

CHAPTER 1
POLICY AND ADMINISTRATION
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CHAPTER 1

POLICY AND ADMINISTRATION

1. POLICY. The Department's policy is to maintain an effective School Pupil and Farm Labor Transportation Safety (School Bus) Program designed to ensure maximum safety when school pupils or farm workers are transported on California streets and highways. This manual outlines policies and procedures which govern the administration and operation of the Department's School Bus Program.

NOTE: The terms DL-45, California Special Driver Certificate, and special driver certificate are used interchangeably in this chapter. Additionally, the terms School Pupil and Farm Labor Transportation Safety Program and School Bus Program are used interchangeably and, when used, encompass the following categories of vehicles and/or drivers: school bus, youth bus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, and vehicle for developmentally disabled persons.

2. ADMINISTRATION.

a. Headquarters.

(1) Assistant Commissioner, Field. Under the direction of the Deputy Commissioner, the Assistant Commissioner, Field (ACF), exercises overall control of the Department's School Bus Program. All policy changes regarding the School Bus Program shall be approved by ACF prior to implementation.

(2) Assistant Commissioner, Staff. Under the direction of the Deputy Commissioner, and with the assistance of the ACF, the Assistant Commissioner, Staff (ACS), ensures the School Bus Program is properly funded.

(3) Enforcement and Planning Division. Under the direction of the ACS, Enforcement and Planning Division (EPD) coordinates the School Bus Program with field Division and Area commanders and maintains liaisons with other agencies concerned with school pupil and farm labor transportation issues. Enforcement and Planning Division also coordinates the adoption of rules and regulations governing school buses, youth buses, school pupil activity buses (SPAB), general public paratransit vehicles (GPPV), farm labor vehicles (FLV), and vehicles for developmentally disabled persons (VDDP).

(4) Research and Planning Section. Research and Planning Section (RPS) is the designated Office of Primary Interest (OPI) for the school bus program;

however, RPS shares with Commercial Vehicle Section (CVS) certain responsibilities regarding the school bus program.

(a) School Bus Program. Research and Planning Section is responsible for providing technical assistance to the field, public, and school bus industry relating to the school bus certification process; developing and maintaining Highway Patrol Manual (HPM) 82.4, School Pupil and Farm Labor Transportation Safety; Highway Patrol Handbook 82.7(HPH), Passenger Transportation Safety; all special certificate examinations, including the first aid examination; providing guidance regarding activities performed by Area school bus officers/coordinators (SBO/C), including program evaluation; and departmental representation on statewide boards, committees, and organizations concerned with school pupil and farm labor transportation safety; and general staff support.

1 Training. Research and Planning Section is responsible for coordinating and conducting the SBO/Cs initial training course for newly assigned Area SBO/Cs; both primary and alternates. A newly assigned SBO/C shall attend the 40-hour initial course and satisfactorily complete the course with a final examination and passing score of 70 percent. An SBO/C or attendee who does not satisfactorily complete and pass the final examination shall make arrangements with RPS for remedial training. Newly assigned Division SBO/Cs, and supervisors of SBO/Cs may attend the course, if desired.

(5) Commercial Vehicle Section. Commercial Vehicle Section is responsible for regulating the safe operation of school buses, youth buses, GPPV, SPAB, and FLV, and adopting rules and regulations regarding the school bus program.

(a) Motor Carrier Safety Unit. Within CVS, the Motor Carrier Safety Unit is responsible for providing technical assistance to the field, public, and school bus industry relating to the construction, design, equipment, inspection, and certification of school buses, youth buses, GPPV, SPAB, and FLV, and the inspection of vehicle maintenance records.

b. Divisions. Field Division commanders are responsible for the administration of established protocols related to the School Bus Program specified in this manual and HPM 84.1, Motor Carrier Safety Operations. The Division commander shall designate a Division SBO/C to coordinate the School Bus Program at the Division level.

(1) Division School Bus Program Coordinator. The Division SBO/C shall be responsible for the following:

- (a) Responding to questions from Area commands, the public, and the school bus industry concerning the School Bus Program.
- (b) Reviewing and compiling all Areas' monthly activity reports (CHP 100E, Monthly Activity Report, School Pupil and Farm Labor Safety), respective to their Division. The reports shall be submitted to RPS, Attention: Statewide School Bus Program Coordinator **by the 10th working day** of the month following the month of activity. (Refer to Chapter 9, Activity Reporting, of this manual.)
- (c) Annual review of the Division's School Bus Program to determine whether all departmental standards are met, and the program is implemented and functioning properly. The annual review shall be documented in writing and forwarded to RPS by March 1st of each year. (Refer to Annex A, Sample School Bus Program Annual Report, of this chapter.)
- (d) Standardizing the Division's School Bus Program to ensure all Areas within the Division are operating consistent with departmental policies and procedures contained in this manual and HPM 84.1.
- (e) Informing Division and Area commanders of any changes or problems occurring in the program. The Division SBO/C shall also assist at the Area level, resolving problems that are brought to Division's attention.
- (f) Conducting, on an annual basis, meetings or refresher training with Area SBO/Cs. During meetings, the Division SBO/C will discuss problems, concerns, and/or changes in the program. The SBO/C will determine the need for, and contents of, refresher training based on requests from Area SBO/C and/or RPS. Within 30 days of the completion of a Division quarterly or annual meeting/training, the Division SBO/C shall forward to RPS the following: a roster of SBO/Cs that attended the meeting/training, the meeting/training agenda, and any discussion or training conducted regarding the Department's School Bus Program.
- (g) Conducting unannounced audits of each Area's School Bus Program records. The audit shall include, at a minimum, 15 percent of randomly selected drivers' files. When needed, the Division SBO/C may utilize SBO/Cs from other Areas within the Division to assist with the audit.
- (h) Forwarding a copy of the annual school bus stop inspection and review memorandums (received from Areas) to RPS by November 30th of each year. (Refer to Chapter 7, School Bus Stops and Routes, of this manual.)

c. Areas.

(1) Area Commanders. Area commanders shall ensure significant and/or unresolved problems within the program are brought to the attention of the Division SBO/C. Area commanders shall ensure the following functions and activities are properly conducted:

(a) Assignment of School Bus Officers/Coordinators. The Area commander shall assign qualified persons to the positions of **primary and alternate SBO/C**. (An officer or coordinator who has attended the initial training course or has received thorough training from the previous SBO/C, or has received training from, or at the direction of, the Division SBO/C is considered qualified while awaiting the 40 hour initial course).

(b) Performance Evaluation. The Area commander shall ensure managers and supervisors of the SBO/C and alternate SBO/C, receive proper and timely performance evaluations pursuant to this manual, to ensure competence.

(c) Supervisory Review of the CHP 100E, Monthly Activity, School Pupil and Farm Labor Safety Report. The supervisor of the primary and alternate SBO/C shall review and approve their CHP 100E monthly activity report **by the 5th working day** of the month following the month of activity.

(d) Enforcement. Enforcement of applicable laws and regulations relating to school pupil and farm labor transportation safety.

1 Complaints. Ensure complaints against a driver of a school bus, youth bus, GPPV, SPAB, FLV, or VDDP; instructors/delegated behind-the-wheel trainer; carriers; and reports of any unsafe school bus stop or route are accepted, properly documented by employees of this Department regardless of the complaint jurisdiction, and forwarded to the appropriate command for action. (Refer to Chapters 4, Complaint Investigation, and 7 of this manual for complaint acceptance and details regarding unsafe stop evaluation requirements.)

2 Unsafe School Bus Stop. When an Area commander becomes aware of an unsafe school bus stop, the command shall immediately notify, in writing, the appropriate school district superintendent or principal or head of a private school to ensure the stop is inspected and evaluated to determine if the stop meets any of the criteria for a California Highway Patrol (CHP) approved stop pursuant to Sections 22112(e)(6) and 22504(c) of the California Vehicle Code (CVC), or

Section 1238 (c)(2) of Title 13, California Code of Regulations (13 CCR). (Refer to Chapters 4 and 7 of this manual for details regarding unsafe stop evaluation requirements.)

3 Annual Inspection and Review of California Highway Patrol-Approved School Bus Stops, and Flashing Red Light Signal System (and Stop Arm) Exemptions. Ensure an annual inspection and review of all CHP approved school bus stops and flashing red light signal system (and stop arm) exemptions are conducted, documented (on a CHP 51, Memorandum), and forwarded to the appropriate Division. (Refer to Chapter 7 of this manual.)

(e) School Bus Collision Investigation. Ensure proper investigation of all school bus, youth bus, SPAB, and GPPV collisions defined in Section 12517.1 CVC and HPM 110.5, Collision Investigation Manual, and FLV collisions occurring in their Area.

(f) Liaison. Maintaining positive liaison with school bus, youth bus, SPAB, GPPV, FLV, VDDP drivers; school districts, private schools, school bus contractors, and carriers.

(g) DL 45, California Special Driver Certificates. Ensure proper controls and accounting of DL 45s, are maintained as outlined in Chapter 2, California Special Driver Certification Process, of this manual.

(h) Written Tests. Ensure confidentiality, secure storage, and proper destruction of all school bus program written examinations as outlined in Chapter 2 of this manual.

(2) School Bus Officers/Coordinators. This paragraph refers to both the school bus officer and the school pupil transportation safety coordinator. The SBO/C is responsible for performing the following duties. (Refer to Chapter 2 of this manual for detailed information regarding SBO/C duties.)

(a) Coordinating the School Bus Program at the Area level.

(b) Interviewing applicants.

(c) Issuing the Temporary DL 45.

(d) Reviewing and forwarding applicant packets to the Department of Motor Vehicles (DMV) for processing.

(e) Reviewing school bus stops that require CHP approval pursuant to Section 22504(c) CVC and 13 CCR. (Refer to Chapter 7 of this manual.)

(f) Reviewing school bus stops for flashing red light signal and stop arm exemptions pursuant to Section 22112(e)(6) CVC. (Refer to Chapter 7 of this manual.)

(g) Reviewing and evaluating reported unsafe school bus stops to determine if the stop meets any of the criteria for a CHP approved stop pursuant to Sections 22112(e)(6) and 22504(c) CVC, or 13 CCR 1238(c)(2). (Refer to Chapter 7 of this manual.)

(h) Responding to the scene of a school bus collision.

1 School bus officers are strongly encouraged to respond to the scene of such collisions to provide technical assistance and/or information regarding school bus laws and regulations.

2 School pupil transportation safety coordinators may respond to the scene upon approval of their supervisor or commander.

(i) Reviewing all collision reports involving a school bus, youth bus, SPAB, or GPPV with a pupil on board (Section 12517.1 CVC, and HPM 110.5), farm labor workers, or drivers of VDDPs to ascertain if the driver committed any violation that would affect their special driver certificate.

(j) Providing training to beat officers to assist in identifying and enforcing school pupil transportation safety violations, and enhancing the officer's knowledge of laws and regulations that govern school transportation.

(k) Conducting an annual random inspection of drivers' records of a school district, private school, or carrier pursuant to Section 1808 CVC, Section 39831.5 of the Education Code (EC), and 13 CCR 1234(b), (c), and (h). (Refer to Chapter 5, School Bus Program Enforcement, of this manual.)

(l) Conducting public affairs presentations, attending school bus industry related meetings, and preparing and presenting safe driver awards. (Refer to Chapter 8, School Pupil Safety Public Affairs, of this manual.)

(m) Reporting monthly school bus program activity by submitting a CHP 100E to Division. (Refer to Chapter 9 of this manual.)

(3) School Pupil Transportation Safety Coordinator Only. Designated CHP Area offices utilize nonuniformed employees with the civil service job classification of School Pupil Transportation Safety (School Bus) Coordinator to fulfill a portion of the Department's responsibilities within the School Bus

Program. Some of the duties of a School Bus Coordinator are limited in the area of enforcement; i.e., school bus coordinators should not investigate school bus collisions, enforce laws and regulations, or investigate complaints. School Bus Coordinators may, however, ascertain the validity of routine complaints involving school bus, youth bus, GPPV, SPAB, FLV, and VDDP drivers; school districts, private schools, instructors/delegated behind-the-wheel trainers, and carriers. Complaints involving motorists violating Section 22454 CVC (failure to stop for a school bus with red lights/stop arm activated), where the identity of the driver cannot be established, the coordinator may obtain vehicle registration data to ascertain the registered owner's address and mail a CHP 295B, Failure to Stop for School Bus, (refer to Chapter 5 of this manual) concerning the violation made in the registered owner's vehicle.

NOTE: The School Bus Coordinator may request enforcement assistance from a beat officer or may request to ride along with an officer to monitor a location with reported high-rates of violations of Section 22454 CVC.

(a) State Vehicle Usage. The School Bus Coordinator may utilize a state-owned vehicle upon approval by the Area commander or designee. Upon the conclusion of the work day, the state vehicle should be parked at the CHP facility to which the coordinator is assigned unless otherwise specified by the Area commander or designee.

(4) School Bus Officer Only. In addition to the duties listed in paragraph 2.c.(2), the school bus officer is responsible for performing the following duties:

(a) Investigating complaints against a driver of a school bus, youth bus, GPPV, SPAB, FLV, and VDDP; school districts, private schools, carriers; and reports of unsafe school bus stops and routes affecting school pupil transportation safety. (Refer to Chapter 4 of this manual.)

(b) Enforcing the laws and regulations governing school pupil and farm labor transportation safety, as well as operational violations by drivers.

1 Ensuring public and private schools arrange for, and utilize appropriate transportation pursuant to Section 545 CVC.

2 Reporting violations to the appropriate field Division Motor Carrier Safety Unit upon discovery of a vehicle being used for pupil transportation that has not been properly inspected and/or certified by the CHP.

a Monitoring locations with reported violations of Section 22454 CVC, and, if necessary, preparing a CHP 295B. (Refer to Chapter 5 of this manual.)

(5) Attire. The SBO/C shall wear attire that is appropriate, professional, and reflects favorably upon the Department.

(a) Uniformed Employees. School bus officers shall adhere to the dress standards outlined in HPM 73.5, Uniform, Grooming and Equipment Standards, Chapter 1, Uniform Policy; Chapter 2, General Requirements; and Chapter 3, Grooming Requirements. Officers may wear the utility uniform when conducting enforcement, testing, and inspection functions. The work or formal uniform shall be worn for school bus transportation safety public affairs presentations, or when addressing the public.

(b) Nonuniformed Employees. School bus coordinators shall adhere to the dress standards expressed in HPM 73.5, Chapter 9, Nonuniformed Employee Dress and Grooming Standards. Nonuniformed employees may wear casual attire when testing applicants and conducting records inspections. It is recommended that appropriate shoes are worn when testing applicants/drivers, conducting records inspections, or other functions requiring looking under school buses, or driving a school bus should a driver/applicant fail a driving test while on the road.

(6) Drivers' Files. Driver files shall be maintained in a secured location which requires a key to access the files. If no indication is made regarding whether the document maintained is a copy or an original, either may be contained in the file. Each driver's file shall contain the following:

(a) CHP 295E, Applicant Reference card (original).

(b) CHP 295, Special Certificate Application.

(c) Driver license, temporary driver license, or permit (copy).

(d) DL 45 (copy of all portions).

(e) Applicant fingerprint background investigation results. Not required for an FLV applicant.

(f) DL 51, Medical Examination Report (copy), or copy of the page of the report that bears the medical examiner's signature. Not required for a VDDP applicant unless the applicant possesses a class A or B license.

- (g) DL 51A, Medical Certificate (copy). Not required for a VDDP applicant unless the applicant possesses a class A or B license.
- (h) Department of Motor Vehicle ten-year driving history (H-6).
- (i) First aid certificate (copy) (school bus and youth bus only) unless waived per Section 12522 CVC.
- (j) CHP 295A, Pre-trip and Driving Test. Not required for a VDDP applicant.
- (k) If applicable, a California Highway Patrol memorandum requesting action against the applicant's certificate by DMV and/or a copy of the DS 2050, DMV Order of Action, if applicable. (Refer to Chapter 6 of this manual.)

(7) Area Files. The following files shall be maintained at the CHP Area office.

- (a) A suspense file for requests for applicant fingerprint background investigations.
- (b) CHP 295H, Driver Certificate Log (original).
- (c) CHP 295F, School Bus Collision Log (original). Not required for a VDDP or FLV driver. (Refer to Chapter 3, School Bus Collisions, of this manual.)
- (d) School Bus Collisions (copy). Not required for a VDDP or FLV driver. (Refer to Chapter 3 of this manual.)
- (e) CHP 100E, School, Monthly Activity Report, School Pupil and Farm Labor Safety. (Refer to Chapter 9 of this manual.)

(8) Area School Bus Stop(s) Files. The Area shall maintain the following files. Details regarding the documents below are contained in Chapter 7 of this manual.

- (a) A current list of all CHP approved school bus stops, and flashing red light signal system (and stop arm) exempted stops.
- (b) Copies of annual inspection memorandums (addressed to the respective Division) for all CHP approved school bus stops.
- (c) Copies of letters to school districts and private schools indicating approval or disapproval of school bus stop(s), and flashing red light and stop arm exemption stops.

3. SCHOOL BUS PROGRAM – GOVERNMENTAL AGENCIES’ RESPONSIBILITIES.

a. California Highway Patrol. The CHP formulates and adopts rules and regulations governing the construction, design, equipment, color, and safe operation, including driver requirements, of school buses pursuant to Sections 34501.5 and 34508 CVC. The CHP is also responsible for:

(1) School Bus, Youth Bus, School Pupil Activity Bus, and General Public Paratransit Vehicle Inspections. Inspecting and certifying school buses, youth buses, SPABs, and GPPVs at least once every 13 months to ascertain compliance with applicable laws and regulations pursuant to Sections 2807, 2807.1, 2807.3, and 34501.8 CVC.

(2) Records Inspection. Inspecting carriers’ drivers records and school bus, youth bus, SPAB, GPPV, preventive maintenance and inspection records pursuant to Section 2807.2 CVC, 13 CCR 1202(a) and 1234.

(a) Inspection Guide. Providing a preventive maintenance inspection guide for use by school bus, youth bus, SPAB, GPPV, and FLV carriers pursuant to Sections 2807.2 and 34500(c) CVC. The guide specifies preventive maintenance requirements and is contained in HPH 84.6, Motor Carrier Safety Compliance Handbook.

(3) School Bus Collisions. Investigating school bus collisions as defined in Section 12517.1 CVC.

(4) Testing Applicants. Administering written and driving tests to applicants seeking to obtain or renew a special driver certificate for a school bus, youth bus, SPAB, GPPV pursuant to Sections 12522(b), 12523(c), 12523.5 CVC. The VDDP drivers are not required to submit to a driving test.

(5) Temporary DL 45, California Special Driver Certificate. Issuing temporary special driver certificates to school bus, youth bus, SPAB, GPPV, and VDDP drivers pursuant to Section 12517.4(b) CVC.

(6) School Bus Stops. Inspecting, evaluating and approving certain school bus stops pursuant to Section 22504(c)(1) and (2) CVC and 13 CCR 1238(b), and consulting with school districts and private schools regarding stops at which the school district or private school have determined the flashing red light signal system should not be operated pursuant to Section 22112(e) CVC.

b. California Department of Education. The California Department of Education (CDE) adopts regulations relating to the use of school buses by school districts and others pursuant to Section 39831 EC. The CDE approves all courses and training

required for school bus and SPAB drivers pursuant to Sections 40082 and 40083 EC, and train and certify driver instructors pursuant to Section 40088 EC.

c. Department of Motor Vehicles. The DMV and CHP provide the written and driving tests for school bus, youth bus, GPPV, and SPAB drivers pursuant to Section 12517.4(a) CVC. The DMV ensures applicants and holders of special driver certificates to drive a school bus, youth bus, GPPV, and SPAB maintain eligibility pursuant to Section 13370 CVC. The DMV also ensures that applicants for a special driver certificate meet all provisions of Sections 13369 and 13376 CVC before issuing a permanent special driver certificate. The DMV also conducts hearings upon request for a driver of a school bus, youth bus, GPPV, and SPAB driver whose certificate has been denied, suspended, or revoked pursuant to Section 13376 CVC.

d. Emergency Medical Services Authority. The Emergency Medical Services Authority, in consultation with the CHP, DMV, and CDE, determines standards for examination of first aid practices deemed necessary for school bus and youth bus drivers pursuant to Section 12522(a) CVC.

4. FARM LABOR TRANSPORTATION – GOVERNMENTAL AGENCIES' RESPONSIBILITIES.

a. California Highway Patrol. The CHP adopts rules and regulations which are designed to promote the safe operation of FLV's including, but not limited to, vehicular design, equipment, passenger safety, and seating pursuant to Section 31404(a) CVC.

b. California Department of Education. The CDE develops a training course for FLV drivers pursuant to Section 40081 EC, which must be approved by both the DMV and the CHP pursuant to Section 12519(b) CVC.

c. Department of Motor Vehicles. The DMV and the CHP provide the written and driving tests for applicants seeking to obtain or renew a FLV special driver certificate. The DMV ensures applicants and holders of a special driver certificate to drive a FLV are eligible and maintain eligibility to drive these vehicles (Section 13369 CVC). The DMV also ensures the applicants for special driver certificates meet the provisions of Section 13369 CVC prior to issuing a permanent driver certificate pursuant to Section 12517(c) CVC.

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ANNEX A

SAMPLE SCHOOL BUS PROGRAM ANNUAL REPORT

State of California

Transportation Agency

Memorandum

Date: March 1, 2013

To: Research and Planning Section

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Golden Gate Division

File No.: 301.11111.A10296.Annual Report 2012

Subject: SCHOOL PUPIL AND FARM LABOR TRANSPORTATION SAFETY

Pupil and Farm Labor Transportation Safety (School Bus) Program. This general survey revealed the standards and goals, as outlined in Highway Patrol Manual 82.4, School Pupil and Farm Labor Transportation Safety, have been met. The following is a summary of _____ Division's School Bus Program activities for 2012. The numbers below were obtained from the School Pupil and Farm Labor Transportation Safety Program Report generated by Support Services Section.

- 4049 Driver Certification Hours
- 1014 Written Tests
- 1364 Pre-Trip Inspection and Driving Tests
- 982 Certificates Issued
- 590 Applicants Fingerprinted
- 123 Complaint Hours
- 356 Enforcement Hours
- 28 School Bus Stop Hours
- 506 Public Affairs Hours
- 266 Departmental Training Hours
- 1507 Administrative Hours

Research and Planning Section
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Date:

The memorandum may briefly explain any of the above mentioned activities, or any additional duties, achievements, or unusual circumstances relative to the school bus program; for example, assigning a new Area school bus officer or coordinator, conducting a special investigation, assisting other divisions with a school bus program audit, or participating in a school bus "roadeo," etc.

During (previous year), the Division held (quarterly/annual) meetings as scheduled. The first quarterly/annual meeting for (current year) is scheduled for (date), to discuss and reinforce current goals and standards, and affirm new goals to maintain an effective School Bus Program for (current year).

Questions regarding the information contained in this memorandum should be directed to (name of Division School Bus Program Coordinator) by electronic mail (e-mail) to (Division School Bus Program Coordinator's email address) or calling (Division School Bus Program Coordinator's telephone number).

_____, Chief (or designee)