



Motor Carrier Attachment:

West Virginia School Bus Driver Qualifications

HWY24FH004

(10 pages)

16.3.c.1. "On-duty" time is time for which the operator is being compensated by any employer.

16.3.c.2. "Off-duty" time is defined as time uncompensated by any employer.

§126-92-17. Criteria for the Certification of Operator Candidates and Contract Operators.

17.1. All operator candidates shall be initially certified by the WVDE Office of School Facilities and Transportation as designee of the State Superintendent of Schools (State Superintendent) at the request of the county board or the public institution seeking to regularly employ them.

17.2. The operator candidate shall meet the following criteria to be certified:

17.2.a. the candidate shall be at least 21 years of age.

17.2.b. The candidate shall have a high school diploma, a General Equivalent Diploma (GED), or a Test Assessing Secondary Completion (TASC) Diploma from an accredited educational institution.

17.2.c. The candidate shall have at least three years of driving experience as a licensed operator of any vehicle and be eligible to obtain a valid commercial driver's license permit. A permit will allow the candidate to take the required on-road training.

17.2.c.1. The candidate shall complete a form granting the employing county board permission to obtain his/her driving record from the Department of Motor Vehicles (DMV) of the appropriate state(s). The driving record shall be for five years, if available. The driving record shall not show a preponderance of evidence of frequent violations of traffic laws. All referenced forms will be available on the WVDE website.

17.2.d. The candidate shall submit to the county board or institution seeking to employ him/her a WVDE Application for Bus Operator Certification and Release of Information form. The county board shall submit to the WVDE Office of School Facilities and Transportation the Release of Information Form and a copy of the application form for each operator candidate; upon receipt of this information a request for a criminal background report will be issued.

17.2.e. All candidates for initial operator certification shall be fingerprinted by the West Virginia State Police (State Police) or its designee. The fingerprints shall be analyzed by the State Police for a state criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation (FBI) for a national criminal history record check.

17.2.e.1. Information contained in either the central abuse registry record or the FBI record may form the basis for the denial of a certificate for cause in accordance with W. Va. Code §18A-3-2a and §18A-3-10.

17.2.e.2. Upon written consent to the WVDE by the candidate and within 90 days of the state fingerprint analysis, the results of a state analysis may be provided to a county board or institution to which the candidate is applying for employment without further cost to the candidate.

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17.2.e.3. Disclosure Provisions. Information maintained by the WVDE or a county board which was obtained for the purposes of complying with W. Va. Code §18A-3-10 is exempt from disclosure as provided by W. Va. Code §29B-1-4. Disclosure or publication of information in a statistical or other form that does not identify the individuals involved or provide personal information is not prohibited.

17.2.f. The candidate shall successfully complete a minimum of 40 hours of non-driving instruction with a WVDE-certified operator trainer. Instruction shall be in person from a WVDE-certified operator trainer, online training modules, or a combination thereof and shall include Policy 5902, Policy 4373, and W. Va. 126CSR28, Policy 2525, West Virginia's Universal Access to a Quality Early Education System. A WVDE-certified operator trainer shall be present anytime online training modules are utilized. Training shall not be duplicated to reach the required 40 hours of initial instruction. Only the number of hours per section of training designated by the WVDE shall be used to reach the initial 40 hours of instruction. Example: If an operator trainer determines a candidate requires five hours additional training on pre-trip inspection, the additional hours shall only be completed after the initial 40 hours of required instruction are complete.

17.2.g. The candidate shall successfully complete a minimum of 12 hours on-the-road training including two hours of night driving in the operation of bus with a WVDE-certified operator instructor on board and no student passengers.

17.2.h. The candidate shall receive appropriate training in the transportation of special education students. (See section 5.)

17.2.i. The candidate shall have first aid and cardiopulmonary resuscitation (CPR) certification from a program approved by the State Director.

17.2.j. The candidate shall pass a physical examination from a medical examiner certified by Federal Motor Carrier Safety Administration (FMCSA). The term "medical examiner" is defined as doctor of medicine, doctor of osteopathy, physician assistant, advanced practice nurse, and doctor of chiropractic.

17.2.j.1. The medical examiner shall record physical examinations on the U.S. Department of Transportation (USDOT) Medical Examination Report Form (for Commercial Driver Medical Certification).

17.2.j.2. The physical examination results may be used for certification for a period of up to six months from date of examination.

17.2.j.3. The physical examination shall cover all health issues set forth in section 19. Tuberculin testing is not required unless there is evidence of exposure to tuberculosis or signs or symptoms of active tuberculosis as referenced in W. Va. Code §16-3D-3.

17.2.k. The candidate shall be subject to pre-employment drug testing for the use of certain controlled substances as per all regulations of the USDOT. Negative drug test results must be obtained prior to beginning any behind-the-wheel training.

17.2.l. Prior to the candidate taking any skills examination or test provided by or administered by the WVDE, the candidate shall obtain a commercial driver's license (CDL) with a minimum Class B license and P (passenger) and S (school bus) endorsements.

17.2.m. The candidate shall pass a written examination provided by the WVDE online and administered by the county board seeking to employ him/her.

17.2.m.1. The candidate who fails the online examination may retake it three times if necessary during a 12-month period at the discretion of the county board or institution seeking to employ him or her.

17.2.n. Upon successful completion of the online examination, the candidate shall pass additional tests on skills and performance at the request of the county board or institution seeking to employ the candidate administered by a qualified bus inspector employed by the WVDE or a certified operator examiner using vehicles owned or leased by the county board.

17.2.n.1. Should a candidate fail any portion of the skills or performance tests, the remainder of the test(s) shall not be administered. The skills and performance tests shall be administered to a candidate no more than three times annually and only after consultation with the test examiner or State Director. The request shall be in writing and shall include reasons for retesting. Candidates must wait five days prior to being retested and must receive documented additional training in the areas of failure. The entire test shall be re-administered.

17.2.o. The candidate shall pass a physical performance exam.

17.2.p. Aides should be able to perform the same duties as the operator in the event of an emergency. Aides should be given a timed modified physical performance exam prior to beginning their duties as follows:

17.2.p.1. move from the front of the bus to the rear and exit through the rear door.

17.2.p.2. ascend/descend the bus steps.

17.2.p.3. repeatedly open/close the service door manually.

17.2.p.4. lower/lift objects.

17.2.p.5. identify, apply, and release the bus parking brake.

17.2.q. Upon successful completion of the WVDE training program and receipt of identification, the newly certified operator shall initially be required to drive a minimum of two bus routes with a certified operator and students on-board prior to accepting any assignment.

17.3. The State Superintendent may refuse to certify a candidate as an operator who is not of good moral character and physically, mentally, and emotionally qualified to perform the duties of operator safely and efficiently. Reasons supporting a refusal to certify include the following:

17.3.a. failure to complete and pass or process any of the following:

17.3.a.1. physical examination form including a list of all prescribed medications.

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17.3.a.2. training provided by the county board or public institution.

17.3.a.3. online examination developed by the WVDE.

17.3.a.4. skills and performance tests administered by the WVDE.

17.3.a.5. drug screen.

17.3.a.6. accumulation of six or more points against the candidate's driving record from any state DMV.

17.3.a.7. conviction of one drug/alcohol-related driving offense within the last two years. Conviction of two or more drug/alcohol-related driving offenses shall permanently bar a candidate from receiving certification.

17.3.a.8. use or possession of any illegal controlled substance or any controlled substance that is a prescribed medication without a valid prescription or abuse with a valid prescription, within the last five years as demonstrated by a preponderance of evidence.

17.3.a.9. pattern of abuse of alcohol within the last five years regardless of the candidate's driving record, as demonstrated by a preponderance of evidence.

17.3.a.10. a criminal background or driving history that otherwise demonstrates a lack of good moral character.

17.3.a.11. conduct constituting sexual abuse, negligence, or assault of a minor whether or not criminally charged, as demonstrated by a preponderance of evidence.

17.4. When the State Director recommends to the State Superintendent that a candidate be denied certification for any reasons set forth in sections 17.3.a.1 through 17.3.a.11, the candidate will receive notice of the recommended denial for cause and be afforded the opportunity for a hearing before the School Bus Operator Review Panel in accordance with W. Va. 126CSR4, Policy 1340, Rules of Procedure for Administrative Hearings and Appeals (Policy 1340).

17.5. Counties may elect to hire a contract operator to transport students in passenger vehicles with a designed seating capacity of fewer than ten occupants, not including operator, in areas where bus service is limited due to terrain. Under no circumstances shall designed seating capacity be exceeded.

17.5.a. The contract operator candidate shall comply with all federal, state, and county regulations. The operator must have the minimum of a Class D CDL license.

17.5.b. The contract operator candidate shall submit to Criminal Investigation Bureau (CIB) and FBI background checks and a DMV background check prior to being considered for employment. A candidate shall not be employed if there is an accumulation of six or more points against the candidate's driving record from any state DMV. An accumulation of ten or more points against the operator's driving record after employment shall result in termination of contract. A DMV check shall be completed and submitted annually once employed.

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17.5.c. The contract operator candidate shall complete an approved first-aid and CPR class and shall follow all guidelines for re-certification once employed.

17.5.d. The contract operator candidate shall pass an operator physical examination from a medical examiner prior to employment and then annually once employed.

17.5.e. The contract operator candidate shall be subject to WVDOT pre-employment drug testing and random testing once employed.

17.5.f. The contract operator candidate shall receive a minimum of eight hours of training with a WVDE certified operator instructor, online training modules, or a combination thereof, including but not limited to: loading and unloading procedures, railroad crossings, student conduct, emergency procedures, and county policies. A driving exam and state certification are not required.

17.5.g. The contract operator once employed shall have automobile liability coverage in place. The Certificate of Insurance must evidence a minimum of \$1,000,000 per occurrence of auto liability. Copies shall be made available to the county superintendent/designee.

17.5.h. The vehicle used to transport students shall have a West Virginia Division of Motor Vehicles (WVDMV) inspection annually, be subject to periodic maintenance with proper documentation of any repairs, and the documentation shall be made available to the county superintendent/designee upon request.

§126-92-18. Physical Qualifications for Operators.

18.1. The operator shall have no mental, nervous, organic, or functional disease, or psychiatric disorder, and take no medication likely to interfere with his or her ability to operate the bus safely. (See Appendix A, Prescription and Over-the-Counter Medication Policy Template.)

18.2. The duties to be performed by an operator include but are not limited to the following:

18.2.a. walk from the operator's seat to the rear of the bus.

18.2.b. open all emergency exits.

18.2.c. install tire chains on a bus.

18.2.d. raise the hood of a conventional bus and check oil levels and antifreeze levels.

18.2.e. remove obstructions from windshield and under wiper blades.

18.2.f. adjust all outside mirrors.

18.2.g. secure a wheelchair.

§126-92-19. Physical Examination for Operators and Contract Operators.

19.1. The operator shall pass an annual physical examination from a medical examiner. This

examination shall be conducted no earlier than April 1st to receive certification for the following school term.

19.2. The county superintendent shall maintain the original of the physical examination of each operator.

19.2.a. The original of the physical examination of designated Head Start operators is to be maintained by the employing agency.

19.2.b. Physical examinations shall be recorded on the USDOT Medical Examination Report Form (for Commercial Driver Medical Certification). It is preferred that the physical examination be performed by an FMCSA Certified medical examiner because other medical providers may not be sufficiently informed regarding the physical requirements for operators to safely transport students.

19.2.c. All operator physical examinations are considered confidential and protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191) and shall be reviewed only by approved administrative staff. Designated staff of the certifying agency (WVDE) also may review this information when warranted.

19.3. The physical examination for all operators shall ensure that:

19.3.a. there is no past or present history of convulsive seizures.

19.3.b. there is no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin. If an operator who is currently employed by a county board or who is otherwise subject to WVBE rules governing operators is diagnosed with diabetes mellitus, that operator is eligible for employment if that operator is properly credentialed to the satisfaction of the WVDMMV.

19.3.c. there is no loss of use of joints of either hand that interferes with prehension or power grasping such that the applicant cannot receive or would not be able to renew a CDL with the appropriate endorsements.

19.3.d. average hearing loss in the better ear of the operator shall not be greater than 40 decibels (dB) at 500 Hz, 1000 Hz, and 2000 Hz with or without hearing aids. When needed, an approved hearing aid with back up batteries shall be used by the operator.

19.3.e. there is no current clinical diagnosis of:

19.3.e.1. myocardial infarction (heart attack).

19.3.e.2. angina pectoris (chest pain).

19.3.e.3. coronary insufficiency.

19.3.e.4. thrombosis (blood clots).

19.3.e.5. stroke (mini-strokes/TIA, paralysis or weakness).

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19.3.e.6. other infectious diseases that would prevent the operator from performing his/her duties as determined by a public health officer.

19.3.f. there is no cardiovascular disease of a variety that is accompanied by:

19.3.f.1. syncope (fainting or passing out).

19.3.f.2. (difficulty breathing or shortness of breath).

19.3.f.3. collapse (unconsciousness).

19.3.f.4. congestive cardiac failure.

19.3.f.5. any protein, blood, or sugar found in the urinalysis. Such a finding may indicate a need for further testing to rule out underlying medical conditions prior to the final determination that an operator is medically qualified.

19.3.g. if any of the conditions in sections 19.3.e.1 through 19.3.f.4 exist, a letter from a cardiologist must be presented to the county director stating that the operator is medically qualified to operate a bus.

19.3.h. blood pressure is less than or equal to 140 systolic and 90 diastolic (140/90). If the operator fails the blood pressure test, the operator shall provide medical evidence of three separate blood pressure readings below the identified levels on three different days within a seven day period prior to certification. These readings shall be certified by a medical examiner. When an operator is required to use a pacemaker, his/her return to work shall be approved by two cardiologists not affiliated with each other.

19.3.i. while performing operator duties, the operator shall wear a truss for any small hernia. Large hernias shall be surgically repaired.

19.3.j. there is no medical history or clinical diagnosis of the following which interferes with the ability to operate a bus safely:

19.3.j.1. rheumatic disease.

19.3.j.2. arthritic disease.

19.3.j.3. muscular disease.

19.3.j.4. neuromuscular disease.

19.3.j.5. vascular disease.

19.3.k. both eyes are functional and the operator:

19.3.k.1. has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses.

19.3.k.2. does not have monocular vision.

19.3.k.3. has a field of vision no less than 70 degrees in the horizontal meridian of each eye.

19.3.k.4. is able to identify the colors red, green, amber, and blue.

19.3.k.5. wears corrective lenses, if necessary, while operating a bus.

19.4. All operators using Continuous Positive Airway Pressure (CPAP) devices must meet requirements as follows:

19.4.a. Obstructive Sleep Apnea (OSA) precludes an individual from obtaining unconditional certification to drive a commercial motor vehicle (CMV). However, it should not exclude all individuals with the disorder. An individual with an OSA diagnosis who is receiving positive airway pressure (PAP) treatment may be certified to drive if that individual meets the following criteria:

19.4.a.1. is referred to a clinician with relevant expertise;

19.4.a.2. has adequate PAP established through one of the following means:

19.4.a.2.A. an in-laboratory titration study; or

19.4.a.2.B. an auto-titration system without an in-laboratory titration.

19.4.b. individuals with OSA who have been treated with PAP may be certified if they have been successfully treated for a minimum of one week. Successful PAP treatment is defined as follows:

19.4.b.1. demonstration of good compliance with treatment; and

19.4.b.2. resolution of excessive sleepiness when driving.

19.4.c. individuals with OSA who are treated with PAP must demonstrate compliance with treatment by objective documentation.

19.4.d. compliance is defined as using PAP for the duration of total sleep time, or as prescribed by the treating provider.

19.4.e. optional treatment efficacy occurs with seven hours or more of use during sleep; however, four hours of documented time at pressure per major sleep episode is minimally acceptable.

19.4.f. based on current standards of practice, an acceptable CPAP use is at least four hours of use per night on at least five nights per week.

19.4.g. prior to an operator being allowed to resume driving, the clinician must provide a statement that the treatment and the operator meet these criteria. It is the operator's responsibility to keep a log of his/her compliance and provide documentation to the county director on a quarterly basis. County boards shall maintain all such records.

19.5. The operator shall have no mental, nervous, organic, or functional disease, or psychiatric disorder, and take no medication likely to interfere with his or her ability to operate the bus safely. (See Appendix A, Prescription and Over-the-Counter Medication Policy Template.)

19.6. All operators and county employees in safety sensitive positions who possess a CDL shall be subject to pre-employment, random, post-accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per all regulations of OTETA. For random tests, all operators and safety sensitive employees who possess a CDL, including trainees, shall be included in the DOT drug testing pool. The pool shall be spread out evenly throughout the year. An employee who has been removed from the DOT drug testing pool for 30 days or more shall have a pre-employment drug test prior to returning to work. The county board shall develop a drug testing policy for non-CDL drivers in safety sensitive positions and those shall be in a different random pool. For post-accident, the test for alcohol shall be administered within two hours of the accident. The post-accident test for controlled substances shall be administered as soon as practical but within 32-hours of the accident. If either test cannot be administered within the required timelines, the employer shall maintain a record that states the reason the test could not be administered. Further information on required timelines may be found in FMCSA Section 382.303. Post-accident drug and alcohol tests shall be required after crashes according to the following chart:

Type of Accident Involved	Citation Issued to the Driver	Test Must Be Performed by Employer
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily Injury with Immediate Medical Treatment away from the Scene	Yes	Yes
Bodily Injury with Immediate Medical Treatment away from the Scene	No	Yes
Bodily Injury with Immediate Medical Treatment on the Scene	Yes	Yes
Bodily Injury with Immediate Medical Treatment on the Scene	No	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	Yes

19.6.a. County boards shall provide the WVDE, by certified mail, the name and Social Security number of employees who hold safety sensitive positions as described by the OTETA, and who test positive for the tested substances. The WVDE shall maintain the positive test records for two years.