

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 41 TRANSPORTATION - SCHOOL BUS SAFETY
PART 4 STANDARDS FOR PROVIDING TRANSPORTATION FOR ELIGIBLE STUDENTS

6.41.4.1 ISSUING AGENCY: Public Education Department
[12/31/1998, 07/30/1999; 6.41.4.1 NMAC - Rn, 6 NMAC 9.5.3.1, 07/01/2001; A, 11/15/2005]

6.41.4.2 SCOPE: Provisions of Chapter 41, Part 4 apply to public school districts and charter schools. This regulation governs local public school districts. If a local public school district choose to provide transportation services by contracting with an outside provider instead of through district employed personnel, it may do so. The local public school district, however, is responsible for ensuring that the provisions of transportation services complies with all pertinent state and federal regulations and statutes and public education department regulations.
[12/31/98; 6.41.4.2 NMAC - Rn, 6 NMAC 9.5.3.2, 07/01/2001; A, 11/15/2005]

6.41.4.3 STATUTORY AUTHORITY: This regulation is promulgated pursuant to Sections 22-2-1, 22-2-2, 22-8-26, 22-10A-5, and 22-16-2 NMSA 1978.
[12/31/1998; 6.41.4.3 NMAC - Rn, 6 NMAC 9.5.3.3, 07/01/2001; A, 11/15/2005]

6.41.4.4 DURATION: Permanent.
[12/31/1998; 6.41.4.4 NMAC - Rn, 6 NMAC 9.5.3.4, 07/01/2001]

6.41.4.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12/31/1998; 6.41.4.5 NMAC - Rn, 6 NMAC 9.5.3.5 & A, 07/01/2001]

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.

[12/31/1998; 6.41.4.6 NMAC - Rn, 6 NMAC 9.5.3.6, 07/01/2001; A, 11/15/2005]

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. Activity driver** - An individual who meets all qualifications, licensing requirements and local district 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.
- D. Eligible student:**
 - (1)** Students eligible for transportation services under federal and state statute or under the public education department's "Hazardous Walking Regulation." State statute provides that students are eligible for transportation services if school bus routes are:
 - (a)** one mile one-way for students in grades kindergarten through 6;
 - (b)** one and one-half miles one way for students in grades 7-9, and;

(c) two miles one way for students in grades 10-12.

(2) Students with special needs are entitled to transportation as defined in Subparagraphs (a) through (c) of Paragraph (1) of Subsection D of 6.41.4.7 NMAC, or as specified in the definition of "transportation as a related service."

E. 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.

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. On-duty time - 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 for security purposes or assisting with supervision of students.

I. School activity trip - Shall include only transportation of school groups when the activity is school sponsored.

J. School bus - Any motor vehicle with a rated seating capacity of 10 or more occupants 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)

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.

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.

M. School bus driver instructor - Any person certified by the school transportation bureau to provide behind the wheel pre-service training for New Mexico school bus drivers.

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.

O. School-owned vehicle - A vehicle other than a school bus that is used to transport students to planned school sponsored activities.

P. 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):

- (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;
- (11) operating a vehicle after suspension or revocation of a driver's license.

Q. Substitute driver - An individual employed by a school district or private contractor to operate a school bus on a regular to-and-from route when the assigned school bus driver is absent. This person shall meet all certification and licensing requirements of the regular school bus driver.

R. 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.

S. Transportation provider - An individual or business that has entered into a binding agreement with the local school board to provide school transportation services.

T. Transportation supervisor - 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.

[12/31/1998; 6.41.4.7 NMAC - Rn, 6 NMAC 9.5.3.7 & A, 07/01/2001; A, 11/15/2005]

6.41.4.8 LOCAL BOARD OF EDUCATION RESPONSIBILITIES: Each local board of education is responsible for adopting transportation policies, which ensure a safe and efficient unified system of transportation for all eligible students within its jurisdiction. School transportation services for eligible students shall be provided by use of a school bus and/or per capita feeder. Therefore, each local board shall establish policies in the following areas:

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

(1) assure adequate community, parent, staff, and transportation 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, transportation providers and others;

(3) assure that adequate information and/or training is provided to community, parent, 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;

(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 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.

(6) 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 is a privilege 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 regulations governing student transportation may have their transportation privileges revoked by the school district. Each local board of education shall adopt:

(1) a student discipline 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 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 protection specified in state and federal regulations and state board of education 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.

(3) a policy regarding the transportation of special 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;

(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 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;

(8) procedures covering a do not resuscitate request from the parents or guardians specific to the school bus.

C. School bus contractor relationships: When an outside contractor provides school transportation services, each local board of education shall:

(1) approve all contracts and contract amendments with school bus-contractors in accordance with state law and state board of education regulation;

(2) approve a policy governing the termination of a contract with a school bus contractor in accordance with state law and state board of education 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 regulations are adhered to;

(4) develop policy involving criminal 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.

[12/31/1998; 6.41.4.8 NMAC - Rn, 6 NMAC 9.5.3.8 & A, 07/01/2001]

6.41.4.9 SCHOOL ADMINISTRATION RESPONSIBILITIES:

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.

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

(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.

(6) The school district administrator, or designee, shall be available until all buses have completed their trips and all students have been properly delivered.

(7) The school district administrator or designee shall develop and implement a school transportation safety curriculum for students who ride school buses to and from school and school sponsored activity trips.

(8) The local school district shall review for safety each student walk zone for each school on a school district approved cycle. The review cycle shall not exceed five years.

B. Accidents: In the event of a school bus accident or emergency, the school district administrator shall:

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

(2) promptly notify the state school transportation unit 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;

(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 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.

C. Plan of action for emergencies:

(1) Each school district, local transportation provider, and 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;

(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 their proper use.

D. School bus routes: School district 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.

(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.

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

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

(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.

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.

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.

(1) The local school district shall review for safety each school bus stop on a school district 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.

(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.

(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:

- (a) a streetcar crossing, or railroad crossing used exclusively for industrial switching purposes, within a business district;
- (b) a railroad grade crossing where a stop-and-go traffic light controls movement of traffic;
- (c) an abandoned railroad grade crossing, which is marked with a sign indicating that the railroad, is abandoned;
- (d) an industrial or spur line railroad crossing marked with a sign reading "EXEMPT CROSSING"; or
- (e) within 25 feet of any intersection.

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.

H. Provisions of transportation for 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.

I. Student behavior:

(1) When a student's behavior endangers the safety of others, the student shall be suspended from the transportation vehicle according to the local board of education's policies and public education department regulations.

(2) Provisions for removal and reinstatement of transportation services for students with disabilities shall be specified in the local board of education'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.

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.

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.

[12/31/1998; 2/14/2000; 6.41.4.9 NMAC - Rn, 6 NMAC 9.5.3.9 & A, 07/01/2001; A, 11/15/2005]

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.

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

6.41.4.11 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.;

- transmission, differential, etc.);
 - (v) oil, water, and any other fluid leaks (power steering, power brakes,
 - (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
 - (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 ("DWT") 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 public school students, or a school owned activity vehicle used to transport public school 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 public school students, or a school owned activity vehicle used to transport public school 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 public school students or a school owned activity vehicle used to transport public school 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 public school students, or a school owned activity vehicle used to transport public school 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. [12/31/1998; 6.41.4.11 NMAC - Rn, 6 NMAC 9.5.3.11 & A, 07/01/2001; A, 11/15/2005]

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 2A10BC 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, 07/01/2001; A, 11/15/2005]

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.

[12/31/1998; 6.41.4.13 NMAC - Rn, 6 NMAC 9.5.3.13 & A, 07/01/2001; A, 11/15/2005]

6.41.4.14 USING SPORT UTILITY VEHICLES (SUVS) FOR TO-AND-FROM TRANSPORTATION

A. General requirements: A school district 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;
- (2) only transport students whose residence is within the boundaries of the school district;
- (3) only transport students who live five or more miles from the student's or students' school;
- (4) require that the driver be a school district employee certified as an 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) require that the driver meet all federal, state, and department qualifications and licensing requirements. Driver shall:

- (a) allow the district 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 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 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) 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;

(8) not allow the driver to use alcoholic beverages, illegal substances, or legal substances prior to or during duty hours;

(9) be required to insure both the vehicle and driver through the public school insurance authority;

(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;
- (11) not allow the driver to operate the vehicle if it does not meet the pre-trip inspection requirements;
- (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;
- (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) 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;
- (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.

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. The local school board must approve annually.
- (2) On forms provided by the department, the local superintendent of the district 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; and
 - (d) the local school board president must sign the form submitted to the department.
- (3) A revised request 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) Local school districts shall not count the students for transportation funding who receive transportation services through the use of an SUV.
- (6) Students in foster care 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:

- (1) be district owned;
- (2) be a minimum six-passenger, full-size, extended-length, sports utility vehicle;
- (3) not accommodate more than nine people including the driver;
- (4) not include vans or mini-vans;
- (5) meet applicable United States department of transportation federal motor vehicle safety standards;
- (6) comply with all applicable state statutes and comply with child restraint recommendations from the national highway traffic safety administration;
- (7) have operable seat belts which all occupants are required to wear while the vehicle is in motion;
- (8) bear the words "SCHOOL VEHICLE" in black letters at least eight inches high on both sides and rear of the vehicle;
- (9) bear the name of the school district in black letters at least eight inches high on both sides and rear of the vehicle;
- (10) 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 extending the length of both sides and rear of the vehicle;
- (11) be equipped with colored LED wig wag flashers on the front and back of the vehicle that shall be used during loading and unloading;
- (12) be equipped with electronic locks and child safety locks on all doors; all locks shall be engaged when the vehicle 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.

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) the fire extinguisher mounted inside the vehicle;
- (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;
- (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.

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 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 administrator or designee.
- (5) The driver shall ensure all doors are closed and locked before putting the vehicle in motion.
- (6) The driver shall keep the vehicle clean, well ventilated, and properly heated when necessary.
- (7) The driver shall obey all traffic laws, ordinances, and rules of the road.

(8) The 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 administrator or designee.

F. Loading and unloading on route: All to-and-from transportation shall adhere to loading and unloading requirements.

(1) The driver shall use mirrors to check traffic when approaching the stop.

(2) The driver shall reduce the vehicle's speed.

(3) The driver shall activate the wig wag lights not less than 100 feet nor more than 300 feet in urban areas and not less than 300 feet nor more than 1,000 feet in rural areas to warn motorists that the vehicle 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 administrator 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 route stop or unless otherwise specified in the student's IEP.

(5) When loading students, the vehicle shall be brought to a complete stop, the transmission put in park and the emergency brake activated.

(6) When unloading students, the vehicle shall be brought to a complete stop, the transmission put in park and the emergency brake activated.

(7) When the 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 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 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 vehicle shall be brought to a complete stop, the transmission put in park, the emergency brake activated and keys removed from the ignition switch before loading or unloading students.

(3) The driver shall not back up the vehicle 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 shall not make any stop except in an emergency nor shall any pupil load or unload while the vehicle is on the interstate. All loading or unloading shall be done at points off the interstate.

(2) The driver shall not drive the vehicle 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 shall maintain driver files that include the following:

(1) annual driver's license 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;

(6) proof that the driver is enrolled in a random drug and alcohol testing program.

[6.41.4.14 NMAC, A/E, 9/29/2017]

HISTORY OF 6.41.4 NMAC:

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.