rights and responsibilities associated with transportation services;

 **(4)** approve a policy concerning complaints [~~regarding school transportation~~] from parents, students, transportation providers, and others regarding school transportation;

 ~~[~~**~~(5)~~** ~~approve a disciplinary policy and procedures including an appeal process applicable to all students transported on school buses; policies and procedures shall comply with all applicable federal and state regulations; district plans shall include methods for informing parents and students of the policies and procedures and of the appeal process.~~

 **~~(a)~~** ~~Discipline procedures for special education students shall be specified in the their individualized education plan (IEP). Disciplinary procedures must comply with all applicable federal and state regulations governing students with disabilities.~~

 ~~(b) The IEP committee shall identify the student's individual behavioral needs related to their area of disability (cognitive, social, emotional, and/or physical) and shall specify appropriate intervention strategies, support services, or other methods of responding to a student's behavioral needs. The student's capacity to understand and follow transportation rules shall be considered in the discipline plan documented in the IEP.~~

 ~~(c ) A component shall be included in the IEP that addresses the behavioral needs of the student while on the bus.~~

 ~~(d) If an incident or behavior occurs which may result in a student receiving special education services being suspended from the school bus or otherwise punished, the IEP committee will reconvene to review the IEP to develop or modify discipline procedures.~~

 ~~(e) Nothing contained herein shall prevent the emergency removal of any student from a school bus if the student endangers or reasonably appears to endanger the health, welfare, or safety of himself or herself, any other student, teacher, or employee.~~

 ~~(f)~~~~When emergency removal of the student from a school bus is necessary, the student's parents shall be notified immediately of the action. A written behavioral report shall be filed with the school and a copy provided to the parent.~~

 ~~(g) If a student with disabilities is removed from the school bus for emergency reasons the IEP committee reconvenes to determine if the student's conduct results from his or her disability and to recommend appropriate modifications or alternative transportation services.~~

 ~~(h)~~ ~~Termination of a special education student's bus service for more than ten days, either cumulative or consecutive, constitutes a change in service and requires the IEP committee's approval and revision of the IEP to provide appropriate transportation services. The IEP committee includes the parents.]~~

 **(5)** approve a policy concerning transportation as a related service for a student with an IEP as the IEP requires. The transportation administrator or designee shall be afforded the opportunity to participate in the development of the IEP as it relates to transportation;

 **(6)** approve disciplinary procedures, including an appeal process, applicable to all students being transported. The procedures shall comply with all applicable federal and state law and department regulation. Information regarding disciplinary procedures shall be provided to parents and students;

 **(a)** the procedures shall include the process for emergency removal of a student from a school bus;

 **(i)** if emergency removal of a student is necessary, the driver shall report the incident or behavior to the transportation administrator within 24 hours of the incident; and

 **(ii)** a written behavioral report shall be filed with the school and a copy of the report provided to the parents;

 **(b)** nothing contained herein or in local board of education policy shall prevent the emergency removal of any student from a school bus if the student endangers or reasonably appears to endanger the health, welfare, or safety of themselves, any other student, teacher, or employee;

 **(7)** approve disciplinary procedures including an appeal process applicable to students with an IEP being transported. The procedures shall comply with all applicable federal and state law and department regulation governing students with disabilities. Information regarding disciplinary procedures shall be provided to parents, students, and IEP teams;

 **(a)** disciplinary procedures for a student with an IEP shall be specified in the student’s IEP;

 **(b)** the procedures shall include the process for emergency removal of a student with an IEP from a school bus;

 **(i)** if emergency removal of a student is necessary, the driver shall report the incident or behavior to the transportation administrator within 24 hours of the incident; and

 **(ii)** the transportation administrator shall report each incident or behavior in writing to the LEA’s special education director within 24 hours of receiving the driver’s report;

 **(c)** nothing contained herein or in local school board policy shall prevent the emergency removal of any student from a vehicle if the student endangers or reasonably appears to endanger the health, welfare, or safety of themselves, any other student, teacher, or employee; and

 **(d)** suspension of transportation service for a student with an IEP for more than ten cumulative days requires a change in transportation service in that student’s IEP; and

 [~~(6)~~]**(8)** adopt and approve policies in specialized areas affected by federal regulations, state law, and new legislative initiatives related to school transportation.

 **B. Student services:** [~~Student transportation~~] Transportation is [~~a privilege~~] provided to students who are eligible for transportation pursuant to [~~state statutes,~~] Sections 22-16-2 and 22-16-4, NMSA 1978. Students who do not obey the state and local LEA regulations governing student transportation may have their transportation [~~privileges~~] services revoked by the [~~school district~~] LEA. Each local board of education and charter school, if applicable, shall adopt:

 **(1)** a student disciplinary policy for school transportation, including procedures for suspending a student's transportation privilege and for holding parents responsible for any malicious destruction to the [~~bus~~] vehicle or assault on a driver or others; policies shall [~~address students with disabilities and shall~~] be in agreement with and subject to procedural safeguards and protections specified in [~~state and federal regulations and state board of education~~] federal, state, and department regulations;

 [~~(2) a comparable travel time policy; the policy shall assure that transportation time for students with disabilities is comparable to that provided to neighborhood peers without disabilities; the local travel time policy shall consider the least distance from the student's home to the school site, travel time for non-disabled neighborhood peers and time associated with other services identified in the individualized education program (IEP); any variance from the comparable travel time policy shall be determined on a case-by-case basis by the student's IEP committee and shall be clearly stated in the IEP document.~~]

 **(2)** a comparable travel time policy that shall:

 **(a)** ensure that transportation time for a student with an IEP is comparable to transportation time provided to neighborhood students who do not have an IEP;

 **(b)** consider the least distance from a student with an IEP’s home to the school site as compared to the least distance from the homes of neighborhood students who do not have an IEP to the school site;

 **(c)** consider the time for other transportation services identified in the IEP. Any variance from the comparable travel time policy shall be determined on a case-by-case basis by the IEP team and shall be clearly stated in the IEP;

 **(3)** a policy regarding the transportation of [~~special~~] specialized personnel, such as licensed nurses and special education assistants, or other designated persons;

 [~~(4) a policy regarding the transportation of animals which accompany a student with disabilities; the policy shall at a minimum address the certification, training, and immunization of the animal;~~]

 **(4)** a policy regarding the transportation of animals that accompany a student with an IEP and shall ensure that the certification, training, and immunization requirements for the animal are completed and current;

 **(5)** a policy outlining acceptable procedures for medicine transport. The policy shall include the designated place for transport and the personnel authorized to administer medication during transport when necessary;

 **(6)** a policy regarding the maintenance of a [~~roster/seating~~] roster or seating chart for students who ride school buses;

 **(7)** a policy for providing transportation services for students eligible under Section 504 of the Rehabilitation Act of 1973 when such services are specified in the student's accommodation plan; and

 **(8)** [~~procedures~~] a policy covering a do not resuscitate request from the parents or guardians specific to the [~~school bus~~] student while the student is being transported on a school bus or school-owned activity vehicle.

 **C. [~~School bus contractor relationships~~] Relationship with transportation providers.** When [~~an outside contractor~~] a transportation service provider is contracted to provide [~~provides~~] school transportation services, each local board of education shall:

 **(1)** approve all contracts and contract amendments with [~~school bus-contractors~~] a transportation service provider in accordance with state law and [~~state board of education~~] department regulation;

 **(2)** approve a policy governing the termination of a contract with a [~~school bus contractor~~] transportation service provider in accordance with state law and [~~state board of education~~] department regulation;

 **(3)** include as a part of each contract a scope of work which ensures that this regulation and all other applicable state and federal regulations and state statutes and [~~state board of education~~] department regulations are adhered to; and

 **(4)** develop policy involving [~~criminal~~] finger-print based background checks in accordance with state law.

 [**~~D. School approved activities~~**

 ~~(1) Each local board of education shall adopt policies and procedures concerning the safety and welfare of students participating in school-sponsored activities.~~

 ~~(2) At a minimum the policies and procedures shall include:~~

 ~~(a) provisions for rest and relaxation for students and drivers during trips;~~

 ~~(b) local school boards shall also adopt procedures governing the use of school-owned or private vehicles other than school buses for transporting student's to-and-from such activities.]~~

 **D. School-sponsored activities:** Each local board of education shall adopt policies and procedures concerning the safety and welfare of students who are transported to and from school-sponsored activities. Policies and procedures shall comply with all applicable federal, state, and department regulations.

 **(1)** Vehicles used for school-sponsored activities shall be school-owned, leased, or private vehicles that meet the following department requirements:

 **(i)** vehicles shall not be vans or mini-vans;

 **(ii)** excluding buses, vehicles shall not seat less than six or more than nine people including the driver;

 **(iii)** excluding buses, vehicles shall have seat belts available for all occupants and all occupants are required to wear them while the vehicle is in motion;

 **(iv)** vehicles shall have available secure cargo storage or other adequate tie-down for securing items in the vehicle, excluding hitched trailers; and

 **(v)** trailers shall not be hitched to vehicles while the vehicle is transporting students.

 **(2)** Policies and procedures shall include provision for the use of coach buses, taking into account that coach buses do not meet current New Mexico school bus construction standards and school bus phase-out pursuant to Section 6.40.2 NMAC. A coach bus means a vehicle used for longer distance bus service and equipped with facilities for a longer bus trip.

 **(3)** Policies and procedures shall include provisions for rest and relaxation for students and the driver(s) during the trip.

 **(4)** Policies and procedures shall include procedures for releasing students on the activity trip to parents or guardians.

 **(5)** Policies shall explicitly state that prior to and during work periods all drivers, school bus assistants, and substitute school bus assistants have not used and do not use alcoholic beverages, illegal substances, or legal substances which would impair the driver’s or the assistant’s ability to perform required duties.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.9 [~~SCHOOL ADMINISTRATION RESPONSIBILITIES:~~] RESPONSIBILITIES OF THE LEA ADMINISTRATOR:**

 **A. General requirements:**

 [**~~(1)~~** ~~The school district administrator shall observe all federal and state laws and regulations, state board of education's regulations, and local board of education's policies and procedures.~~

 **~~(2)~~** ~~Prior to providing services, the local school superintendent shall ensure that each school bus contractor has a properly executed contract on a form approved by the state board of education.~~

 **~~(3)~~** ~~The school district administrator or designee shall verify current qualifications and training records on each school bus driver, substitute and bus assistant and verify that background checks and reference checks are made in accordance with applicable laws.~~]

 **(1)** The LEA administrator shall designate a transportation administrator to be responsible for student transportation.

 **(2)** The transportation administrator shall observe all federal and state laws, department regulations, and local board of education policies and procedures. The transportation administrator shall follow the New Mexico guide for school vehicle maintenance and safety audit program.

 **(3)** Prior to providing services, the transportation administrator of the LEA shall ensure that each transportation service provider has a properly executed contract on a form approved by the department.

 **(4)** The transportation administrator shall direct drivers, school bus assistants, and substitute school bus assistants on meeting all transportation requirements of students’ IEPs.

 **(5)** The transportation administrator shall, in accordance with applicable federal and state law and department regulation:

 **(a)** verify qualifications which include fingerprint-based background checks and reference checks made and completed for the following positions:

 **(i)** school bus driver;

 **(ii)** substitute school bus driver;

 **(iii)** activity school bus driver;

 **(iv)** school-owned activity vehicle driver;

 **(v)** SUV driver;

 **(vi)** school bus assistant; and

 **(vii)** substitute school bus assistant;

 **(b)** ensure proper training is provided by a qualified trainer and documented on the applicable pre-service training record as provided by the department. The training shall be completed prior to the drivers, school bus assistants, and substitute school bus assistants performing assigned duties; and

 **(c)** ensure ongoing training is provided and continuing requirements for drivers, school bus assistants, and substitute school bus assistants are met pursuant to Section 13 of 6.41.4 NMAC.

 [**~~(4)~~** ~~The school district administrator or designee shall establish written procedures to be followed in inclement weather and for emergency bus evacuations.~~]

 **(6)** The transportation administrator shall establish and provide to all drivers written procedures to be followed:

 **(a)** for immediate replacement of a vehicle when a vehicle fails pre-trip inspection;

 **(b)** during inclement weather; and

 **(c)** during school bus evacuation drills.

 [**~~(5)~~** ~~The school district administrator or designee shall provide to school bus drivers' vital emergency information for all students transported with special needs or special medical conditions. All vital emergency information shall be treated as a confidential record as provided by law.~~]

 **(7)** The transportation administrator shall secure and maintain all pertinent medical information provided by a medical professional or parent for students that are riding a school bus.

 **(8)** The [~~school district~~] transportation administrator, or designee, shall be available until all school [~~buses~~] bus drivers have completed their trips and all students have been properly delivered.

 **(9)** The [~~school district~~] transportation administrator [~~or designee~~] shall develop and implement a school transportation safety curriculum for students who ride school buses to and from school and [~~school~~] LEA-sponsored activity trips.

 **(10)** The [~~local school district~~] transportation administrator shall review for safety each student walk zone for each school on an [~~school-district~~] LEA approved cycle. The review cycle shall not exceed five years.

 **(11)** The transportation administrator shall ensure that school bus evacuation drills are performed and documented once per semester.

 **(12)** All school buses, activity school buses, and school-owned activity vehicles shall be alcohol, drug, and tobacco free areas. The transportation administrator shall ensure that, prior to or during work periods, all drivers and school bus assistants and substitute school bus assistants shall not use alcoholic beverages, illegal substances, or legal substances which would impair the driver’s or the assistant’s ability to perform required duties.

 **(13)** The transportation administrator shall ensure compliance with 49 CFR Part 382 by maintaining documentation including proof of contract and pools of driver names. Drivers who possess a CDL shall constitute a pool of names and the school-owned activity vehicle drivers shall constitute a separate pool of names for random drug and alcohol testing.

 **(14)** The transportation administrator shall arrange for and document in-service training that meets the department’s required hours for applicable staff.

 **B.** **Accidents:** In the event of a school bus accident or emergency, the [~~school district~~] transportation administrator shall:

 **(1)** promptly notify the [~~state school transportation unit~~] department by telephone if a school bus is involved in an accident that results in the death, serious injury or hospitalization of any [~~passengers, bus driver, pedestrian or other vehicle occupant~~] occupant of the school bus or other motor vehicle or a pedestrian;

 **(2)** promptly notify the [~~state school transportation unit~~] department if a school bus is involved in an accident in which possible mechanical failure may have been a contributing factor; [~~the possible defective part(s) shall be protected until the state school transportation unit provides directions~~]; and

 ~~[~~**~~(3)~~** ~~promptly notify the state school transportation unit by telephone, if a school bus is involved in an accident, which results in the death of a student passenger, bus driver, pedestrian, or other vehicle occupant;~~

**~~(4)~~** ~~provide a written report to the [state school transportation unit] department within seven calendar days of any accident;~~

**~~(5)~~** ~~adjudicate their reportable accidents preventable/non-preventable by use of the national safety council adjudication criteria; where the school bus operator does not concur with the local district determination of the adjudication, an appeal of the bus accident adjudication may be made to the state transportation director; the state transportation director's decision will be final.~~]

 **(3)** submit the uniform school bus accident and adjudication report to the department within seven calendar days of any accident.

 **C. Plan of action for emergencies:**

 **(1)** [~~Each school district, local transportation provider,~~] The transportation administrator shall provide to each transportation service provider and each driver [~~shall have~~] a written plan of action in case of an emergency covering:

 **(a)** vehicle trouble requiring evacuation;

 **(b)** vehicle trouble not requiring evacuation;

 **(c)** passenger trouble requiring transportation personnel intervention;

 **(d)** passenger trouble requiring police intervention; and

 **(e)** passenger trouble requiring medical intervention.

 [**~~(2)~~** ~~Student emergency drills or adequate alternate instruction shall be conducted twice a year for school buses. Student emergency drills or adequate alternate instruction shall be conducted prior to departure on school-owned vehicles used for activity trips. Types of drills are:~~

**~~(a)~~** ~~everyone exits through the rear emergency door;~~

**~~(b)~~** ~~everyone exits through the front service door;~~

**~~(c)~~** ~~students sitting in the front half of the bus exit through the front service door and students sitting in the back half of the bus exit through the rear emergency door;~~

**~~(d)~~** ~~if emergency doors are located mid-bus, students exit through the closest door;~~

**~~(e)~~** ~~on buses with roof hatches, instructions on there proper use.~~]

 **(2)** Student evacuation drills or adequate alternate instruction for to-and-from transportation services shall:

 **(a)** be documented;

 **(b)** be conducted once per semester;

 **(c)** be performed from the student’s to-and-from vehicle type;

 **(d)** include all drivers except school-owned activity vehicle drivers;

 **(e)** include all school bus assistants and substitute school bus assistants;

 **(f)** exempt students when they are limited in their capability to participate;

 **(g)** include the following types of school bus evacuation drills:

 **(i)** occupants exit through the rear emergency door;

 **(ii)** occupants exit through the front service door;

 **(iii)** occupants in the front half of the school bus exit through the front service door and occupants in the back half of the school bus exit through the rear emergency door. If any emergency door is located mid-bus, it shall be considered the rear emergency door; or

 **(iv)** occupants receive instructions on the proper use of roof hatches.

 **(h)** include the following types of SUV evacuation drills:

 **(i)** occupants exit through the nearest door;

 **(ii)** occupants exit through driver-side doors only; and

 **(iii)** occupants exit through passenger-side doors only;

 **(i)** adequate alternate instruction shall be verbal instruction on the location and operation of emergency exits and shall be presented by the driver to all vehicle occupants.

 **D.** **School bus routes:** [~~School district~~] The transportation administrator shall follow [~~public education~~] department regulations and procedures for the establishment and monitoring of school bus routes.

[**~~(1)~~** ~~districts shall establish written procedures allowing a given number of days to re-configure a route after the IEP committee has decided upon the type of transportation service.~~]

 **(1)** Loading and unloading shall occur, whenever possible, off the roadway and so that students do not have to cross the roadway. When it is impossible for a school bus to completely pull off the roadway, the driver shall remain on the roadway and use procedures provided in Subsection D of Section 11 of 6.41.4 NMAC.

[**~~(2)~~** ~~The local school district shall review for safety each school bus route on a school district approved cycle. The review cycle shall not exceed five years.~~]

 **(2)** Transportation administrators shall establish written procedures regarding adherence to school bus route pick-up and delivery times by both drivers and students. This information shall be available to parents and guardians of the students.

[**~~(3)~~** ~~School buses shall travel on interstate highways for expressing or "through-busing" only.~~]

**(3)** The transportation administrator shall review each school bus route on a district- approved cycle for safety and economy. The review cycle shall not exceed five years.

**[~~(4)~~** ~~The school district administrator shall establish a policy for the time limit required waiting for the student receiving modified services.~~]

 **(4)** The transportation administrator shall comply with local board of education policy regarding the number of days allowed to re-configure a school bus route when a student’s IEP has been modified and requires an adjustment to the student’s transportation.

 [**~~(5)~~** ~~The school district administrator shall establish written procedures for the delivery of a student when a parent or guardian is not present to receive the student receiving modified services.~~]

 **(5)** The transportation administrator shall establish a policy for the minimum time required for the school bus driver to wait for a student with an IEP who is receiving transportation as a related service to arrive at the school bus stop to be picked up. The policy shall also include information regarding the unloading of that student when returning the student to their school bus stop when a parent or guardian is not present to receive the student.

 **E. Loading and unloading students at schools:**

 [**~~(1)~~** ~~When loading and unloading, it is recommended that buses be parked bumper to bumper or as close as possible to avoid pupils from going between the buses and in a single file. In loading, buses shall be parked prior to dismissal time, if possible. School buses shall be parked into position in the order that they arrive at the school. It is also recommended that school bus loading zones be separated from general traffic areas whenever possible.~~

**~~(2)~~** ~~Whenever possible, loading and unloading at schools shall be done on school premises, away from regular vehicular traffic and playground areas. All school bus loading zones shall be properly marked by use of signs and pavement markings. The bus-loading zone shall be adequately staffed with administrative personnel or designee to monitor the loading/unloading of students.~~

**~~(3)~~** ~~If loading or unloading on the street, the bus shall be stopped parallel to the curb bumper to bumper or as close as possible to avoid pupils from going between the buses and in a single file on the side of the street nearest the school. Alternating flashers shall not be activated unless the bus is stopped on the traveled portion of the roadway.~~

**~~(4)~~** ~~The school bus engine must be off and the park brake activated while students are loading/unloading from school buses. Should the driver be required to leave the driver's seat, the keys shall be removed from the ignition switch. Exception: School buses with a wheelchair lift that meets construction standards requiring a vehicle interlock system for school buses built after July 1, 2003.~~

**~~(5)~~** ~~The local school district shall review for safety each school bus loading/unloading area at each school on a school district approved cycle. The review cycle shall not exceed five years.~~]

 **(1)** All school bus loading and unloading zones shall be properly marked by use of signs and pavement markings.

 **(2)** The school bus loading and unloading zones shall be adequately staffed with designated personnel to monitor the loading and unloading of students.

 **(3)** When loading and unloading, school buses shall be parked in a single file as close as possible to avoid students and other people from going between the school buses.

 **(4)** Whenever possible, loading and unloading shall be done on school premises and separated from general vehicular traffic areas and playground areas.

 **(5)** If loading or unloading must occur on the roadway, the school bus shall be stopped on the side of the roadway nearest the school. Alternating red flasher lights shall be activated when the school bus is stopped on the roadway.

 **(6)** When loading, school buses shall be parked prior to dismissal time, if possible. School buses shall be parked in the order in which they arrive at the school.

 **(7)** When loading or unloading students, the school bus parking brake shall be activated, the transmission shall be in neutral or in park, if equipped, and the engine off. Should the driver be required to leave the driver's seat, the keys shall be removed from the ignition switch. Exceptions to removing the key from the ignition switch include:

 **(a)** school buses built after July 1, 2003 that are equipped with an interlock for wheel chair lifts; and

 **(b)** school buses equipped with a child check safety system. In buses equipped with this system, the service door shall be closed when the driver leaves the driver’s seat.

 **(8)** The LEA shall review each school bus loading and unloading area at each school for safety on an LEA-approved cycle. The review cycle shall not exceed five years.

 **F.** **School bus stops:** [~~All school bus stops shall be established by a coordinated effort among the school district administrator and when appropriate the IEP team. The local public safety organization having jurisdiction shall also be included whenever necessary. Services shall be designed that safely, efficiently, and economically transport a student in a manner, which supports the student's educational program.~~] Transportation administrators shall establish all school bus stops and, when appropriate, include involvement from a student’s IEP team. The local public safety organization having jurisdiction shall also be included whenever necessary. Services shall be designed that safely, efficiently, and economically transport students.

 **(1)** The [~~local school district~~] transportation administrator shall review [~~for safety~~] each school bus stop for safety on an [~~school-district~~] LEA approved cycle. The review cycle shall not exceed five years.

 [**~~(2)~~** ~~No school bus stop shall be established where the view is obstructed to motorists for 500 feet in either direction. It because of natural conditions, a stop must be established with a view of less than 500 feet, the state highway department or other agency having jurisdiction shall establish special highway signing and operational procedures.~~]

 **(2)** School bus stops shall not be established where the view is obstructed to motorists for 500 feet in either direction. If, because of natural conditions, a stop must be established with a view of less than 500 feet, the LEA shall contact the state highway department or other agency having jurisdiction and request the installation of highway signage.

 [**~~(3)~~** ~~No school bus stop shall be established on any interstate highway with a controlled access. If necessary, stops shall be established on service or frontage roads adjacent to the interstate.~~]

 **(3)** School bus stops shall not be established on any interstate highway. If necessary, school bus stops shall be established on service or frontage roads adjacent to the interstate highway.

 **(4)** School bus stops shall, whenever possible, be established so that students do not have to cross the roadway.

 **(5)** [~~No school bus stop shall be made at:~~] School bus stops shall not be made:

 ~~[~~**~~(a)~~** ~~a streetcar crossing, or railroad crossing used exclusively for industrial switching purposes, within a business district;~~]

 **(a)** within 25 feet of any intersection.

 **(b)** at a railroad grade crossing where a stop-and-go traffic light controls movement of traffic;

 **(c)** at an abandoned railroad grade crossing which is marked with a sign indicating that the railroad is abandoned;

 **(d)** at an industrial or spur line railroad grade crossing marked with a sign reading "EXEMPT CROSSING"; or

 [**~~(e)~~** ~~within 25 feet of any intersection.~~]

 **(e)** at a railroad grade crossing used exclusively for industrial switching purposes within a business district or a streetcar crossing.

 **G.** **Identification of transportation needs for students with disabilities:**

 [**~~(1)~~** ~~Transportation needs for students with disabilities who request transportation as a related service shall be determined and specified on a individual case-by-case basis by each student's individual education program (IEP) committee. The committee shall utilize evaluation information from a variety of sources, including but not limited to, parent information, other related services assessments, medical information, assistive technology assessment, and other information from the student's multidisciplinary team evaluation.~~

 **~~(2)~~** ~~Decisions regarding transportation as a related service shall be guided by the principle of least restrictive environment (LRE), therefore, students with disabilities shall be transported with neighborhood peers who are not disabled unless restricted by health or safety considerations.~~ ~~When modifications to standard transportation are necessary, transportation personnel shall be afforded the opportunity to participate in the development of the IEP. The IEP document shall clearly state the transportation needs/modifications identified by the IEP team. If future circumstances require [significant] changes in services, any team member, including transportation personnel, may request that the committee reconvene to consider the student's transportation needs.~~]

 **(1)** Transportation needs for students with an IEP who require transportation as a related service is determined by each student’s IEP team and shall be included in the IEP.

 **(2)** When modifications to standard transportation are necessary, transportation personnel shall be afforded the opportunity to participate in the development of the IEP. The IEP document shall clearly state the transportation needs or modification or both identified by the IEP team and, if applicable, transportation personnel. If circumstances require changes in services, any team member may request that the team reconvene to consider the student's transportation needs.

 **H. [~~Provisions of transportation for students with disabilities:~~] Provisions for transportation of students with disabilities:**

 [**~~(1)~~** ~~Students with disabilities who require transportation as a related service shall be transported with neighborhood peers who are not disabled unless restricted by health or safety considerations. Modifications to standard transportation services shall be required through the IEP process and shall be stated in the IEP document.~~

[**~~(2)~~** ~~If due to serious health or safety considerations, an IEP committee determines that an individual student with disabilities cannot be transported with neighborhood peers who are not disabled, alternatives shall be considered. In providing alternatives, the district shall assure:~~

 **~~(a)~~** ~~instructional time equivalent to that of peers without disabilities, unless otherwise specified in the student's IEP;~~

 **~~(b)~~** ~~transportation time comparable to that provided for neighborhood peers without disabilities, unless otherwise specified in the student's IEP;~~

 **~~(c)~~** ~~access to other educational and related services specified in the student's IEP;~~

 **~~(d)~~** ~~access to and from the designated vehicle pickup/drop off point.~~

 **~~(3)~~** ~~Transportation shall be provided to students with disabilities to co-curricular activities and to extra-curricular activities. Such transportation however shall be paid from sources other than the transportation to-and-from funds.~~

 **~~(4)~~** ~~The procedural safeguards outlined in public education department regulations regarding due process procedures, protection in evaluation and delivery of services, least restrictive environment, and~~ ~~confidentiality of information, shall apply when considering transportation as a related service to students with disabilities.~~]

**(1)** In providing transportation as a related service to a student with an IEP, the LEA shall ensure:

 **(a)** all alternatives are considered if, due to serious health or safety considerations, an IEP team determines that a student with an IEP cannot be transported with neighborhood peers who are not disabled;

 **(b)** time transporting a student with an IEP is comparable to that provided for non-disabled neighborhood peers, unless otherwise specified in the student’s IEP;

 **(c)** access to and from the designated pickup and drop-off point; and

 **(d)** access to other educational and related services specified in the student's IEP.

 **(2)** Confidentiality of IEP and student medical information shall apply when transportation as a related service is provided to a student with an IEP.

 **I.** **Provisions of transportation for children and youth in foster care:**

 **(1)** TheLEA shall develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care. The procedures shall:

 **(a)** ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act;

 **(b)** ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their school of origin, the LEA will provide transportation to the school of origin if:

 **(i)** the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;

 **(ii)** the LEA agrees to pay for the cost of such transportation; or

 **(iii)** the LEA and the local child welfare agency agree to share the cost of such transportation; and

 **(c)** include,in addition to state and local funds that may be available for transportation, certain federal funds, if allowable under the grants, may be available to cover additional transportation costs to maintain children in foster care in their schools of origin.

 **(2)** LEAs shall provide transportation to maintain children in foster care in their school of origin even if it does not provide transportation for children that are not in foster care.

 **(3)** LEAs shall provide or arrange for adequate and appropriate transportation of children in foster care to and from the school of origin while any disputes are being resolved.

 [**~~J. School bus driver selection:~~**

**~~(1)~~** ~~The school district administrator or local transportation provider shall adhere to all applicable federal and state employment requirements when employing, re-employing or retaining a school bus driver. The employer shall maintain records verifying completion of the following procedures in their files:~~

**~~(a)~~** ~~completion of an application form that meets or exceeds state and federal requirements;~~

**~~(b)~~** ~~a check of the applicant's driving record through the New Mexico motor vehicle division, or the national driver register or other states' motor vehicle divisions; driver record checks shall be made annually;~~

**~~(c)~~** ~~a criminal background check in accordance with Section 22-10A-5 NMSA 1978; to determine if the applicant has a record of criminal convictions; the school district and transportation provider shall maintain an agreement, authorization, waiver and release form, in addition to a criminal history affidavit on any new employee working with children;~~

**~~(d)~~** ~~satisfactory completion of a department of transportation (DOT) physical examination;~~

**~~(e)~~** ~~verification that the driver is properly licensed as a school bus driver by the motor vehicle division;~~

**~~(f)~~** ~~a copy of the commercial drivers license examination; vehicle inspection, basic control skills and road test.~~

**~~(2)~~** ~~Each employer shall make available to each bus driver at the time of hiring the standards for providing transportation for eligible students and any local handbooks.~~]

 **J. Provisions of transportation for homeless children and youth:**

 **(1)** LEAs are responsible for reviewing and revising transportation policies that may act as barriers to the identification, enrollment, attendance or success in schools of homeless children and youth.

 **(2)** McKinney-Vento Act requires homeless children and youth to receive transportation that is comparable to what is available to non-homeless students.

 **(3)** LEAs shall adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian or in the case of the unaccompanied youth, the liaison, to and from the school of origin in accordance with the following requirements.

 **(a)** If the child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA shall provide or arrange for the child’s or youth’s transportation to and from the school of origin.

 **(b)** If the child or youth continues their education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally, pursuant to Section 6.42.2 NMAC.

 **(4)** LEAs may use McKinney-Vento subgrant funds or Title I funds to defray the excess costs of transporting homeless children and youth to and from their school of origin.

 **(5)** LEAs are required to provide adequate and appropriate transportation for homeless children and youth to and from the school of origin while enrollment disputes are being resolved.

 **(6)** LEAs shall continue to provide transportation to and from the school of origin to formerly homeless children and youth who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed.

 [**~~K. Activity trips school operated vehicles:~~** ~~Districts shall use an activity school bus any time the school sponsored activity involves more than 18 passengers and would require more than two school-owned vehicles to transport students during the same time frame to the same destination. If a school district chooses to use school owned vehicles, then the drivers of those vehicles are required to meet Subparagraphs (a) through (d) of Paragraph (1) of Subsection J of 6.41.4.9 NMAC; Section 6.41.4.11 NMAC and Section 6.41.4.13 NMAC of this regulation and shall meet the requirements of the Controlled Substances and Alcohol Use and Testing in accordance with 49 CFR Part 382.~~

**~~(1)~~** ~~School activity vehicles~~

**~~(a)~~** ~~A school bus assigned to a regular bus route during route times shall not be diverted to provide transportation for activity purposes.~~

**~~(b)~~** ~~Activity transportation shall be scheduled at times which shall not conflict with school buses fulfilling the primary obligation of providing transportation to and from school.~~

**~~(c)~~** ~~Overcrowding of regular school buses shall not be permitted in order to free certain vehicles for activity trips.~~

**~~(d)~~** ~~Vehicles purchased for the purpose of transporting students on school sponsored activities shall meet applicable United States department of transportation federal motor vehicle safety standards.~~

**~~(e)~~** ~~All vehicles with a rated seating capacity of 10 or more occupants used on activity trips shall meet New Mexico Minimum Standards for School Buses.~~

**~~(f)~~** ~~School-owned vehicles with a rated seating capacity of nine or fewer which are used to transport students on school-sponsored activity trips are not required to meet federal and state standards for school buses.~~

**~~(g)~~** ~~A vehicle other than a school bus that is used to transport students to school sponsored activities and meets the following criteria:~~

**~~(i)~~** ~~may not accommodate more than nine people including the driver;~~

**~~(ii)~~** ~~all occupants must have seat belts available and are required to wear them while the vehicle is in motion;~~

**~~(iii)~~** ~~a cargo net or other adequate securement tie-down shall be used or items shall be carried in an external cargo carrier; under no conditions shall the weight of the passengers and luggage exceed the manufactures gross vehicle weight rating (GVWR) as specified on the vehicle license and registration form;~~

**~~(iv)~~** ~~acceptable vehicles include six to nine passenger models;~~

**~~(v)~~** ~~when school owned vehicles are used for student transportation, school districts shall comply with all applicable state statutes and comply with child restraint recommendations from the national highway traffic safety administration (NHTSA);~~

**~~(vi)~~** ~~local board of education shall adopt policy which defines the replacement cycle for school owned vehicles;~~

**~~(vii)~~** ~~unacceptable vehicles are vans and/or mini-vans.~~

**~~(2)~~** ~~Maximum driving time: The following maximum driving and on-duty time shall apply to drivers of school-sponsored activity vehicles:~~

**~~(a)~~** ~~A driver operating a motor vehicle for the purpose of transporting students to or from a school sponsored activity shall not have more than 10 hours total driving time, or more than eight hours continuous driving time. A driver shall not be permitted to be on-duty a total of more than 15 hours in a 24-hour period.~~

**~~(b)~~** ~~The following conditions shall be met in order for a driver to be considered "off duty":~~

**~~(i)~~** ~~The driver is relieved of duty and all responsibility for the care and custody of the vehicle, its accessories, or any cargo or passengers.~~

**~~(ii)~~** ~~The duration of the driver's relief from duty is a specified, adequate period of time to allow the driver to rest and to pursue activities of his/her choosing off the premises where the vehicle is situated.~~

**~~(3)~~** ~~Responsibilities of sponsors: Activity sponsors shall be responsible for students on and off the vehicle and for the following:~~

**~~(a)~~** ~~preparation and submission of trip requests in accordance with the local board of education's policies;~~

**~~(b)~~** ~~notification to the school district administrator or designee of any schedule changes;~~

**~~(c)~~** ~~assurance that student(s) are at the departure points at the appointed time;~~

**~~(d)~~** ~~supervision of the loading and unloading of the vehicle;~~

**~~(e)~~** ~~assurance of the orderly conduct and discipline of students during the trip;~~

**~~(f)~~** ~~in an evacuation of the vehicle, supervision of students and maintain control of student passengers;~~

**~~(g)~~** ~~all arrangements on overnight trips for meals and lodging, including the driver;~~

**~~(h)~~** ~~provision for adequate rest stops;~~

**~~(i)~~** ~~maintenance of a student roster and taking roll each time students disembark and return to the vehicle;~~

**~~(j)~~** ~~the person responsible for the group or activity shall not have the additional responsibility of driving the school activity bus.~~

**~~(4)~~** ~~Funding: School activity trips shall be paid from budgeted school activity funds, and not from to and from transportation funds.~~

**~~(5)~~** ~~Activity trip tickets: Any school vehicle/bus used to transport pupils on school-sponsored activity trips outside the school district's boundaries shall carry an activity trip ticket. School districts are not required to have an activity trip ticket if a commercial common carrier is used to transport students on the activity trip; however, the school district shall maintain a copy of the contract for the transportation services for the sponsored activity.~~

**~~L.~~** ~~Provide training for transportation supervisors/administrators and other school district or charter school employee(s) who are responsible for supervision of the school transportation program and/or school employed drivers: Annually a minimum of two hours of in-service training is required. The contents of the training will be determined by the state transportation director.~~

 **K. Dispute resolution** **regarding the transportation of children in foster care and homeless children and youth:**

 **(1)** To the extentfeasible and appropriate,LEAs must ensure children in foster care remain in their school of origin while disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

**(2)** Homeless children and youth shall be provided adequate and appropriate transportation to and from the school of origin while disputes are being resolved.

**(3)** LEAs shall work with child welfare agencies, unaccompanied youth liaisons, and parents and guardians to resolve disputes at the lowest level possible.

**(4)** If disputes are unable to be resolved at the local level, applicable parties may access dispute resolution procedures available at the department including those pursuant to 6.10.3 NMAC.

 **L. Student behavior:**

 **(1)** When a student’s behavior on a school bus or at a designated school bus stop endangers the safety of others, the student shall be suspended from [~~the transportation vehicle~~] being transported according to local board of education policies and [~~public education~~] department regulations.

 **(2)** If an incident or behavior occurs involving a student with an IEP, the driver shall report each incident or behavior to the transportation administrator within 24 hours of the incident. Provisions for removal and reinstatement of transportation services for students with disabilities shall be specified in the [~~local board of education's~~] LEA’s policies and in the student's IEP.[~~In the interim, the student with the disability may require other means to access educational services.~~ ] Any change in related service(s) transportation must be made through the IEP process, and the procedural safeguards specified in [~~public education~~] department regulations shall apply. The transportation administrator shall report each incident or behavior within 24 hours of receiving the driver’s report to the LEA’s special education director or appropriate administrator. The incident or behavior shall be addressed by the student’s IEP team.

 **M. Process for pre-employment screening of initial commercial driver’s license (CDL) driver applicants:** The employer shall adhere to all applicable federal, state, and department employment requirements.

 **(1)** The employer shall verify the following documentation is in each driver applicant’s file:

 **(a)** a complete LEA-approved application form that meets or exceeds federal, state and department requirements;

 **(b)** a copy of the driver applicant’s current and valid driver’s license, verified by the employer;

 **(c)** a fingerprint-based background check. Effective January 1, 2006, a person applying for full or part-time employment with an LEA or transportation service provider to operate a vehicle for the purpose of transporting students shall, at the person’s own expense, submit to a fingerprint-based background check pursuant to Section 22-10A-5 NMSA 1978;

 **(i)** the finger-print based background check shall be conducted prior to employment;

 **(ii)** the applicant shall not qualify if there is a conviction of any violation of the Controlled Substances Act;

 **(iii)** the applicant shall not qualify if there is a conviction of child abuse pursuant to Section 30-6, NMSA 1978, Crimes Against Children and Dependents;

 **(iv)** the applicant shall not qualify if there is a conviction of any other criminal offense in which a child was a victim as defined or prescribed by the offense;

 **(v)** the employer shall maintain on file an agreement, authorization, and waiver and release form in addition to a criminal history affidavit on any newly-hired employee employed to operate a vehicle for the purpose of transporting students; and

 **(vi)** the fingerprint-based background check requirement does not apply to any person who, as of January 1, 2006 was already engaged in full or part-time employment to operate a vehicle used to transport students, unless the employer’s policies require it;

 **(d)** a department of transportation (DOT) medical examiner’s certificate indicating that a DOT physical examination was passed in accordance with DOT and federal motor carrier safety administration requirements. The DOT physical examination form that is current on the date of the examination must be used. The transportation administrator or the department may require a DOT physical examination be performed at any time, and the medical examiner’s certificate shall be provided to all appropriate parties;

 **(e)** a completed New Mexico school bus driver pre-service training record per the current SBDI manual provided by the department;

 **(i)** an SBDI certified by the department shall conduct instruction using the current SBDI manual provided by the department;

 **(ii)** all pre-service training shall be documented on the appropriate pre-service training record as per the SBDI manual provided by the department;

 **(iii)** pre-service training shall be administered in a 65-71 passenger type C school bus. When the driver applicant is expected to operate more than one size and type of school bus, training shall be given on the specific handling characteristics of each size and type of school bus the driver applicant may be assigned to drive once all pre-service training has been completed;

 **(iv)** all behind the wheel instruction shall be administered under the supervision of an SBDI and without student passengers or other persons on board except other school bus driver applicants;

 **(v)** observation time shall include riding in a school bus with a licensed school bus driver driving on a school bus route or in observation of other school bus driver applicants driving under the supervision of an SBDI. Observation time shall also include actual school bus route orientation with a licensed school bus driver; and

 **(vi)** if the school bus driver applicant has completed a department-approved first aid and cardiopulmonary resuscitation (CPR) course taught by a certified instructor and the certificate is current, the certificate shall be provided to the transportation administrator. This shall satisfy the requirement for first aid and CPR on the school bus driver pre-service training record. On-line courses are not acceptable;

 **(f)** a printout of the driver applicant's current driving record through the New Mexico motor vehicle division or the national driver register or other states' motor vehicle divisions. Verification includes the driver applicant’s eligibility to be a driver. The driver applicant shall not be eligible if their driving record shows the driver applicant has:

 **(i)** been convicted of driving while intoxicated (DWI) or driving under the influence (DUI) of intoxicating liquor or drugs within three years of the date of application for employment;

 **(ii)** been convicted of a DWI or driving while intoxicated (DUI) between three years and 20 years prior to the date of application for employment unless the person provides written verification from a licensed counselor or physician that the person has successfully completed an alcohol or drug abuse counseling program. On-line programs are not acceptable;

 **(iii)** been convicted two or more times for DWI or DUI;

 **(iv)** had their driver’s license suspended or revoked within five years of the date of application for employment for any serious traffic offense;

 **(v)** been convicted of more than three serious traffic offenses within three years of the date of application for employment; or

 **(vi)** been convicted of any felony;

 **(g)** a copy of the CDL test results, if available.

 **(2)** The employer shall make available to each driver applicant at the time of hiring a current copy of 6.41.4 NMAC and any applicable LEA handbooks.

 **N.** **Process for pre-employment screening of returning CDL driver applicants:** The employer shall adhere to all applicable federal, state and department employment requirements.

 **(1)** A returning CDL driver applicant is a person with previous certification as a CDL driver in New Mexico.

 **(a)** If the returning driver applicant has been employed as a school bus driver during the previous 12 months of the date of application, the driver applicant shall:

 **(i)** provide a completed appropriate department-approved pre-service training record or certificate documenting previous New Mexico school bus driver training and;

 **(ii)** receive in-service training as provided by the transportation administrator and documented on the appropriate in-service training record per the current SBDI manual provided by the department.

 **(b)** If the returning driver applicant has not been employed as a school bus driver for more than 12 months prior to the date of application, or the returning driver applicant cannot provide their New Mexico school bus driver pre-service training record, the returning driver applicant shall complete pre-service training pursuant to the current SBDI manual provided by the department.

 **(2)** The employer shall verify documentation pursuant to the requirements listed in Paragraph (1) of Subsection M of 6.41.4.9 NMAC is in each returning driver applicant’s file. A returning driver applicant’s file shall also include a New Mexico returning school bus driver in-service training record.

 **(3)** The employer shall make available documents pursuant to Paragraph (2) of Subsection M of 6.41.4.9 NMAC.

 **O. Process for pre-employment screening of school-owned activity vehicle driver applicants:** The employer shall adhere to all federal, state and department employment requirements when employing a school-owned activity vehicle driver.

 **(1)** The employer shall verify the following documentation is in each driver applicant’s file:

 **(a)** a completed employment application form that meets or exceeds federal, state and department requirements unless the applicant is currently employed by the LEA;

 **(b)** documentation pursuant to requirements listed in Subparagraphs (b), (c) and (f) of Paragraph (1) of Subsection M of 6.41.4.9 NMAC;

 **(c)** a completed New Mexico school-owned activity vehicle driver pre-service training record per the current SBDI manual provided by the department;

 **(i)** training shall be provided by an SBDI with activity vehicle (AV) certification by the department or an activity vehicle instructor (AVI) certified by the department using the current SBDI manual provided by the department;

 **(ii)** as part of the pre-service training, the driver applicant must complete a defensive driving course (DDC) that is nationally recognized and approved by the department. In lieu of AV-certified SBDI or AVI DDC training, a certificate of completion of a DDC course that is approved by the department may be accepted. The certificate of completion shall be dated within four years of the driver applicant’s date of application; and

 **(iii)** as part of the pre-service training, the driver applicant must complete a department-approved first aid and CPR course taught by a certified instructor. A certificate from the completed course shall be provided to the transportation administrator. If the driver applicant has a current certificate from a department-approved complete first aid and CPR course, this shall satisfy the requirement. On-line courses are not acceptable.

 **(2)** The employer shall make available documents pursuant to Paragraph (2) of Subsection M of 6.41.4.9 NMAC.

 **P.** **Process for pre-employment screening of school bus assistant and substitute school bus assistant applicants:** The employer shall adhere to all applicable federal, state, and department employment requirements.

 **(1)** The employer shall maintain the following documentation in each school bus assistant and substitute school bus assistant’s file:

 **(a)** a completed employment application form that meets or exceeds federal, state and department requirements unless the applicant is currently employed by the LEA;

 **(b)** a fingerprint-based background check pursuant to the requirements listed in Subparagraph (c) of Paragraph (1) of Subsection M of 6.41.4.9 NMAC;

 **(c)** a physical examination record;

 **(i)** the physical examination shall be completed before the assistant begins performing duties; and

 **(ii)** the transportation administrator or the department may require a new physical examination be performed at any time;

 **(d)** a completed New Mexico school bus assistant pre-service training record as provided by the department documenting instruction was provided by an SBDI certified by the department; and

 **(e)** a current first aid and CPR certificate. On-line first aid and CPR courses are not acceptable.

 **(2)** The applicant shall not qualify if they have:

 **(a)** been convicted of any felony;

 **(b)** a conviction for any violation of the Controlled Substances Act;

 **(c)** been convicted of child abuse pursuant to Section 30-6, NMSA 1978, Crimes Against Children and Dependents; or

 **(d)** been convicted of any other criminal offense in which a child was a victim as defined or prescribed by the offense.

 **(3)** The employer shall make available documents pursuant to Paragraph (2) of Subsection M of 6.41.4.9 NMAC.

 **Q.** **Continuing standards for drivers:** Any individual who currently drives a vehicle transporting students shall no longer be eligible to transport students if they receive any of the following:

 **(1)** a conviction for driving a vehicle while under the influence of intoxicating liquor or drugs;

 **(2)** a suspension or revocation of driver’s license for any serious trafficoffense**;**

 **(3)** convictions for more than three serious trafficoffenses; or

 **(4)** any convictions pursuant to Paragraph (2) of Subsection P of 6.41.4.9 NMAC.

 **R.** **Background check requirements for drivers, school bus assistants, and substitute school bus assistants:** The background check requirements pursuant to 6.41.4.9 NMAC, shall not apply to anyone who, as of January 1, 2006 was already engaged in full or part time employment to operate a vehicle to transport students. LEAs may require additional background check information.

 **S.** **Required documentation for files**: In addition to the required pre-employment screening documentation pursuant to 6.41.4.9 NMAC, the documentation below shall be maintained in the employee’s file.

 **(1)** Employee files for school bus drivers, substitute school bus drivers and drivers of activity buses shall include:

 **(a)** a copy of current CDL;

 **(b)** a current medical examiner’s certificate for a DOT physical examination;

 **(i)** a DOT physical examination shall be renewed every 24 months from the date of the last examination, or earlier as requested by a licensed medical professional;

 **(ii)** the current DOT physical examination form must be used; and

 **(iii)** additional DOT physical examinations may be requested by the employer or the department;

 **(c)** a driving record printed annually then verified for eligibility. The driver’s current driving record shall be obtained through the New Mexico motor vehicle division or the national driver register or other states' motor vehicle division. The driver shall no longer be eligible if they have received:

 **(i)** a conviction for DWI or DUI;

 **(ii)** a suspension or revocation of their driver’s license for any serious traffic offense;

 **(iii)** convictions for more than three serious traffic offenses; or

 **(iv)** a conviction for any felony;

 **(d)** documented in-service training as per the department’s requirements;

 **(i)** in-service training shall be pro-rated for newly-hired drivers for their first year of employment for the number of quarters employed. Quarters during the calendar year are as follows: January 1 to March 31; April 1 to June 30; July 1 to September 30; and October 1 to December 31;

 **(ii)** to remain qualified, drivers shall complete a total of eight hours in-service training per semester . Semesters during the calendar year are as follows: January 1 to June 30 and July 1 to December 31;

 **(iii)** in-service training shall be documented by the transportation administrator or designee with the date of training, hours trained, trainer’s name, printed and signed name of attendees, and topic or topics discussed. Such documents shall be stored in files maintained by the employer;

 **(iv)** drivers who do not complete the required hours of in-service training per semester are disqualified from duty until those hours of in-service training are completed. The department may determine the in-service training topics.

 **(2)** Employee files for school-owned activity vehicle drivers shall include:

 **(a)** a copy of current driver’s license;

 **(b)** a current medical examiner’s certificate indicating that a physical examination in accordance with DOT and federal motor carrier safety administration requirements was passed;

 **(i)** the DOT physical examination form that is current on the date of the examination must be used; and

 **(ii)** additional physical examinations on the DOT form may be requested by the employer or the department;

 **(c)** a driving record printed annually then verified for eligibility pursuant to the requirements listed in Subparagraph (c) of Paragraph (1) of Subsection S of 6.41.4.9 NMAC.

 **(3)** Employee files for school bus assistants and substitute school bus assistants shall include:

 **(a)** a copy of current first aid and CPR certificate; and

 **(b)** documented in-service training pursuant to the requirements listed in Subparagraph (d) of Paragraph 1 of Subsection S of 6.41.4.9 NMAC.

 **T. School-sponsored activity trips:** When a planned school-sponsored activity trip involves more than 18 people, including the drivers, or would require more than two school-owned activity vehicles to transport students during the same time frame to the same destination, the LEA shall use an activity school bus. A transportation service provider may use an activity bus or a school-owned activity vehicle. Passenger management, as described in Paragraph (7) of Subsection T of 6.41.4.9 NMAC, shall not be an additional responsibility of the driver of the activity bus or a school bus assistant on an activity trip.

 **(1)** When an activity bus is used for a school-sponsored activity trip:

 **(a)** the activity bus shall meet the requirements pursuant to 6.40.2 NMAC;

 **(b)** the activity bus shall not carry more than the manufacturer-rated seating capacity;

 **(c)** the employer shall not use a school bus assigned to a school bus route to provide transportation for any LEA-sponsored activity trips if doing so will interfere with its operation on its assigned school bus route;

 **(d)** the employer shall not temporarily reassign any students from one school bus route to another school bus route in order to free-up a school bus for an activity trip; and

 **(e)** on an activity bus that includes transporting equipment:

 **(i)** items shall not occupy needed seating space;

 **(ii)** items shall not be placed in the driver's compartment;

 **(iii)** all items shall be properly secured; and

 **(iv)** aisle and exits shall not be blocked.

 **(2)** When a school-owned activity vehicle is used on a school-sponsored activity trip:

 **(a)** the school-owned activity vehicle shall meet applicable federal motor vehicle safety standards (FMVSS);

 **(b)** the driver operating a school-owned activity vehicle shall meet all requirements for school-owned activity vehicle drivers, pursuant to Subsection O of 6.41.4.9 NMAC;

 **(c)** the school-owned activity vehicle shall not carry more than the manufacturer-rated seating capacity;

 **(d)** the school-owned activity vehicle shall meet the following criteria:

 **(i)** the school-owned activity vehicle shall not be vans or mini-vans;

 **(ii)** the school-owned activity vehicle shall not seat less than six and no more than nine people including the driver;

 **(iii)** the school-owned activity vehicle shall have seat belts available for all occupants, and all occupants are required to wear them while the vehicle is in motion;

 **(iv)** the school-owned activity vehicle shall have available a cargo net or other adequate tie-down for securing items in the vehicle; excluding hitched trailers;

 **(v)** trailers shall not be hitched to school-owned activity vehicles while the vehicle is transporting students;

 **(vi)** the school-owned activity vehicle shall not exceed the manufacturer’s gross vehicle weight rating (GVWR) as specified on the vehicle license and registration form; the GVWR includes the weight of the passengers and luggage; and

 **(vii)** the school-owned activity vehicle shall be in compliance with all applicable federal, state, and department regulations, and with child restraint guidelines from the national highway traffic safety administration (NHTSA);

 **(e)** on a school-owned activity vehicle that includes transporting equipment shall transport equipment pursuant to the requirements listed in Subparagraph (e) of Paragraph (1) of Subsection T of 6.41.4.9 NMAC;

 **(f)** the school-owned activity vehicle shall be replaced in accordance with the local board of education’s policy which defines the replacement cycle for school-owned activity vehicles.

 **(3)** The following time limits shall apply to drivers of LEA-sponsored activity trips.

 **(a)** A driver shall not have more than eight hours continuous driving time and no more than 10 hours total driving time.

 **(b)** A driver shall not be permitted to be on-duty more than 15 hours in a 24-hour period.

 **(c)** A driver shall have eight consecutive off-duty hours before resuming on-duty time.

 **(d)** A driver is considered off-duty if relieved of all duties and responsibilities for the care and custody of the vehicle, its accessories, cargo, and passengers.

 **(4)** An activity trip ticket that documents and authorizes the activity trip shall be prepared, signed, and provided to the driver if the activity trip requires travel outside of the LEA’s geographic boundary.

 **(5)** LEAs are not required to have an activity trip ticket if a common carrier is used to transport students on an LEA-sponsored activity trip. However, the LEA shall maintain a copy of the contract for the transportation services for the LEA-sponsored activity trip.

 **(6)** Drivers shall be informed of and responsible for the following while driving on school-sponsored activity trips in addition to the applicable responsibilities of drivers pursuant to 6.41.4.11 NMAC:

 **(a)** compliance with all federal, state, department and employer policies and regulations;

 **(b)** care of and safe and efficient operation of the school bus or school-owned activity vehicle at all times;

 **(c)** performance and documentation of a thorough pre-trip inspection of the school bus and special equipment prior to departure, unless completed and documented by other qualified personnel;

 **(d)** conducting emergency evacuation drills or providing adequate alternate instruction to all passengers prior to departure. An LEA-approved document shall be provided to the driver for the driver and the sponsor to sign in evidence that such has been completed before beginning each school-sponsored activity trip;

 **(e)** ensuring the safety of all passengers while they are in the school bus or school-owned activity vehicle;

 **(f)** ensuring all passengers are properly seated with seat belts in use when the driver is operating a school-owned activity vehicle;

 **(g)** maintaining a trip ticket when one is required. The driver shall, upon request, show the signed activity trip ticket to any state police officer or other law enforcement officer, DOT officer, or staff member of the department;

 **(h)** notifying the transportation administrator or designee and obtaining their approval prior to incorporating a change if there are any changes in the route or itinerary;

 **(i)** notifying the transportation administrator or designee of all emergencies that arise;

 **(j)** maintaining and submitting to designated employer personnel all records pertinent to the trip including signed documentation that adequate emergency evacuation instruction was conveyed to all passengers;

 **(k)** ensuring that prior to departure and the return journey, the school bus or school-owned activity vehicle is clean, completely serviced, and inspected, noting the condition of the vehicle in writing on the appropriate form and signing the form;

 **(l)** ensuring the school bus or school-owned activity vehicle shall not be fueled with passengers on board unless there are exceptional circumstances when it is impractical to unload;

 **(m)** ensuring that no students remain on the school bus or school-owned activity vehicle unless the driver or a school sponsor is on board. At the conclusion of the school-sponsored activity trip, ensure that no one is on the school bus or school-owned activity vehicle; and

 **(n)** ensuring that the sponsors are seated throughout the bus.

 **(7)** School sponsors shall be notified of the following responsibilities for each school-sponsored activity trip:

 **(a)** preparing and submitting activity trip requests in accordance with federal, state and department regulations as well as the local board of education's policies;

 **(b)** ensuring there are an adequate number of disciplinary staff;

 **(c)** notifying the transportation administrator or designee of any schedule changes;

 **(d)** assuring that student(s) are at the departure point(s) at the appointed time;

 **(e)** supervising the loading and unloading of the vehicle;

 **(f)** maintaining a student roster and taking roll each time students load onto the vehicle;

 **(g)** assuring the orderly conduct and discipline of students on and off the vehicle;

 **(h)** supervising and maintaining control of student passengers in case of an emergency;

 **(i)** providing for adequate rest stops;

 **(j)** making all arrangements on overnight trips for meals and lodging, including the driver’s meals and lodging;

 **(k)** ensuring all school buses, activity school buses, and school-owned activity vehicles are alcohol, drug and tobacco free areas. Prior to or during work periods, all persons shall not use alcoholic beverages, illegal substances, or legal substances which would impair the individual’s ability to perform required duties; and

 **(l)** ensuring that all school buses, activity school buses, and school-owned activity vehicles are alcohol, drug and tobacco free areas. The sponsor shall ensure that, prior to and during work periods, all drivers, school bus assistants, and substitute school bus assistants have not used and do not use alcoholic beverages, illegal substances, or legal substances which would impair the driver’s or the assistant’s ability to perform required duties in accordance with LEA policies.

 **(8)** School-sponsored activity trips shall be paid from budgeted school-sponsored activity funds and not from current fiscal year to-and-from transportation funds.

 **U.** **Training:**

 **(1)** Transportation administrators shall provide training for other administrators and for other LEA employees who are responsible for supervision of the school transportation program and school employed drivers.

 **(2)** A minimum of two hours of in-service training is required annually. The contents of the training will be determined by the department.

[~~12/31/1998; 2/14/2000; 6.41.4.9 NMAC - Rn, 6 NMAC 9.5.3.9 & A, 7/1/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**[~~6.41.4.10 TRANSPORTATION PROVIDER RESPONSIBILITIES:~~**

**~~A.~~****~~These services include:~~**

**~~(1)~~** ~~cooperating with the school district administrator to provide safe and efficient transportation services for all eligible students;~~

**~~(2)~~** ~~keeping all required vehicle maintenance records;~~

**~~(3)~~** ~~hiring all drivers, substitute drivers and assistants in accordance with local policy, public education department regulations and Section 22-10-3.3 NMSA 1978;~~

**~~(4)~~** ~~providing all training for drivers and assistants;~~

**~~(5)~~** ~~maintaining all driver and assistant training records;~~

**~~(6)~~** ~~hiring mechanics and office support personnel;~~

**~~(7)~~** ~~attending IEP meetings as necessary to provide safe related services as required and justified in the student's IEP;~~

**~~(8)~~** ~~maintain all school buses and all safety equipment on school buses i.e., fire extinguishers, seat belts, wheelchair tie-downs, lifts, two-way radios, and first aid kits;~~

**~~(9)~~** ~~complete and accurately report information required by the state transportation director and local school district.~~

**~~B.~~****~~Equipment recall:~~** ~~Any school bus owner, when notified to return the vehicle for modification or repair by an automotive manufacturer, distributor, public education department or federal agency, shall comply immediately with the directive.~~

**~~C.~~****~~Training material:~~** ~~Each employer shall make available to each bus driver at the time of hiring the Standards for Providing Transportation for Eligible Students and any local handbooks.~~

**~~D.~~****~~Provide training for transportation providers and their employees who have supervisory responsibility of school bus drivers:~~** ~~Annually a minimum of two hours of in-service training is required. The contents of the training will be determined by the state transportation director.~~]

**6.41.4.10 REQUIREMENTS OF TRANSPORTATION SERVICE PROVIDERS:**

 **A.** **General requirements:** The transportation service providers shall:

 **(1)** designate a transportation administrator who shall:

 **(a)** fulfill the responsibilities pursuant to those listed in 6.41.4.9 NMAC; and

 **(b)** cooperate with the LEA administration to provide safe and efficient transportation services for all eligible students;

 **(2)** keep all required vehicle maintenance records;

 **(3)** hire all school bus drivers, substitute school bus drivers, activity school bus drivers, school bus assistants, and substitute school bus assistants in accordance with LEA policies, federal, state, and department regulations, and Section 22-10-3.3 NMSA 1978;

 **(4)** maintain all school bus driver, substitute school bus driver, activity school bus driver, school bus assistant, and substitute school bus assistant files with required documentation in accordance with federal, state and department regulations;

 **(5)** hire mechanics and office support personnel;

 **(6)** provide to all drivers written procedures to be followed:

 **(a)** during inclement weather; and

 **(b)** during school bus evacuation drills;

 **(7)** provide to each driver an LEA-approved written plan of action in case of an emergency covering:

 **(a)** vehicle trouble requiring evacuation;

 **(b)** vehicle trouble not requiring evacuation;

 **(c)** passenger trouble requiring transportation personnel intervention;

 **(d)** passenger trouble requiring police intervention; and

 **(e)** passenger trouble requiring medical intervention.

 **B. Equipment:** The transportation service provider shall:

 **(1)** maintain all school buses to manufacturer specifications and all safety equipment on school buses to federal, state and department specifications;

 **(2)** report complete and accurate information required by the department’s transportation director or designee and the LEA; and

 **(3)** comply immediately with equipment recalls by taking a vehicle that has an equipment recall by a manufacturer, a distributor, a federal or state agency, or the department to an approved location as per the recall notification for modification or repair.

 **C.** **Training:** The transportation service provider shall:

 **(1)** provide pre-service and in-service training for all drivers and all school bus assistants in accordance with the department regulations;

 **(2)** provide training for transportation service providers’ employees who have supervisory responsibility of school bus drivers. A minimum of two hours of training is required annually. The contents of the training will be determined by the department transportation director.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**[~~6.41.4.11 SCHOOL BUS DRIVERS, SUBSTITUTES, AND BUS ASSISTANTS RESPONSIBILITIES:~~**

**~~A. Accidents and emergencies:~~** ~~The term vehicle is used in this section to refer both to a school bus and to school-owned vehicles used to transport students to and from school and school-sponsored activity trips.~~

**~~(1)~~** ~~Reasons for emergency evacuation~~

**~~(a)~~** ~~Fire or danger of fire. The vehicle shall be stopped and evacuated immediately if any portion is on fire. Passengers shall move a safe distance away from the vehicle and remain there until the driver of the bus has determined that no danger remains.~~

**~~(b)~~** ~~Unsafe position. If a vehicle is stopped the driver shall determine immediately whether it is safe for passengers to remain in the vehicle or to evacuate. The driver shall evacuate if~~

**~~(i)~~** ~~the vehicle stops in the path of any train;~~

**~~(ii)~~** ~~the stopping position of the vehicle is subject to change and thus increases the danger to passengers;~~

**~~(iii)~~** ~~the stopping position of the vehicle is such that there is danger of collision.~~

**~~(2)~~** ~~Responsibilities of the driver: In the case of any accident involving a school bus or a school-owned vehicle, the driver's first responsibility is to the safety of the passengers. In addition, the driver shall:~~

**~~(a)~~** ~~stop immediately;~~

**~~(b)~~** ~~maintain control of passengers;~~

**~~(c)~~** ~~protect the accident scene;~~

**~~(d)~~** ~~remain at the scene of the accident and not move the vehicle;~~

**~~(e)~~** ~~render reasonable assistance to any person injured in the accident;~~

**~~(f)~~** ~~notify police and the school district administrator and if appropriate the local transportation provider;~~

**~~(g)~~** ~~if it is necessary to evacuate passengers, make certain that all passengers are in a safe location away from traffic~~~~and that they are not permitted to leave the scene of the accident on their own;~~

**~~(h)~~** ~~place reflectors appropriately to warn traffic;~~

**~~(i)~~** ~~obtain information such as names, license numbers, registration numbers, location, time, road and weather conditions, and a listing of all passengers including their seating locations;~~

**~~(j)~~** ~~make no admission of liability or assume responsibility for the accident;~~

**~~(k)~~** ~~comply with local policy and procedure in reporting the accident;~~

**~~(l)~~** ~~adhere to any vital emergency medical information provided;~~

**~~(m)~~** ~~report all school bus accidents in accordance with local district and state accident reporting procedures.~~

**~~B. Student safety:~~**

**~~(1)~~** ~~The driver and/or assistant shall meet all needs identified in a student's IEP.~~

**~~(2)~~** ~~The driver shall not permit any passengers to occupy any area in front of the passenger seating area while the bus is in motion.~~

**~~(3)~~** ~~No vehicle shall carry more than the rated seating capacity. All students shall be seated when the bus is in motion.~~

**~~(4)~~** ~~The driver shall not carry on any unnecessary conversations with student while driving.~~

**~~(5)~~** ~~The driver shall have the authority to assign students to seats.~~

**~~(6)~~** ~~The driver shall not permit the transportation of firearms, knives, explosives, breakable glass, or other dangerous objects, reptiles, or animals, except those animals authorized by an IEP.~~

**~~(7)~~** ~~Be responsible for the safety and orderly conduct of the passengers on their assigned bus routes.~~

**~~(8)~~** ~~Report all serious discipline cases to the school district administrator or designee in accordance with the local school board's policy and in compliance with this regulation.~~

**~~C. Daily driver pre trip/post trip requirements:~~** ~~All school bus drivers are required to perform, at a minimum, the following duties:~~

**~~(1)~~** ~~Safe and efficient operation of the school bus in accordance with federal, state, and local statutes and regulations.~~

**~~(2)~~** ~~A daily, thorough pre-trip operational check of the school bus and special equipment unless completed by other qualified personnel; a documented pre-trip inspection shall be conducted which shall cover at a minimum:~~

**~~(a)~~** ~~Outside the vehicle~~

**~~(i)~~** ~~wheels, tires, lug bolts and nuts for serviceability;~~

**~~(ii)~~** ~~all exterior lights for serviceability and operation;~~

**~~(iii)~~** ~~all glass, mirrors, windshields (clean and unbroken and mirrors adjusted for the driver);~~

**~~(iv)~~** ~~exhaust system for leaks, looseness, etc.;~~

**~~(v)~~** ~~oil, water, and any other fluid leaks (power steering, power brakes, transmission, differential, etc.);~~

**~~(vi)~~** ~~service door, emergency exits, and buzzers;~~

**~~(vii)~~** ~~stop arm and signs;~~

**~~(viii)~~** ~~engine compartment for serviceability, battery, belts, wiring, etc. And proper oil and water levels;~~

**~~(ix)~~** ~~lift system for those vehicles equipped;~~

**~~(x)~~** ~~fuel filler cap.~~

**~~(b)~~** ~~Inside the vehicle~~

**~~(i)~~** ~~all gauges, seats, and interior lights;~~

**~~(ii)~~** ~~horn and windshield wipers;~~

**~~(iii)~~** ~~emergency equipment i.e., first aid kit, fire extinguisher, reflectors, and body fluid clean-up kit;~~

**~~(iv)~~** ~~emergency exits and buzzers;~~

**~~(v)~~** ~~parking brake and service brake;~~

**~~(vi)~~** ~~interior mirror;~~

**~~(vii)~~** ~~cleanliness of vehicle;~~

**~~(viii)~~** ~~heaters and defrosters.~~

**~~(3)~~** ~~All activity vehicle drivers are required to perform, at a minimum, the following duties:~~

**~~(a)~~** ~~safe and efficient operation of the school vehicle in accordance with federal, state, and local statutes and regulations and local board policies.~~

**~~(b)~~** ~~a daily, thorough pre-trip operational check of the school vehicle and equipment unless completed by other qualified personnel; a documented pre-trip inspection shall be conducted which shall cover at a minimum:~~

**~~(i)~~** ~~wheels, tires, lug bolts and nuts for serviceability;~~

**~~(ii)~~** ~~all exterior lights for serviceability and operation;~~

**~~(iii)~~** ~~all glass, mirrors, windshields (clean and unbroken and mirrors adjusted for the driver);~~

**~~(iv)~~** ~~exhaust system for leaks, looseness, etc.;~~

**~~(v)~~** ~~oil, water, and any other fluid leaks (power steering, power brakes, transmission, differential, etc.);~~

**~~(vi)~~** ~~engine compartment for serviceability, battery, belts, wiring, etc. And proper oil and water levels;~~

**~~(vii)~~** ~~fuel filler cap;~~

**~~(viii)~~** ~~all gauges, seats, and interior lights;~~

**~~(ix)~~** ~~horn and windshield wipers;~~

**~~(x)~~** ~~emergency equipment i.e., first aid kit, fire extinguisher, reflectors, and body fluid clean-up kit if equipped;~~

**~~(xi)~~** ~~parking brake and service brake;~~

**~~(xii)~~** ~~interior mirror;~~

**~~(xiii)~~** ~~cleanliness of vehicle;~~

**~~(xiv)~~** ~~heaters and defrosters.~~

**~~(4)~~** ~~The driver shall not operate any vehicle/bus that does not meet the pre trip inspection requirements. The district shall establish written procedures for immediate replacement of vehicle/buses, which fail to meet pre/post trip inspection requirements.~~

**~~(5)~~** ~~The driver shall, as part of each post-trip inspection, ensure that no student remains on the vehicle/bus at the conclusion of the trip.~~

**~~(6)~~** ~~Report in writing on the appropriate forms signed by the driver all faulty or improperly functioning equipment to the school district administrator, his/her designee, or local transportation provider.~~

**~~D.~~****~~Physical qualifications:~~**

**~~(1)~~** ~~Before transporting students, a school bus driver, activity driver, substitute driver and bus assistant are required to have a physical examination, and renewed every 24 months from the date of the last examination or before as specified by a licensed physician. School bus drivers, activity school bus drivers and substitute school bus drivers are required to use the physical examination form established by the department of transportation (DOT).~~

**~~(2)~~** ~~Additional physical examinations shall be required at any other time at the request of the local school district, state transportation director, or local transportation provider.~~

**~~(3)~~** ~~All physical examinations shall be conducted by a licensed physician.~~

**~~(4)~~** ~~Controlled substance and tobacco restrictions~~

**~~(a)~~** ~~All school buses shall be alcohol, drug and tobacco free areas.~~

**~~(b)~~** ~~The driver or the bus assistant shall not use alcoholic beverages, illegal substances, or legal substances prior to or during duty hours which would impair the drivers ability to drive the school bus or the bus assistants ability to perform required duties.~~

**~~E.~~****~~School bus driver license requirements:~~**

**~~(1)~~** ~~Pursuant to the Motor Vehicle Code, an operator of a school bus shall possess a commercial driver license (CDL), class B with the appropriate endorsements (P and S endorsement).~~

**~~(2)~~** ~~School bus drivers are required to meet all current motor vehicle regulations for a license~~

~~to drive a school bus.~~

**~~F.~~****~~Operational standards for an initial driver applicant:~~**

**~~(1)~~** ~~Any person initially applying for full or part time employment with a school district or charter school to operate a school bus or a school owned activity vehicle used to transport students shall not be eligible to operate such a vehicle if he has:~~

**~~(a)~~** ~~been convicted for driving a vehicle while under the influence of intoxicating liquor or drugs (“DWI”) within three years of the date of his application;~~

**~~(b)~~** ~~been convicted for DWI beyond three years from the date of his application unless he provides a written verification from a licensed counselor or physician that he has successfully completed an alcohol or drug abuse program;~~

**~~(c)~~** ~~been convicted two or more times for DWI;~~

**~~(d)~~** ~~had his driver’s license suspended or revoked within the previous five years for any serious traffic offense;~~

**~~(e)~~** ~~been convicted of more than three serious traffic offenses within three years since the date of his application;~~

**~~(f)~~** ~~been convicted of any felony within 10 years since the date of his application;~~

**~~(g)~~** ~~a conviction for any violation of the Controlled Substances Act, Sections 30-31-1 to 30-31-25, 30-31-26 to 30-31-28, 30-31-30 to 30-31-40 NMSA 1978;~~

**~~(h)~~** ~~been convicted of child abuse pursuant to Section 30-6-1 NMSA 1978;~~

**~~(i)~~** ~~been convicted of any other criminal offense in which a child was a victim as required by the offense.~~

**~~(2)~~** ~~Any person initially employed or applying for full or part time employment with a private entity to operate a school bus to transport students, or a school owned activity vehicle used to transport students, shall not be eligible to operate such a vehicle for the same reasons listed at Subparagraphs (a) through (i) of Paragraph (1) of Subsection F of 6.41.4.11 NMAC.~~

**~~(3)~~** ~~Because they are deemed to have unsupervised access to students at a public school, effective January 1, 2006, any person initially employed or applying for full or part time employment with a private entity to operate a school bus to transport students, or a school owned activity vehicle used to transport students, shall at his own expense submit to a fingerprint-based background check in accordance with Section 22-10A-5 NMSA 1978, provided that:~~

**~~(a)~~** ~~such background check shall be conducted at the time of that individual’s initial employment whether for full or part time to operate a school bus to transport students or a school owned activity vehicle used to transport students;~~

**~~(b)~~** ~~a school district, charter school or transportation provider shall maintain an agreement, authorization, waiver and release form, in addition to a criminal history affidavit on file for any employee employed for full or part time to operate a school bus or a school owned activity vehicle.~~

 **~~G.~~****~~Continuing standards for drivers of school buses or school-activity vehicles:~~**

**~~(1)~~** ~~Any individual who currently operates a school bus or a school owned activity vehicle used to transport students, shall no longer be eligible to operate a school bus or a school owned activity vehicle if after January 1, 2006, he receives any of the following:~~

**~~(a)~~** ~~a conviction for driving a vehicle while under the influence of intoxicating liquor or drugs;~~

**~~(b)~~** ~~a suspension or revocation of his driver’s license for any serious traffic~~~~offense~~**~~;~~**

**~~(c)~~** ~~convictions for more than three serious traffic~~~~offense as defined in this rule;~~

**~~(d)~~** ~~a conviction for any felony;~~

**~~(e)~~** ~~a conviction for any violation of the Controlled Substances Act, Sections 30-31-1 to 30-31-25, 30-31-26 to 30-31-28, 30-31-30 to 30-31-40 NMSA 1978;~~

**~~(f)~~** ~~a conviction for child abuse pursuant to Section 30-6-1 NMSA 1978;~~

**~~(g)~~** ~~a conviction for any other criminal offense in which a child was a victim as required by the offense.~~

**~~(2)~~** ~~The background check requirements set forth at Paragraph (3) of Subsection F of 6.41.4.11 NMAC, shall not be imposed on anyone who on January 1, 2006, is already engaged in full or part time employment to operate a school bus to transport students, or a school owned activity vehicle used to transport students. This paragraph shall not be interpreted as negating or voiding any duly adopted school district or charter school policy related to background checks of school employees or contractors’ employees.~~]

**6.41.4.11 RESPONSIBILITIES OF DRIVERS, SCHOOL BUS ASSISTANTS, AND SUBSTITUTE SCHOOL BUS ASSISTANTS:** All drivers and, where applicable, all school bus assistants and substitute school bus assistants shall:

 **A.** **Comply with the following.**

 **(1)** Operate the vehicle in a safe and efficient manner in accordance with federal, state, local statutes and regulations, department regulations, and local board policies.

 **(2)** Cooperate with the transportation administrator’s compliance with 49 CFR Part 382 as conducted by the LEA and transportation service provider.

 **B.** **Perform a pre-trip inspection.**

 **(1)** All school bus drivers shall perform and document a daily thorough pre-trip inspection of the school bus and special equipment, unless completed and documented by other qualified personnel. The inspection shall include, at minimum, inspection of the:

 **(a)** outside of the vehicle:

 **(i)** oil, water, and any other fluid leaks (power steering, power brakes, transmission, differential);

 **(ii)** wheels, tires, lug bolts and nuts for serviceability;

 **(iii)** all exterior lights for serviceability and operation;

 **(iv)** all glass, mirrors, windshields (clean and unbroken and mirrors adjusted for the driver);

 **(v)** exhaust system for leaks, looseness, and secure clamps;

 **(vi)** engine compartment for serviceability, hoses, belts, wiring, and proper fluid levels;

 **(vii)** battery for secure connections and no corrosion;

 **(viii)** fuel filler cap;

 **(ix)** lift system for those vehicles equipped;

 **(x)** service door, emergency exits, and buzzers; and

 **(xi)** stop arm and signs;

 **(b)** inside of the vehicle:

 **(i)** all seats and interior lights;

 **(ii)** horn, windshield wipers, all gauges and indicators;

 **(iii)** emergency equipment including a first aid kit, fire extinguisher, reflectors, body fluid clean-up kit, and seat belt cutter;

 **(iv)** parking brake and service brake;

 **(v)** interior mirror;

 **(vi)** cleanliness of vehicle;

 **(vii)** heaters and defrosters;

 **(viii)** air or hydraulic brake check; and

 **(ix)** emergency exits and buzzers.

 **(2)** All school-owned activity vehicle drivers shall perform, at a minimum, a thorough pre-trip inspection for operational check of the vehicle and equipment unless completed by other personnel who have completed department-approved pre-service training. The inspection shall, at minimum, include inspection outside of the vehicle pursuant to the requirements listed in items (i) through (viii) of Subparagraph (a) of Paragraph (1) of Subsection B of 6.41.4.11 NMAC and inside of the vehicle pursuant to the requirements listed in items (i) through (viii) of Subparagraph (b) of Paragraph (1) of Subsection B of 6.41.4.11 NMAC. All school-owned activity vehicle drivers shall inspect all gauges, seats, and interior lights of the school-owned activity vehicle.

 **(3)** The driver shall not operate any school bus, activity school bus, or school-owned activity vehicle that does not meet the pre-trip inspection requirements. The driver shall immediately notify the transportation administrator or designee upon failure of the pre-trip inspection and document the reason for the failure.

 **C.** **Use the following basic driving, loading, and unloading procedures for school bus routes.**

 **(1)** Drivers shall obey all traffic laws, ordinances, and rules of the road and not drive the school bus faster than the posted speed limit.

 **(2)** Loading and unloading shall occur, whenever possible, off of the roadway and so that students do not have to cross the roadway.

 **(3)** Drivers shall load or unload students only at established school bus stops unless an emergency dictates otherwise. School bus stops shall not be changed or the time schedules altered by the school bus driver or transportation service provider without the approval of the transportation administrator or designee. Drivers shall not grant permission for a student to load or unload except at the student's designated school bus stop without written approval from the transportation administrator or designee.

 **(4)** Drivers shall use rear view mirrors to check traffic before arriving at the school bus stop.

 **(5)** Drivers shall reduce the speed of the school bus when approaching the school bus stop.

 **(6)** On morning school bus routes, drivers shall:

 **(a)** bring the school bus to a complete stop eight to 10 feet before the school bus stop, set the parking brake and shift the transmission in neutral or, if equipped, park;

 **(b)** make a complete stop at all established school bus stops whether students are present or not, unless a parent or guardian or the transportation administrator has notified the driver that the student will be absent;

 **(c)** not wait for students unless they are observed making an effort to reach the school bus stop or unless otherwise specified in a student’s IEP; and

 **(d)** use rear view mirrors to check traffic.

 **(7)** When loading, the driver shall check that all students are seated in the school bus before the school bus is put in motion.

 **(8)** When unloading, the driver shall count the students that have exited the school bus. When students exit the school bus, drivers shall ensure the following.

 **(a)** If students are required to cross the roadway, they shall walk eight to ten feet in front of the school bus and be positioned perpendicular to the right front portion of the school bus where the driver can see them.

 **(b)** The driver shall check rear view mirrors and all traffic lanes to ensure all required traffic is stopped before signaling students to cross the roadway to the left front portion of the school bus.

 **(c)** Before signaling students to proceed the rest of the way, the driver shall check rearview mirrors and all traffic lanes again to ensure all required traffic is stopped.

 **(d)** The driver shall check to be sure that all students have crossed the roadway safely by using the crossover mirrors and perform a final student count.

 **(e)** The driver shall verify that all doors are free of obstructions then close all doors before the school bus is put in motion.

 **(f)** The driver shall use rear view mirrors to check traffic before departing from the school bus stop.

 **(9)** The driver shall not operate the school bus in such a manner as to cause on-board accidents by jerking, stopping suddenly or swerving unnecessarily.

 **(10)** The driver shall not leave the driver's seat without setting the park brake, putting the transmission in neutral or, if equipped, park, stopping the engine, and removing the keys. Exceptions include the following:

 **(a)** school buses with a wheelchair lift that meets 6.40.2 NMAC requiring a vehicle interlock system for school buses built after July 1, 2003, and to deactivate the child check safety system. The driver may leave the key in the ignition with the engine off when deactivating the child check safety system but the service door shall be closed;

 **(b)** school buses equipped with a diesel engine and automatic transmission where the driver shall follow the manufacturer's recommendation for parking in gear.

 **(11)** The driver shall keep the school bus clean, well ventilated, and, when necessary, properly heated.

 **(12)** The driver, if traveling in a convoy, shall follow the lead school bus and shall maintain proper distance between vehicles.

 **(13)** The driver shall report all hazards on the school bus route, whether potential or existing, and all causes for failure to operate on schedule to the transportation administrator or designee.

 **(14)** The driver shall not use the school bus outside regular to-and-from transportation or a school-sponsored activity trip without the approval of the transportation administrator.

 **D. In addition to requirements pursuant to Subsection C of 6.41.4.11 NMAC use the following if the school bus must be loaded or unloaded on the roadway.**

 **(1)** Loading and unloading shall occur only on the side of the highway on which the student lives.

 **(2)** On a multiple lane roadway or divided roadway, the school bus shall stop in the right-hand or outside traffic lane. Students shall not be loaded or unloaded in a designated right-turn lane or in a lane immediately adjacent to a designated right-turn lane.

 **(3)** The driver shall activate the alternating amber flasher lights not less than 100 feet nor more than 300 feet from a stop in urban areas or not less than 300 feet nor more than 1,000 feet from a stop in rural areas to warn motorists that the school bus is about to stop on the roadway.

 **(4)** The alternating red flasher lights and stop arm shall be activated after the school bus is completely stopped and the service door is opened.

 **(a)** If a school bus is approaching another school bus that has stopped to load or unload students with its alternating red flasher lights activated, the approaching school bus shall activate its alternating red flasher lights and shall not unload or load students.

 **(b)** Once the school bus loading or unloading students has deactivated its alternating red flasher lights, the approaching school bus shall resume operations.

 **(5)** The alternating red flasher lights shall be deactivated before the school bus is put in motion.

 **(6)** The driver shall use good judgment when activating and deactivating the alternating flasher lights so as not to impede traffic unnecessarily.

 **E. Load and unload students at schools using the following procedures.**

 **(1)** If loading or unloading must occur on the street, alternating flasher lights shall not be activated unless the school bus is stopped on the traveled portion of the roadway.

 **(2)** When loading or unloading, the school bus parking brake shall be activated, transmission shall be in neutral or, if equipped, in park, and the engine shall be off. Should the driver be required to leave the driver's seat, the keys shall be removed from the ignition switch. Exceptions to removing the key from the ignition switch:

 **(a)** school buses built after July 1, 2003, that are equipped with an interlock for wheel chair lifts; or

 **(b)** school buses equipped with a child check safety system. In buses equipped with this system, the service door shall be closed before the driver leaves the driver’s seat.

 **(3)** When loading, school buses may be parked in a single file as close as possible to avoid students or other people from going between the school buses.

 **(4)** When loading, school buses shall be parked prior to dismissal time, if possible. School buses shall be parked in the order that they arrive at the school.

 **(5)** The driver shall not back up a school bus on school grounds unless absolutely necessary and then only with assistance from an adult of the driver’s choosing.

 **F. Operate a school bus on an interstate highway using the following procedures.**

 **(1)** All loading or unloading shall be done at points off the interstate highway either at an interchange, service, or frontage road.

 **(2)** The school bus shall not cross over to the opposite roadway or make any other similar maneuver except at interchanges and then only in a manner consistent with the proper procedures at any given interchange unless directed otherwise by a law enforcement officer.

 **(3)** School buses using portions of the interstate highway shall not stop on or adjacent to the roadway unless there is an emergency or as directed by a law enforcement officer.

 **(4)** The school bus shall not stop on the interstate highway nor shall any students or other passengers load or unload on the interstate highway except in an emergency.

 **G**. **Follow the procedures for school buses crossing railroad tracks**: The driver is always responsible for the safe movement of the school bus and in no instance shall a railroad signal, active or non-active, abrogate this precaution. The following procedures shall apply to school buses or activity school buses at railroad crossings.

 **(1)** Before crossing any track or tracks of a railroad, the school bus driver shall activate the hazard warning lights and shall bring the school bus to a full and complete stop not less than 15 feet or more than 50 feet from the rail nearest the front of the school bus.

 **(2)** On multiple lane roadways, the school bus shall be in the extreme right traffic lane whenever possible.

 **(3)** If a stop and go traffic light controls the movement of traffic at the railroad crossing, the driver need not stop unless the traffic light indicates to stop.

 **(4)** When approaching a railroad crossing, the driver shall carefully observe traffic and reduce the speed of the school bus in advance of stopping.

 **(5)** While completely stopped prior to crossing and until completely across the railroad crossing, the driver shall:

 **(a)** fully open the service door;

 **(b)** fully open the window to the driver’s immediate left;

 **(c)** turn off all noisy equipment, radio, and fans;

 **(d)** direct passengers to be silent if passengers are making noise;

 **(e)** listen and look in both directions along the track or tracks for approaching trains or other vehicles; and

 **(f)** keep the transmission of the school bus in first gear by maintaining a speed which does not cause the transmission to shift.

 **(6)** The school bus driver shall not proceed through the railroad crossing or around crossing gates unless directed by law enforcement officer or railroad personnel if:

 **(a)** there are operating flashing red lights;

 **(b)** there is an operating bell;

 **(c)** a crossing gate is closed or in the process of being opened or closed;

 **(d)** the rear portion of the school bus cannot be positioned more than 15 feet from the rail nearest the rear of the school bus; or

 **(e)** the view in either direction is unclear or is obstructed in any way until the driver has secured the school bus and performed a visual inspection to verify that no trains or other vehicles are approaching.

 **(7)** After pre-railroad crossing checks, the driver shall:

 **(a)** fully close the service door;

 **(b)** turn off hazard warning lights;

 **(c)** adjust the window to the driver’s immediate left;

 **(d)** resume use of any noisy equipment, radio, and fans; and

 **(e)** continue traveling safely.

 **(8)** When traveling near railroad tracks, even if not crossing, the school bus driver shall be aware of hazardous circumstances on the railroad tracks that could present a danger to the school bus. In such situations, the driver shall remain aware and instruct the students to remain silent until there is no longer a danger.

 **H. Address student safety.**

 **(1)** The driver shall be responsible for the safety and orderly conduct of school bus passengers.

 **(2)** The driver, school bus assistants and substitute school bus assistants shall meet all requirements of student IEPs when transportation is a related service.

 **(3)** The driver shall report all serious discipline cases to the transportation administrator or designee in accordance with the department and local board of education’s policies.

 **(4)** The driver shall have the authority to assign any passenger to a seat.

 **(5)** The driver shall not carry on any unnecessary conversations with passengers while driving.

 **(6)** The driver shall not permit the transportation of firearms, knives, explosives, breakable glass, or other dangerous objects, reptiles, or animals, except a service animal authorized by an IEP.

 **(7)** In transporting musical instruments, shop projects, or other school projects, items shall be transported pursuant to the requirements listed in Subparagraph (e) of Paragraph (1) of Subsection T of 6.41.4.9 NMAC.

 **(8)** On the school bus, the driver shall not permit items to block the aisle or exits.

 **(9)** While a school bus is in motion, the driver shall not permit any passengers to occupy any area in front of the passenger seating area. All passengers shall be properly seated.

 **I.** **Perform a post-trip inspection.**

 **(1)** The driver shall, as part of each post-trip inspection, ensure that no passengers remain on board.

 **(2)** The driver shall submit a signed, LEA-approved form reporting all faulty or improperly functioning equipment to the transportation administrator or designee, or the transportation service provider.

 **J.** **Participate in** **emergency evacuation drills for school buses.** All drivers, school bus assistants, and substitute school bus assistants shall participate in the emergency evacuation drills or adequate alternate instruction scheduled by the transportation administrator.

 **K.** **Be familiar with the location and use of the following emergency equipment:**

 **(1)** hazard warning lights;

 **(2)** fire extinguisher;

 **(3)** first aid kit;

 **(4)** body fluid cleanup kit;

 **(5)** triangular warning reflectors; and

 **(6)** seat belt cutter.

 **L. Address emergency evacuations and accidents.**

 **(1)** Emergency evacuations shall take place if there is a fire or danger of fire involving the vehicle. The vehicle shall be stopped and evacuated immediately. Passengers shall move a safe distance away from the vehicle and remain there until given further direction.

 **(2)** Emergency evacuations may take place if the vehicle is stopped in an unsafe position. The driver shall immediately determine whether it is safer for passengers to remain in the vehicle or to evacuate the vehicle. The driver shall direct the passengers to evacuate the vehicle if:

 **(a)** the vehicle has stopped in the path of a train;

 **(b)** the position of the stopped vehicle may change, thus increasing the danger to passengers; or

 **(c)** the position of the stopped vehicle is such that there is danger of another vehicle colliding into it.

 **(3)** In the case of any accident, the driver's first responsibility is for the safety of the passengers. The driver shall:

 **(a)** stop immediately;

 **(b)** call 911 and notify the employer in the order as directed in LEA policy;

 **(c)** remain calm and reassure passengers;

 **(d)** if necessary to evacuate the vehicle, direct passengers to a safe place away from trafficand not permit passengers to leave the scene of the accident;

 **(e)** render reasonable assistance to persons injured in the accident;

 **(f)** remain at the scene of the accident and not move the vehicle unless required by local ordinance or a law enforcement officer;

 **(g)** if possible, place reflectors appropriately to warn traffic;

 **(h)** obtain information such as names, license numbers, registration numbers, location, time, road and weather conditions, and a listing of all passengers including their seating locations;

 **(i)** make no admission as to liability nor assume responsibility for the accident;

 **(j)** comply with federal, state, department regulation and local board of education policy and procedures in reporting the accident; and

 **(k)** adhere to any vital emergency medical information provided.

 **M.** **Alternating flasher lights shall not be used when the school bus is:**

 **(1)** on school grounds to load or unload students;

 **(2)** completely off the traveled portion of the roadway;

 **(3)** at a railroad crossing; or

 **(4)** stopped, except when loading or unloading students on the roadway.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**[~~6.41.4.12 SCHOOL BUS OPERATIONS AND EQUIPMENT:~~**

**~~A.~~****~~Route requirements:~~** ~~On morning routes, a complete stop shall be made at all established school bus stops whether students are present or not, unless a parent or guardian, school district administrator or transportation provider has notified the driver that the student will be absent. The driver shall not wait for students unless they are observed making an effort to reach the bus or unless otherwise specified and justified in the student's IEP. The bus shall be brought to a complete stop with the park brake activated before taking on or letting off students. The driver shall use good judgment and not impede traffic unnecessarily.~~

**~~(1)~~** ~~The driver shall close all doors before the bus is put in motion except when crossing railroad tracks.~~

 **~~(2)~~** ~~School buses shall not be driven faster than the posted speed limit.~~

**~~(3)~~** ~~The driver shall not leave the driver's seat without stopping the engine, setting the park brake, putting the bus in low or reverse gear, and removing the keys. If a bus is equipped with a diesel engine and/or automatic transmission, the driver shall follow the manufacturer's recommendation for parking in gear.~~

**~~(4)~~** ~~The driver shall keep the bus clean, well ventilated, and properly heated when necessary.~~

**~~(5)~~** ~~The driver, if traveling in convoy, shall stay on the same route as the lead vehicle and shall maintain proper distance between vehicles.~~

**~~(6)~~** ~~The driver shall not permit the use of the bus outside regular to-and-from transportation or a school-sponsored activity without the approval of the school district administrator.~~

**~~(7)~~** ~~The driver shall obey all traffic laws, ordinances, and rules of the road. The driver shall not operate the bus in such a manner as to cause on-board accidents by jerking, stopping suddenly, or swerving unnecessarily.~~

**~~(8)~~** ~~Report all hazards, whether potential or existing, on the route and all causes for failure to operate on schedule to the school district administrator or designee.~~

**~~B. Loading and unloading on route:~~**

**~~(1)~~** ~~Buses shall be loaded or unloaded at established school bus stops only, unless an emergency dictates otherwise.~~

**~~(2)~~** ~~No school bus stop shall be changed or time schedules altered by the school bus driver or contractor without the approval of the school district administrator or designee.~~

**~~(3)~~** ~~Drivers shall not grant permission for a student to load or unload except at the student's regular stop without written approval from the school district administrator or designee.~~

**~~(4)~~** ~~Loading and unloading shall occur, whenever possible, off the traveled portion of the roadway and so that students do not have to cross the roadway.~~

**~~(5)~~** ~~When it is impossible for a bus to completely pull off the roadway, the driver shall remain on the roadway and use procedures outlined in Subsection C of 6.41.4.12 NMAC.~~

**~~C. Procedures for loading or unloading students on the traveled portion of the roadway:~~**

**~~(1)~~** ~~Use rear view mirrors to check traffic.~~

**~~(2)~~** ~~Reduce speed.~~

**~~(3)~~** ~~Buses shall use the amber flashers not less than 300 feet nor more than 1,000 feet in rural areas, or not less than 100 feet nor more than 300 feet in urban areas, to warn motorist that the bus is about to stop on the roadway.~~

**~~(4)~~** ~~Bring the bus to a full stop set the parking brake and disengage the gears by shifting to neutral gear position. The alternating red flasher lights and stop arm shall be activated automatically when the service door is opened after the bus is completely stopped.~~

**~~(5)~~** ~~Check rear view mirrors and make a thorough live sight inspection of all traffic lanes to ensure that all required traffic is stopped prior to loading or unloading students using the procedures outlined below.~~

**~~(a)~~** ~~Students required to cross the road shall walk eight to 10 feet in front of the bus before starting to cross.~~

**~~(b)~~** ~~The driver shall again check rear view mirrors and all traffic lanes to ensure all required traffic is stopped before signaling students to proceed.~~

**~~(c)~~** ~~Students shall not cross until they are positioned perpendicular to the left front portion of the school bus where the driver can see them and will not cross until they have checked traffic and the driver has indicated it is safe to cross.~~

**~~(d)~~** ~~The driver shall check to be sure that all students have crossed the roadway safely by using the crossover mirrors and conducting a student count.~~

**~~(6)~~** ~~When all students have completely and safely crossed the roadway or are seated in the bus, the alternating red flashers shall be turned off and the bus may resume travel.~~

**~~(7)~~** ~~If a bus is immediately behind or approaching another bus stopped to load or unload students, with school bus alternating flashers in operation, the bus not unloading or loading students shall use school bus alternating flashers.~~

**~~D. Loading and unloading on multiple or divided roadway:~~**

**~~(1)~~** ~~Whenever possible, all loading and unloading shall be done off the traveled portion of the roadway.~~

**~~(2)~~** ~~If stopping on the roadway is necessary, the bus shall stop in the right-hand or outside traffic lane, using the procedures outlined in Subsection C of 6.41.4.12 NMAC~~

**~~(3)~~** ~~When stopped on the roadway, buses shall load or unload in the right lane of the roadway. In no event shall students be loaded or unloaded in a designated turn lane or in a lane immediately adjacent to a designated turn lane.~~

**~~(4)~~** ~~On a highway with divided and/or multiple traffic lanes in each direction, school buses shall load and unload students only on the side of the highway on which they live.~~

**~~E. Loading and unloading at schools:~~**

**~~(1)~~** ~~The school bus engine must be off and the park brake activated while students are loading/unloading from school buses. Should the driver be required to leave the driver's seat, the keys shall be removed from the ignition switch. Exception: School buses with a wheelchair lift that meets construction standards requiring a vehicle interlock system for school buses built after July 1, 2003.~~

**~~(2)~~** ~~The driver shall not back a bus on school grounds unless absolutely necessary, and then only with assistance from a responsible individual.~~

**~~(3)~~** ~~Whenever possible, loading and unloading at schools shall be done on school premises, away from regular vehicular traffic and playground areas. All school bus loading zones shall be properly marked by use of signs and pavement markings. The bus loading zone shall be adequately staffed with administrative personnel to monitor the loading /unloading of students.~~

**~~(4)~~** ~~When loading and unloading, it is recommended that buses be parked bumper to bumper or as close as possible to avoid pupils from going between the buses and in a single file. In loading, buses shall be parked prior to dismissal time, if possible. School buses shall be parked into position in the order that they arrive at the school. It is also recommended that school bus loading zones be separated from general traffic areas whenever possible.~~

**~~(5)~~** ~~If loading or unloading on the street, the buses shall be stopped parallel to the curb bumper to bumper or as close as possible to avoid pupils from going between the buses and in a single file on the side of the street nearest the school. Alternating flashers shall not be activated unless the bus is stopped on the traveled portion of the roadway.~~

**~~F. School buses operating on interstate highways:~~** ~~On interstate highways school buses shall be operated according to the following procedures:~~

**~~(1)~~** ~~The bus shall not make any stop except in an emergency, nor shall any pupil load or unload while the bus is on the interstate. All loading or unloading shall be done at points off the interstate, either at an interchange, service, or frontage road.~~

**~~(2)~~** ~~No school bus shall cross over to the opposite roadway or make any other similar maneuver except at interchanges and then only in a manner consistent with the proper procedures at any given interchange.~~

**~~(3)~~** ~~School buses using portions of the interstate shall operate only as "express" or "through" buses between two given points.~~

**~~G. Railroad crossings:~~** ~~The following procedures shall apply at railroad crossings:~~

**~~(1)~~** ~~When students are on board the school bus driver shall, before crossing any track or tracks of a railroad, activate the four-way hazard lights and shall bring the bus to a full and complete stop not less than 15 feet or more than 50 feet from the rail nearest the front of the bus. If the school bus is required to stop after the school bus has crossed the railroad tracks, the rear portion of the school bus shall not be positioned less than 15 feet from the rail nearest the bus.~~

**~~(2)~~** ~~When stopped for a railroad crossing, the driver shall carefully observe traffic and reduce speed in advance of the stop. On multiple lane roadways, all stops shall be made in the extreme right traffic lane.~~

**~~(3)~~** ~~While completely stopped, the driver shall fully open the service door and shall listen and look in both directions along the track or tracks for approaching trains or other vehicles. The service door shall remain open until the rear of the bus clears all tracks.~~

**~~(4)~~** ~~The side window to the driver's immediate left shall be opened, and all noisy equipment (radio, fans, etc.) shall be shut off until the bus has cleared the railroad crossing.~~

**~~(5)~~** ~~If the view in either direction is unclear or is obstructed in any way, no portion of the bus shall be moved onto the tracks until, by personal visual inspection, and after parking and securing the vehicle, the driver is certain that no train is approaching. In no instance shall a signal indicating safety be considered as conclusive or serve to abrogate this precaution.~~

**~~(6)~~** ~~Drivers shall, in every instance, cross in a gear that does not necessitate changing gears while traversing the railroad crossing, and shall not under any circumstances shift gears when the bus is actually crossing the railroad tracks.~~

**~~(7)~~** ~~In the event a train has just passed through the crossing, no bus driver shall drive the bus onto the track or tracks until the train has sufficiently cleared the crossing and the driver is certain that no other train is approaching on an adjacent track.~~

**~~(8)~~** ~~In stopping at any railroad track at which there is in operation flashing red lights and/or bell, the driver shall not proceed across the track unless by direction from a law enforcement officer or railroad personnel. The driver is still responsible for the safe movement of the bus.~~

**~~(9)~~** ~~If a stop and go traffic light controls the movement of traffic at the railroad crossing, the driver need not stop unless the traffic light indicates to stop.~~

**~~(10)~~** ~~No school bus driver shall drive the bus through, around, or under any crossing gate or barrier while the barrier is closed or in the process of being opened or closed unless instructed to do so by the proper authority.~~

**~~(11)~~** ~~No part of the bus shall be placed near the tracks until the driver knows conclusively that the crossing can be made safely.~~

**~~(12)~~** ~~When a bus stops adjacent to a railroad track, the driver shall not proceed until all passengers are silent.~~

**~~H.~~****~~School bus alternating flashers shall not be used:~~**

**~~(1)~~** ~~when the school bus is completely off the traveled portion of the roadway or on school grounds to load or unload students;~~

**~~(2)~~** ~~at railroad crossings, traffic lights, or at any other time the bus is required to stop except to load or unload students on the traveled portion of the roadway.~~

**~~(3)~~** ~~Note: Pursuant to Subsection N of Section 66-1-4.15 NMSA 1978 "roadway" means that portion of a highway improved, designed or ordinarily used for vehicular traffic, exclusive of berm or shoulder.~~

**~~I.~~****~~School sponsored activity trips:~~** ~~The activity driver shall be responsible for the vehicle/bus at all times, including its care and operations and has the following additional responsibilities:~~

**~~(1)~~** ~~compliance with all federal, state, and local regulations;~~

**~~(2)~~** ~~completion of a trip ticket approved by the school district administrator when one is required;~~

**~~(3)~~** ~~assumption of safety responsibilities of all passengers while they are in the vehicle/bus;~~

**~~(4)~~** ~~obtaining prior approval from the school district administrator or designee for any changes in route or itinerary while the activity trip is in progress;~~

**~~(5)~~** ~~notification to the school district administrator of all emergencies that arise;~~

**~~(6)~~** ~~maintenance of all records pertinent to the trip, including trip tickets;~~

**~~(7)~~** ~~insuring that prior to departure and the return journey, the vehicle/bus is clean, completely serviced and inspected, noting the condition in writing on the appropriate form and signed by the driver;~~

**~~(8)~~** ~~only under exceptional circumstances when it is impractical to unload passengers, shall vehicle/buses be fueled while students are on board;~~

**~~(9)~~** ~~the activity driver shall, upon request, show a properly signed activity trip ticket to any state police officer, department of transportation officer, or staff member of the state department of education.~~

**~~J. School bus safety equipment:~~** ~~All school buses used to transport students on regular to and from routes and district sponsored activities shall meet New Mexico School Bus Construction Standards and the New Mexico School Bus Inspection requirements.~~

**~~(1)~~** ~~All school bus drivers shall use the seat belt at all times the vehicle is in motion. Seat belts are required of students only on buses of gross vehicle weight of 10,000 pounds or less or when specific student needs require a seat belt.~~

**~~(2)~~** ~~Each school bus shall carry a first aid kit with contents as specified in New Mexico School Bus Construction Standards.~~

**~~(3)~~** ~~Each school bus shall be equipped with at least one UL-approved pressurized dry-chemical fire extinguisher complete with hose. The fire extinguisher shall have a total rating of 2AlOBC or greater and meet New Mexico School Bus Construction Standards. The extinguisher shall be kept in the driver's compartment, fully charged, and in good working condition. Each driver shall be familiar with operating the fire extinguisher.~~

**~~(4)~~** ~~Each school bus shall be equipped with a minimum of three triangular warning reflectors, and the driver shall be knowledgeable as to their operation and proper placement.~~

**~~(5)~~** ~~Each driver shall use reflectors in the event of prolonged stops on the roadway as follows:~~

**~~(a)~~** ~~one at a distance of approximately 100 feet in front and one approximately 100 feet in back of the disabled vehicle in the center of the traffic lane occupied by the disabled vehicle;~~

**~~(b)~~** ~~one at the traffic side of the disabled vehicle, not less than 10 feet from the front or rear;~~

**~~(c)~~** ~~if the vehicle is disabled within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the warning device in that direction to afford ample warning; the warning device must in no case be less than 100 feet or more than 500 feet from the disabled vehicle.~~

**~~(6)~~** ~~The hazard mode warning lights shall be used when necessary to stop on the shoulder or the traveled portion of the roadway if the bus is temporarily disabled or it is necessary to stop for any reason other than loading and unloading operations. Hazard mode warning lights shall also be used when the speed of the bus is less than one half of the posted speed limit.~~

**~~(7)~~** ~~No item that will block the aisle or exits shall be permitted on the bus.~~

**~~(8)~~** ~~In transporting musical instruments, shop projects, or other school projects, the following shall apply:~~

**~~(a)~~** ~~No item shall occupy needed seating space.~~

**~~(b)~~** ~~No item shall be placed in the driver's compartment.~~

**~~(c)~~** ~~All items carried by students shall be under their control at all times and carried on their laps or between seats. The aisle and exits shall not be blocked.~~

**~~(9)~~** ~~The emergency door and/or windows shall not be fastened or wired in any fashion as to prevent opening from the inside or outside while the vehicle is in operation.~~

**~~(10)~~** ~~Loose items such as tools or brooms, etc. shall be securely stored or fastened if carried inside the bus.~~

**~~(11)~~** ~~Trailers shall not be attached to a school bus at any time.~~]

[~~12/31/1998; 6.41.4.12 NMAC - Rn, 6 NMAC 9.5.3.12 & A, 7/1/2001; A, 11/15/2005~~]

**6.41.4.12 SCHOOL BUS SAFETY AND EQUIPMENT:** All school buses used to transport students on school bus routes and LEA-sponsored activities shall meet requirements pursuant to 6.40.2 NMAC and the state of New Mexico guide for school bus maintenance and safety audit program, school bus inspection guide.

 **A.** Each school bus shall be equipped with an operable seat belt for the driver that shall be used when the school bus is in motion.

 **B.** Each school bus shall have seat belts or a seat harness as required on school buses when required in a student’s IEP.

 **C.** Each school bus shall have at least one seat belt cutter properly secured in a location within reach of the driver while the driver is belted into the driver's seat pursuant to Paragraph 1 of Subsection YY of 6.40.2.10 NMAC. The seat belt cutter shall be durable and designed to eliminate the possibility of the operator or others being cut during use.

 **D.** Each school bus shall carry a first aid kit with contents pursuant to Paragraph (2) of Subsection P of 6.40.2.10 NMAC.

 **E.** Each school bus shall carry a body fluid clean-up kit pursuant to Paragraph (3) Subsection P of 6.40.2.10 NMAC.

 **F.** Each school bus shall be equipped with at least one UL-approved pressurized dry-chemical fire extinguisher complete with hose. The fire extinguisher shall have a total rating of 2A10BC or greater and meet the requirements of Paragraph (1) of Subsection P of 6.40.2.10 NMAC. The extinguisher shall be securely mounted in the driver's compartment, fully charged and in working condition.

 **G.** Each school bus shall be equipped with a minimum of three triangular warning reflectors Paragraph (4) of Subsection P of 6.40.2.10 NMAC, and the driver shall be knowledgeable as to their proper placement. Drivers shall use reflectors in the event of prolonged stops on the roadway.

 **(1)** On a two-lane road:

 **(a)** a warning reflector shall be placed on the traffic side of the school bus 10 feet from the front or rear of the school bus, depending on traffic direction;

 **(b)** a warning reflector shall be placed in the center of the traffic lane or shoulder occupied by the disabled school bus 100 feet from the rear of the school bus; and

 **(c)** a warning reflector shall be placed in the center of the traffic lane or shoulder occupied by the disabled school bus 100 feet from the front of the school bus.

 **(2)** On a one-way or divided highway, warning reflectors shall be placed on the traffic side of the school bus at 10, 100, and 200 feet from the rear of the school bus and placed so as to direct traffic away from the school bus.

 **(3)** If the school bus is disabled within 500 feet of a curve, crest of a hill, or other obstruction:

 **(a)** a warning reflector shall be placed on the traffic side of the school bus 10 feet from the rear of the school bus in the direction of the obstruction;

 **(b)** a warning reflector shall be placed on the traffic side of the school bus 100 feet from the rear of the school bus in the direction of the obstruction; and

 **(c)** a warning reflector shall be placed on the traffic side of the school bus up to 500 feet from the rear of the school bus in the direction of the obstruction.

 **H.** The hazard warning lights shall be used only when it is necessary to stop the bus on the shoulder of the roadway or on the roadway. The hazard warning lights shall also be used when the speed of the school bus is less than one-half of the posted speed limit.

 **I.** The emergency door(s), windows, and roof hatches shall not be fastened or wired so as to prevent opening from the inside or outside.

 **J.** Loose items shall be properly stowed underneath in equipment compartments or securely fastened if carried inside the school bus.

 **K.** Trailers shall not be attached to a school bus.

 **L.** Trailers shall not be hitched to school-owned vehicles while the vehicle is transporting students.

 [~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**[~~6.41.4.13~~****~~INSTRUCTIONAL PROGRAMS FOR SCHOOL BUS DRIVERS:~~**

**~~A. Certification (pre-service training) for first-time bus drivers:~~**

**~~(1)~~** ~~A school bus driver instructor certified by the state school transportation director shall conduct instruction.~~

**~~(2)~~** ~~A new driver who has not been previously employed or certified as a school bus driver in New Mexico shall be required to successfully complete 36 hours of training. Instruction on transportation as a related service shall be included. The pre-service training shall include the following:~~

**~~(a)~~** ~~Classroom - 22 hours (two hours shall be on familiarization with the bus and equipment). Classroom instruction shall include a review of the Standards for Providing Transportation Services to Eligible Students, district and/or employer safety policies and regulations, general motor vehicle operating procedures, and passenger management.~~

**~~(b)~~** ~~Behind-the-wheel - six hours: This instruction shall be done in the same type and size bus the driver will operate. When the driver is expected to operate more than one size and type of vehicle, instruction shall be given in the specific handling characteristics of each vehicle. The instruction shall be under the supervision of a school bus driver trainer with no student passengers on board. The instruction shall include:~~

**~~(i)~~** ~~familiarization with the bus and equipment while operating a school bus;~~

**~~(ii)~~** ~~use of warning and stop lamps and other traffic control devices;~~

**~~(iii)~~** ~~procedures for loading and unloading students at bus stops;~~

**~~(iv)~~** ~~entrance to and departure from loading and unloading areas at school buildings;~~

**~~(v)~~** ~~railroad crossing procedures for school buses;~~

**~~(vi)~~** ~~actual driving tasks that the driver will experience.~~

**~~(c)~~** ~~Observation time -two hours: Observation time includes riding in a school bus with a regular, licensed school bus driver on a regular route, or in observation of other trainees under the supervision of a school bus driver trainer. This shall also include actual route orientation with a regular licensed driver.~~

**~~(d)~~** ~~Completion of minimum training: Within 60 calendar days of employment, the driver shall satisfactorily complete an approved first aid course including CPR (six hours).~~

**~~B. Training requirements for school bus drivers:~~**

**~~(1)~~** ~~A driver who had previous certification and employment experience as a school bus driver in New Mexico, but who has not been employed as a school bus driver for two or more years, shall take an eight hour refresher course, to include at a minimum two hours behind the wheel instruction, observation time and classroom instruction. The driver shall complete the required (four hours in-service training per semester) for a total of 12-16 hours of training during the first year of re-employment.~~

**~~(2)~~** ~~To remain qualified, school bus drivers and/or bus assistants shall complete a total of eight hours in-service training per semester during the school year or four hours per quarter. In-service for new drivers should be pro-rated for the number of quarters employed during their first year. Quarters during the year are as follows: January 1 - March 31; April 1 - June 30; July 1 - September 30 and October 1 - December 31. Drivers or assistants who are disqualified under this paragraph shall obtain the required in-service training from the prior semester to re-qualify.~~

**~~C. Substitute bus drivers:~~** ~~Substitute drivers shall meet all the qualifications, training, and licensing requirements of the school bus driver.~~

**~~D.~~****~~Bus assistants:~~**

**~~(1)~~** ~~A bus assistant shall be provided on buses equipped with a wheel chair lift, when necessary and/or required by law or regulation.~~

**~~(2)~~** ~~Bus assistants shall complete a course on providing transportation as a related service to students with disabilities and an approved first aid/CPR course.~~

**~~(3)~~** ~~Bus assistants shall have a current first aid/CPR certification.~~

**~~(4)~~** ~~Bus assistants shall complete 16 hours in-service each year.~~

**~~E. Qualifications of school activity vehicle/bus drivers:~~** ~~Activity bus drivers operating a school bus shall meet all school bus driver qualifications and licensing requirements. Activity drivers are not required to obtain a commercial drivers license unless they operate any vehicle that is designed to carry 10 or more passengers including the driver.~~

**~~F.~~****~~Activity driver operating a school owned vehicle for planned school sponsored activities shall comply with the following:~~** ~~Drivers shall be employees of a school district and, before operating a school owned vehicle, the driver shall comply with the requirements of Subparagraphs (a) through (d) of Paragraph 1 of Subsection J of 6.41.4.9 NMAC, a physical examination in accordance with Subsection D of 6.41.4.11 NMAC, and shall meet the requirements of the Controlled Substances and Alcohol Use and Testing in accordance with 49 CFR Part 382.~~

**~~(1)~~** ~~A new driver who has not been previously employed or certified shall be required to successfully complete a minimum of 12 hours of training.~~

**~~(2)~~** ~~The following pre-service training shall be completed: A school bus driver instructor certified by the state school transportation director shall conduct the four-hour classroom instruction.~~

**~~(a)~~** ~~Classroom - four hours (one hour shall be on familiarization with the vehicle and equipment) classroom instruction shall include a review of the Standards for Providing Transportation Services to Eligible Students, district and/or employer safety policies and regulations, general motor vehicle operating procedures, and passenger management.~~

**~~(b)~~** ~~Completion of minimum training within the first year of driving a school owned vehicle, unless documentation is provided for previous completion:~~

**~~(i)~~** ~~approved first aid course including CPR (six hours);~~

**~~(ii)~~** ~~nationally recognized or state approved defensive driving course.~~]

**6.41.4.13** **CONTINUING REQUIREMENTS FOR DRIVERS, SUBSTITUTE DRIVERS, SCHOOL BUS ASSISTANTS, AND SUBSTITUTE SCHOOL BUS ASSISTANTS:**

 **A.** **School bus drivers, substitute school bus drivers, and drivers of activity buses shall maintain and provide to the employer a copy of the following:**

 **(1)** a current CDL with appropriate class and endorsements;

 **(2)** a current DOT medical examiner’s certificate in compliance with federal and state CDL licensing requirements;

 **(3)** a driving record obtained through the New Mexico motor vehicle division or the national driver register or other states' motor vehicle division and printed annually; and

 **(4)** a current first aid and CPR certificate which has been obtained from a course approved by the department.

 **B.** **School-owned activity vehicle drivers and SUV drivers shall maintain and provide to the employer a copy of the following:**

 **(1)** a current driver’s license;

 **(2)** a current medical examiner’s certificate from a physical recorded on the DOT form;

 **(3)** a driving record pursuant to requirements in Paragraph (3) of Subsection A of 6.41.4.13; and

 **(4)** a current first aid and CPR certificate pursuant to the requirements in in Paragraph (4) of Subsection A of 6.41.4.13.

 **C.** **School bus assistants and substitute school bus assistants shall maintain and provide a copy to the employer of the following:**

 **(1)** a current first aid and CPR certificate pursuant to the requirements in Paragraph (4) of Subsection A of 6.41.4.13; and

 **(2)** a physical examination renewed every 24 months from the date of the last examination or before as specified by a licensed medical professional.

 **D.** **In-service Training**: To remain qualified, school bus drivers, substitute school bus drivers, school bus assistants, and substitute school bus assistants shall complete a total of eight hours per semester of in-service training that has been approved by the transportation administrator. Persons who do not complete the required hours of in-service training are disqualified from duty until those hours of in-service training are completed.

[~~12/31/1998; 6.41.4.10 NMAC - Rn, 6 NMAC 9.5.3.10, 07/01/2001; A, 11/15/2005~~]

[6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**6.41.4.14 USING SPORT UTILITY VEHICLES (SUVS) FOR TO-AND-FROM TRANSPORTATION**

**A. General requirements.** An [~~school district~~] LEA electing to transport public school students in an SUV on a to-and-from route shall:

 **(1)** be limited to transport up to six students who are enrolled in the [~~school district~~] LEA;

 **(2)** only transport students whose residence is within the boundaries of the [~~school district~~] LEA;

 **(3)** only transport students who live five or more miles from the student’s or students’ school, with the exception of those students in foster care or homeless children and youth as required as part of the best interest determination;

 [**~~(4)~~** ~~require that the driver be a school district employee certified as an activity vehicle driver;~~]

 **(4)** require that the SUV driver be an LEA employee certified as a school-owned activity vehicle driver;

 **[~~(5)~~** ~~not allow an employee to operate an SUV for to-and-from transportation if the person has:~~

**~~(a)~~** ~~been convicted for driving a vehicle while under the influence of intoxicating liquor or drugs (DWI) within the previous three years;~~

**~~(b)~~** ~~been convicted for DWI beyond three years unless a written verification from a licensed counselor or physician has been provided that the person has successfully completed an alcohol or drug abuse program;~~

**~~(c)~~** ~~been convicted two or more times for DWI;~~

**~~(d)~~** ~~had their driver’s license suspended or revoked within the previous five years for any serious traffic offense;~~

**~~(e)~~** ~~been convicted of more than three serious traffic offenses within the previous three years;~~

**~~(f)~~** ~~been convicted of any felony within the previous 10 years;~~

**~~(g)~~** ~~a conviction for any violation of Sections 30-31-1 to 30-31-28, 30-31-30 to 30-31-40 NMSA 1978, of the Controlled Substances Act;~~

**~~(h)~~** ~~been convicted of child abuse pursuant to Section 30-6-1 NMSA 1978;~~

**~~(i)~~** ~~been convicted of any other criminal offense in which a child was a victim as required by the offense;~~]

 [**~~(6)~~] (5)** require that the driver meet all federal, state, and department qualifications and licensing requirements. The driver shall:

 **(a)** allow the [~~district~~] LEA to obtain the driver’s driving record through the New Mexico motor vehicle division, or the national driver register or other states' motor vehicle divisions;

 **(b)** satisfactorily complete a physical examination using the current department of transportation form:

 **(i)** physical examination shall be renewed every 24 months from the date of the last examination or before as specified by a licensed medical professional;

 **(ii)** additional physical examinations shall be required at any other time at the request of the [~~local school district~~] LEA or the department’s transportation bureau;

 **(iii)** all physical examinations shall be conducted by a licensed medical professional;

 **(c)** meet the requirements of the Controlled Substances and Alcohol Use and Testing in accordance with 49 CFR Part 382;

 [**~~(7)~~] (6)** require that the driver complete pre-service training as outlined in department guidance. The pre-service training shall be provided only by a school bus driver instructor that has activity vehicle certification or an activity vehicle instructor that has been certified by the department;

 **(7)** require the SUV driver transporting students on to-and-from routes to obtain eight hours of in-service training per semester;

 [**~~(8)~~** ~~not allow the driver to use alcoholic beverages, illegal substances, or legal substances prior to or during duty hours;]~~

 [**~~(9)~~] (8)** be required to insure both the [~~vehicle~~] SUV and SUV driver through the public school insurance authority;

 **(9)** establish written procedures for immediate substitute SUVs should an SUV fail to meet pre-trip inspection requirements; the substitute SUV shall meet all pre-trip requirements;

 [**~~(10)~~** ~~require the driver to conduct a daily, thorough pre-trip operational check of the vehicle and equipment; the pre-trip shall be documented and shall cover at a minimum:~~

**~~(a)~~** ~~wheels, tires, lug bolts, and nuts for serviceability;~~

**~~(b)~~** ~~all exterior lights for serviceability and operation;~~

**~~(c)~~** ~~all glass, mirrors, windshields (clean, unbroken and mirrors adjusted for the driver);~~

**~~(d)~~** ~~exhaust system for leaks and looseness of connections;~~

**~~(e)~~** ~~fluid leaks under and in the front (oil, water, power steering, transmission, brakes) and in the rear (brakes and differential);~~

**~~(f)~~** ~~engine compartment for serviceability (battery, belts, wiring, hoses, fan);~~

**~~(g)~~** ~~engine compartment for fluid levels (oil, engine coolant, power steering, brake, windshield washer, transmission);~~

**~~(h)~~** ~~fuel filler cap;~~

**~~(i)~~** ~~all gauges, seats, and interior lights;~~

**~~(j)~~** ~~horn and windshield wipers;~~

**~~(k)~~** ~~emergency equipment;~~

**~~(l)~~** ~~cleanliness of vehicle;~~

**~~(m)~~** ~~electronic locks;~~

**~~(n)~~** ~~heaters and defrosters;~~]

 **(10)** require the SUV driver to immediately report in writing on the appropriate form(s) signed by the SUV driver any faulty or improperly functioning equipment to the transportation administrator or their designee;

 [**~~(11)~~** ~~not allow the driver to operate the vehicle if it does not meet the pre-trip inspection requirements;~~]

 **(11)** require all passengers to enter and exit on the passenger side of the SUV;

 [**~~(12)~~** ~~establish written procedures for immediate substitute vehicles should a vehicle fail to meet pre-trip inspection requirements; the substitute vehicle shall meet all pre-trip requirements;~~]

 **(12)** require the SUV driver to ensure that no student remains in the SUV at the conclusion of the route;

 [**~~(13)~~** ~~require the driver to report in writing on the appropriate form(s) signed by the driver all faulty or improperly functioning equipment to the school district administrator or their designee;~~

**~~(14)~~** ~~require the driver to ensure that no student remains in the vehicle at the conclusion of the route;~~]

 [**~~(15)~~] (13)** be required to have the vehicle inspected bi-annually by an authorized dealer. An inspection shall not occur within six months from the prior inspection. All inspections shall occur during the school year. Any defects found by the dealer shall be repaired prior to the vehicle being used to transport students. The vehicle shall be considered out of service until all defects are repaired by the dealer. The bi-annual inspections shall be submitted to the department’s transportation bureau along with the documentation of all repaired defects;

 **(14)** require the SUV driver to conduct a daily, thorough pre-trip operational check of the SUV and equipment; the pre-trip shall be documented and shall cover at a minimum:

 **(a)** wheels, tires, lug bolts, and nuts for serviceability;

 **(b)** all exterior lights for serviceability and operation;

 **(c)** all glass, mirrors, windshields (clean, unbroken and mirrors adjusted for the driver);

 **(d)** exhaust system for leaks and looseness of connections;

 **(e)** fluid leaks under and in the front (oil, water, power steering, transmission, brakes) and in the rear (brakes and differential);

 **(f)** engine compartment for serviceability (battery, belts, wiring, hoses, fan);

 **(g)** engine compartment for fluid levels (oil, engine coolant, power steering, brake, windshield washer, transmission);

 **(h)** fuel filler cap;

 **(i)** all gauges, seats, and interior lights;

 **(j)** horn and windshield wipers;

 **(k)** emergency equipment;

 **(l)** cleanliness of SUV;

 **(m)** electronic locks; and

 **(n)** heaters and defrosters;

 **(15)** not allow the SUV driver to operate the SUV if it does not meet the pre-trip inspection requirements;

[**~~(16)~~** ~~require all passengers to enter and exit on the passenger side of the vehicle; and~~

**~~(17)~~** ~~require the driver transporting students on to-and-from routes to obtain eight hours of in-service training per semester.~~]

 **(16)** not allow an employee to operate an SUV for to-and-from transportation if the person’s driving record shows:

 **(a)** a conviction for driving a vehicle while under the influence of intoxicating liquor or drugs (DWI) within the previous three years;

 **(b)** a conviction for DWI beyond three years unless a written verification from a licensed counselor or physician has been provided that the person has successfully completed an alcohol or drug abuse program;

 **(c)** a conviction two or more times for DWI;

 **(d)** their driver’s license has been suspended or revoked within the previous five years for any serious traffic offense;

 **(e)** a conviction of more than three serious traffic offenses within the previous three years;

 **(f)** a conviction of any felony;

 **(17)** not allow an employee to operate an SUV for to-and-from transportation if the person’s fingerprint-based background check shows:

 **(a)** a conviction for any violation of the Controlled Substances Act;

 **(b)** a conviction of child abuse pursuant to Section 30-6, NMSA 1978, Crimes Against Children and Dependents; or

 **(c)** conviction of any other criminal offense in which a child was a victim as required by the offense; and

 **(18)** ensure all SUVs shall be alcohol, drug and tobacco free areas. Prior to or during work periods, all SUV drivers shall not use alcoholic beverages, illegal substances, or legal substances which would impair the driver’s ability to perform required duties.

 **B. Procedures and criteria to establish routes.** The local superintendent shall demonstrate a need before providing to-and-from transportation in an SUV.

 **(1)** Those students receiving to-and-from transportation through the use of an SUV must be approved by the ~~local board of education~~ superintendent. The ~~local board of education~~ superintendent must approve annually. In addition, the superintendent must approve any changes to an SUV route that occur after the annual approval.

 **(2)** On forms provided by the department, the local superintendent of the [~~district~~] LEA shall submit the following information to the secretary of education or designee and to the department’s transportation director or designee for approval before using an SUV to transport students on a to-and-from route:

 **(a)** a description of the need to transport students in an SUV;

 **(b)** a list of students to be transported in an SUV;

 **(c)** the location of the school and location of the students’ residence as shown ~~and highlighted on a U.S. geological survey map or the equivalent thereof~~ on a map; and

  **(d)** the ~~local school board president~~ superintendent must sign the form submitted to the department.

 **(3)** A revised request for the SUV route must be submitted to the department for approval if there are any changes to the initial request.

 [**~~(4)~~** ~~Written notification shall be given to the department’s transportation director or designee when the district is no longer providing transportation in an SUV to the student or students who had been previously approved.~~]

 [**~~(5)~~] (4)** ~~Local school districts shall not~~ LEAs may count the students and miles for transportation funding who receive transportation services through the use of an SUV; however, only half of the miles will be counted through the funding formula.

 **(5)** Written notification shall be given to the department’s transportation director or designee immediately when the LEA is no longer providing transportation in an SUV to the student or students who had been previously approved.

 **(6)** Students in foster care or homeless children and youth may be transported as otherwise prescribed and required by law or department rule.

 **C. Construction standards.** ~~To provide for the safety of students,~~~~all SUVs used to transport students on to-and-from routes shall:~~ To provide for the safety of students,all SUVs used to transport students on to-and-from routes shall adhere to construction standards requirements.

 **~~(1)~~** ~~be district owned;~~

 **(1)** All SUVs used to transport students on to-and-from routes shall:

 **(a)** be LEA owned;

 **~~(2)~~ (b)** be a minimum six-passenger, full-size, extended-length, [~~sport utility vehicle~~] SUV;

 **~~(a)~~ (i)** the SUV shall not accommodate more than nine people including the driver; and

 **~~(b)~~ (ii)** the SUV shall not include vans or mini-vans;

 **~~(3)~~** ~~not accommodate more than nine people including the driver;~~

**~~(4)~~** ~~not include vans or mini-vans;~~

 **~~(5)~~ (c)** meet applicable United States department of transportation federal motor vehicle safety standards;

 **~~(6)~~ (d)** comply with all applicable state statutes and comply with child restraint recommendations from the national highway traffic safety administration;

 **~~(7)~~ (e)** have operable seat belts which all occupants are required to wear while the [vehicle] SUV is in motion;

 **~~(8)~~ (f)** bear the words "SCHOOL VEHICLE" and the name of the LEA in ~~black~~ reflective letters at least eight inches high on both sides ~~and rear~~ of the [~~vehicle~~] SUV;

 **~~(9)~~ (g)** bear the [~~name of the school district~~] words "SCHOOL VEHICLE" and the name of the LEA in ~~black~~ reflective letters ~~at least eight inches high on both sides and~~ on the rear of the [~~vehicle~~] SUV;

 **~~(10)~~ (h)** be marked with reflective material that is ~~national school bus yellow and is~~ at least one and three-fourths inches in width, placed horizontal and centerline of the [~~vehicle~~] SUV extending the length of both sides and rear of the [~~vehicle~~] SUV;

 **~~(11)~~ (i)** be equipped with colored LED wig wag flashers on the front and back of the [~~vehicle~~] SUV that shall be used during loading and unloading;

 **~~(12)~~ (j)** be equipped with electronic locks and child safety locks on all doors; all locks shall be engaged when the [~~vehicle~~] SUV is in motion;

 **~~(13)~~** ~~be equipped with a maximum speed limiter and shall be set at 75 miles per hour; and~~

**~~(14)~~** ~~be equipped with a back-up camera;~~

 **(2)** All SUVs used to transport students on to-and-from routes may:

 **(a)** be equipped with a maximum speed limiter and shall be set at 75 miles per hour;

 **(b)** have a two-way radio communication system;

 **(c)** have an operable recording video camera;

 **(d)** be equipped with a back-up camera; and

 **(e)** be painted national school bus glossy yellow, in accordance with the colorimetric specification of national institute of standards and technology (NIST) federal standards no. 595a, color 13432, except that the hood should be either that color or lusterless black, matching NIST federal standard no. 595a, color 37038.

 **D. Safety equipment.** All SUVs used to transport students on to-and-from routes shall have:

 **(1)** a first aid kit with contents pursuant to 6.40.2 NMAC, New Mexico School Bus Construction Standards;

 **(2)** a seat belt cutter within the driver’s reach while belted;

 **(3)** operable seat belts available to all passengers;

 **~~(4)~~** ~~a two-way radio communication system;~~

**~~(5)~~** ~~an operable recording video camera;~~

 **~~(6)~~ (4)** [~~the~~] a fire extinguisher mounted inside the [~~vehicle~~] SUV;

 [**~~(7)~~** ~~a minimum of three triangular warning reflectors, and the driver shall be knowledgeable as to their operation and proper placement. The reflectors shall be used in the event of prolonged stops on the roadway as follows:~~

**~~(a)~~** ~~one at a distance of approximately 100 feet in front and one approximately 100 feet in back of the disabled vehicle in the center of the traffic lane occupied by the disabled vehicle;~~

**~~(b)~~** ~~one at the traffic side of the disabled vehicle, not less than 10 feet from the front or rear;~~

**~~(c)~~** ~~if the vehicle is disabled within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the warning device in that direction to afford ample warning. The warning device must in no case be less than 100 feet or more than 500 feet from the disabled vehicle;~~]

 **~~(7)~~ (5)** a reflective safety vest that must be worn by the driver when the driver is exiting the [~~vehicle~~] SUV;

 **~~(8)~~ (6)** a cargo net to secure all items not under students’ control; and

 [**~~(8)~~** ~~a reflective safety vest that must be worn by the driver when exiting the vehicle; and~~

**~~(9)~~** ~~a cargo net to secure all items not under students’ control.~~]

 **~~(9)~~ (7)** a minimum of three triangular warning reflectors;

 **(a)** the SUV driver shall be knowledgeable of the warning reflectors’ operation and proper placement;

 **(b)** the warning reflectors shall be used in the event of prolonged stops on the roadway as follows:

 **(i)** one warning reflector at a distance of approximately 100 feet in front and one reflector approximately 100 feet in back of the disabled SUV in the center of the traffic lane occupied by the disabled SUV;

 **(ii)** one warning reflector at the traffic side of the disabled SUV, not less than 10 feet from the front or rear of the disabled SUV;

 **(iii)** if the SUV is disabled within 500 feet of a curve, crest of a hill, or other obstruction to view, the SUV driver shall place the warning reflector in that direction to afford ample warning. The warning reflector must in no case be less than 100 feet or more than 500 feet from the disabled SUV.

 **E.** **Route requirements.** All to and from transportation shall adhere to route requirements.

 **(1)** Loading and unloading shall occur, whenever possible, off of the roadway.

 **(2)** Students shall not cross the roadway for loading or unloading purposes.

 **(3)** The SUV driver shall load and unload at established route stops only unless an emergency dictates otherwise.

 **(4)** The student shall load or unload only at the student’s designated route stop unless the driver has written approval from the [~~school district~~] transportation administrator or designee.

 **(5)** The SUV driver shall ensure all doors are closed and locked before putting the [~~vehicle~~] SUV in motion.

 **(6)** The SUV driver shall keep the [~~vehicle~~] SUV clean, well ventilated, and properly heated when necessary.

 **(7)** The SUV driver shall obey all traffic laws, ordinances, and rules of the road.

 **(8)** The SUV driver shall report all hazards, whether potential or existing, on the route and all causes for failure to operate on schedule to the [~~school district~~] transportation administrator or designee.

 **F. Loading and unloading on route.** All to-and-from transportation shall adhere to loading and unloading requirements.

 **(1)** The SUV driver shall use mirrors to check traffic when approaching the stop.

 **(2)** The SUV driver shall reduce the [~~vehicle~~] SUV’s speed.

 **(3)** The SUV driver shall activate the wig wag lights not less than 100 feet nor more than 300 feet from a route stop in urban areas and not less than 300 feet nor more than 1,000 feet from a route stop in rural areas to warn motorists that the [~~vehicle~~] SUV is about to stop.

 **(4)** On morning routes, a complete stop shall be made at all established route stops whether students are present or not, unless a parent or guardian or [~~school district~~] transportation administrator has notified the driver that the student will be absent. The SUV driver shall not wait for students unless they are observed making an effort to reach the route stop or unless otherwise specified in the student's IEP.

 **(5)** When loading students, the [~~vehicle~~] SUV shall be brought to a complete stop, the transmission put in park and the emergency brake activated.

 **(6)** When unloading students, the [~~vehicle~~] SUV shall be brought to a complete stop, the transmission put in park and the emergency brake activated.

 **(7)** When the SUV driver leaves the driver’s seat, the keys shall be removed from the ignition switch.

 **(8)** When all students have been completely and safely loaded or unloaded, the wig wag lights shall be turned off.

 **(9)** The SUV driver shall check mirrors and make a thorough live sight inspection of all traffic before resuming travel.

 **G. Loading and unloading at schools.** All to-and-from transportation shall adhere to requirements when loading and unloading at schools.

 **(1)** The SUV driver shall load and unload public school students in the same location that loading and unloading of school buses occur. [~~The vehicle shall be parked in place for loading prior to dismissal of school. If loading or unloading on the street, the vehicle shall be stopped parallel to the curb. Wig wag lights shall not be activated unless the vehicle is stopped on the traveled portion of the roadway.~~]

 **(2)** The SUV shall be parked in place for loading prior to dismissal of school. If loading or unloading on the street, the SUV shall be stopped parallel to the curb. Wig wag lights shall not be activated unless the [~~vehicle~~] SUV is stopped on the traveled portion of the roadway.

 [**~~(2)~~](3)** The [~~vehicle~~] SUV shall be brought to a complete stop, the transmission put in park, and the emergency brake activated [~~and keys removed from the ignition switch~~] before loading or unloading students.

 **(4)** When the SUV driver leaves the driver’s seat, the keys shall be removed from the ignition switch.

 [**~~(3)~~](5)** The driver shall not back up the [~~vehicle~~] SUV on school grounds unless absolutely necessary.

 **H. Operating on interstate highways.** All to-and-from transportation shall adhere to operating requirements on interstate highways.

 **(1)** [~~SUVs~~] The SUV driver shall not make any stop except in an emergency nor shall any pupil load or unload while the [~~vehicle~~] SUV is on the interstate. All loading or unloading shall be done at points off the interstate.

 **(2)** The SUV driver shall not drive the [~~vehicle~~] SUV onto an opposite roadway or make any other similar maneuver except at interchanges and then only in a manner consistent with the proper procedures at any given interchange.

 **I. Railroad crossings.** The driver shall use extreme caution when approaching and crossing highway-grade railroad crossings.

 **J.** **Driver files**. [~~Districts~~] LEAs shall maintain SUV driver files that include the following:

 **(1)** annual [~~driver’s license~~] driving record check;

 **(2)** copy of current medical examiner’s certificate from the physical;

 **(3)** copy of current and valid driver’s license;

 **(4)** pre-service training record;

 **(5)** documentation of required in-service training; and

 **(6)** proof that the driver is enrolled in a random drug and alcohol testing program.

 [6.41.4.1 NMAC - Rp, 6.41.4.1 NMAC, X/XX/2018]

**HISTORY OF 6.41.4 NMAC:**

6.41.4 NMAC, Standard for Providing Transportation for Eligible Students; filed 12/31/1998 - Repealed and Replaced with 6.41.4 NMAC, Standard for Providing Transportation for Eligible Students, effective XX/XX/XXXX.

**PRE-NMAC REGULATORY FILING HISTORY:** The material in this regulation was derived from that previously filed with the State Records Center and Archives under State Board of Education Regulation 95-1 Standards for Providing Transportation for Eligible Students, filed February 2, 1995; and State Board of Education Regulation 83-3 State of New Mexico Standards for School Bus Operations, filed July 12, 1983, State Board of Education Regulation 83-3 State of New Mexico Standards for School Bus Operations Amendment #1, filed December 5,1988; and State Board of Education Regulation 83-3 State of New Mexico Standards for School Bus Operations Amendment #2, filed January 24, 1990; and State Board of Education Regulation 77-6 Governing the Transportation of School Age Children Participating in School Sponsored Activities, filed September 13, 1977; State Board of Education Regulation 77-12 School Bus Driver's Manual, Revised Edition, filed January 16, 1978; and State Board of Education Regulation 77-12 Amendment #1 Special Education Supplement to the School Bus Driver's Handbook, filed August 21, 1978; and State Board of Education Regulation 71-9 School Bus Driver's Handbook, filed September 22, 1971; and State Board of Education Regulation 68-4 Regulations, Operating Procedures and Information for School Bus Drivers, filed March 12, 1968.

**HISTORY OF REPEALED MATERIAL:** 6.41.4 NMAC, Standard for Providing Transportation for Eligible Students; filed 12/31/1998 - Repealed effective xx/xx/xxxx.