

*****DRAFT - NOT FOR FILING*****

3301-83-06 Personnel qualifications.

(A) The qualifications for the transportation director/supervisor are:

~~Qualifications shall include:~~

- (1) A satisfactory driving record as verified through checks made by the employing agency.
- (2) A satisfactory work history as verified through professional references as determined by the employing agency.
- (3) A satisfactory criminal background report in accordance with divisions (J) and (K) of section 3327.10 of the Revised Code.
- (4) Post-high school education or work experience in education, business administration, management or transportation as determined by the employing agency ~~school bus owner.~~
- (5) Completion of annual training as specified in paragraph (D) of rule 3301-83-10 of the Administrative Code ~~participation in a minimum of four hours of in-service training related to school transportation, in-school transportation related training.~~
- (6) Completion of the classroom portion of the Ohio preservice driver training program set forth in at least once every six years pursuant to paragraph (A)(2) of rule 3301-83-10 of the Administrative Code within six months of appointment to the position, and at least once every six years after appointment.

~~Newly assigned administrators shall complete the classroom portion of the Ohio preservice driver training program within one year of their appointment to the position.~~

(B) The qualifications for a school bus or motor van driver are:

(1) Having ~~The school bus driver shall have~~ an understanding of the role of pupil transportation in the educational program and meeting ~~all the physical, mental and moral qualifications requirements~~ established by federal rule, state laws and this chapter of the Administrative Code.

~~Qualifications shall include:~~

- (2) Meeting applicable age qualifications under 49 C.F.R. 391.11 and section 3327.10 of the Revised Code, and having ~~Be at least twenty one years of age with~~ a minimum of two years driving experience.
- (23) Being physically qualified pursuant to the requirements listed in rule 3301-83-07 of the Administrative Code.
- (34) Completion of initial and semi-annual driver record checks according to division (F) of section 3327.10 of the Revised Code through the Ohio department of education and workforce for which with records to ~~shall~~ be maintained by the employer and/or school district for a minimum of six years. School bus or motor van drivers with any of the following are ~~shall be~~ disqualified from operating a school bus or motor van:
 - (a) More than six points during the past two years;
 - (b) A guilty plea or conviction of driving while under the influence of alcohol and/or a controlled substance during the past ten years as set forth in division (F) of section 3327.10 of the Revised

Commented [HF1]: Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed, to correct the name of the agency consistent with HB 33 (135th GA), and to reflect other changes made by HB 33. Language is reorganized for clarity and ease of reference, and duplicative language already set forth in other law or rule is removed.

Commented [FH2]: The term "employing agency" is added to more broadly include districts and other bus owners who may contract with an employing agency.

Commented [FH3]: The time period is reduced from one year to six months in order to better prioritize student safety.

Commented [FH4]: Language is updated as age requirements under federal law depend on whether a vehicle is being operated in interstate commerce, which generally requires the driver to be age 21. The state minimum age set forth in R.C. 3327.10 is age 18. Employers may impose more stringent/higher age requirements.

Commented [FH5]: Cross references to other applicable law or rule are added to paragraph (B) for ease of reference.

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Code:

- (c) Two (or more) serious traffic violations, as defined in division (II) of section 4506.01 of the Revised Code, during the past two years; ~~or~~
- (d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official; ~~or~~
- (e) Any other disqualifying offense, as set forth in rule(s) adopted by the Ohio state board of education pursuant to division (K) of section 3327.10 of the Revised Code.
- ~~(e)~~ Nothing in paragraph (B) of this rule ~~shall~~ limits any district or employer from adopting more stringent qualifications.
- ~~(5)~~ All drivers are to hold a valid Ohio driver's license, and school bus drivers will hold a valid commercial driver's license, with school bus and passenger endorsements, in accordance with sections 4506.03 and 4506.12 of the Revised Code ~~Being licensed as a school bus operator.~~
- ~~(6)~~ Holding school bus or motor van driver certification by a city or exempted village superintendent, a community school superintendent, a county educational service center, county board of developmental disabilities, head start program administrator, non-public administrator, or contractor.
- ~~(7)~~ Completion of pre-service and in-service training as specified ~~as prescribed~~ in rule 3301-83-10 of the Administrative Code.
- ~~(8)~~ Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.
- ~~(9)~~ Ability to cope with stressful situations.
- ~~(9)~~10 Possessing or upgrading skills through formal and/or in-service training.
- ~~(10)~~11 A satisfactory criminal background report in accordance with divisions (J) and (K) of section 3327.10 of the Revised Code.
 - (a) A new report is to be obtained shall be required every six years with driver re-certification pursuant to divisions (J) and (K) of section 3327.10 of the Revised Code ~~rule 3301-83-10 of the Administrative Code.~~
 - (b) A driver is not qualified for employment unless the driver has been enrolled in the retained applicant fingerprint database by the state board of education according to division (B) of section 3319.316 of the Revised Code and division (J)(4) of section 3327.10 of the Revised Code.
 - (c) Records are to shall be maintained by the employer and/or school district for a minimum of six years.
- ~~(11)~~12 A negative pre-employment drug test.
- ~~(12)~~13 Participation in drug and alcohol testing as mandated by the federal motor carrier safety administration (FMCSA) pursuant to 49 C.F.R. 382. Individuals who refuse to participate in testing are disqualified from operating a school bus. Employers will implement drug and alcohol testing for motor van drivers and impose similar standards for motor van driver disqualification.

Commented [FH6]: Paragraph (B) (11) (b) is added to reflect changes made by HB 33 (135th GA) requiring drivers to be enrolled in the retained applicant fingerprint database by the state board of education.

Commented [FH7]: FMCSA drug and alcohol testing requirements apply with respect to commercial motor vehicles, which are defined to include school buses but would not include vans designed for 9 or fewer. Language is added to clarify that districts will implement the same drug and alcohol testing standards for motor van drivers as for bus drivers.

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(C) The qualifications for Maintenance personnel are:

~~(1) Being~~ Personnel employed for vehicle maintenance duties shall be qualified to perform quality preventive and regular maintenance programs and shall understanding the relationship of vehicle maintenance to a safe pupil transportation program.

~~Qualifications as determined by the employer shall include:~~

(2) Meeting qualifications determined by the employer, including:

- ~~(a)~~ Work history.
- ~~(2b)~~ Education and professional development.
- ~~(3c)~~ Testing.
- ~~(4d)~~ On-the-job performance evaluations.

(3) Completion of training as specified in paragraph (E) of rule 3301-83-10 of the Administrative Code.

~~(54)~~ For individuals who may be required to operate a school bus with pupils on board, bus driver qualifications shall meet all requirements for a school bus driver as listed in paragraph (B) of this rule apply.

(D) The qualifications for Bus aides are:

~~Qualifications shall include:~~

- (1) Physical capability of safely and appropriately lifting and managing preschool and special needs children when necessary.
- (2) Ability to cope with stressful situations as related to preschool and special needs children.
- (3) Possessing or upgrading skills through formal and/or in-service training related to transportation of preschool and special needs children.
- (4) A satisfactory criminal background report in accordance with divisions (J) and (K) of section 3327.10 of the Revised Code section 3319.391 of the Revised Code. A new report shall be required will be conducted every six five years and the standard for evaluation of this report shall will be as provided for in rule 3301-20-01 of the Administrative Code. ~~Records shall be maintained by the employer and/or school district for a minimum of six years.~~

(5) Completing the training specified in paragraph (C) of rule 3301-83-10 of the Administrative Code.

(E) The qualifications for On-the-bus instructors are:

~~Qualifications shall include:~~

- (1) Completing the training specified in paragraph (F) of Meeting the requirements of rule 3301-83-10 of the Administrative Code ~~inclusive, relating to on the bus instructor training.~~
- (2) Meeting the qualifications all the requirements of for a school bus driver as listed in paragraph (B) of this rule.

Commented [FH8]: Statutory citation is updated to reflect that criminal records checks are required under R.C. 3319.391 for unlicensed personnel such as bus aides, and that law requires criminal records checks every fifth year.

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- (3) Skills necessary to plan and organize instruction.
- (4) Ability to communicate effectively.
- (5) Capability of coordinating instruction for preschool and special needs transportation.
- (6) Be currently employed in a role that includes school bus driving duties and be listed as an active driver ~~by~~ with the department.
- (7) ~~Shall~~ Passing a driving and pre-trip skills evaluation at least once every six years with a state pre-service instructor.
- (8) ~~Shall~~ Being sponsored by a school transportation provider or preservice instructor.

~~(F) Drivers of vehicles other than school buses utilized for pupil transportation.~~

Commented [FH9]: Paragraph (F) is stricken as content has been added to paragraph (B) to address motor van driver qualifications.

~~Qualifications are to include:~~

- ~~(1) Be at least twenty one years of age with a minimum of two years driving experience.~~
- ~~(2) Shall complete semi annual driver record checks through the department for which records shall be maintained by the employer and/or school district for a minimum of six years. Drivers with any of the following shall be disqualified from operating a vehicle:
 - ~~(a) More than six points during the past two years;~~
 - ~~(b) A conviction of driving while under the influence of alcohol and/or a controlled substance during the past ten years;~~
 - ~~(c) Two (or more) serious traffic violations, as defined in division (II) of section 4506.01 of the Revised Code, during the past two years; or~~
 - ~~(d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official.~~
 - ~~(e) Nothing in this rule shall limit any district or employer from adopting more stringent qualifications.~~~~
- ~~(3) Holding a valid driver's license.~~
- ~~(4) Proof of financial responsibility or insured by the school transportation provider.~~
- ~~(5) A satisfactory criminal background report in accordance with divisions (J) and (K) of section 3327.10 of the Revised Code. A new report shall be required every six years with driver re certification pursuant to rule 3301-83-10 of the Administrative Code and the standard for evaluation of this report shall be as provided for in rule 3301-83-23 of the Administrative Code. Records shall be maintained by the employer and/or school district for a minimum of six years.~~
- ~~(6) Must be physically qualified as determined by rule 3301-83-07 of the Administrative Code, except that paragraph (D)(13) of rule 3301-83-07 of the Administrative Code shall not apply to drivers employed by the Ohio school for the deaf and Ohio state school for the blind, who must meet all other requirements outlined in rule 3301-83-07 of the Administrative Code and shall only transport students enrolled at the Ohio school for the deaf and Ohio state school for the blind, interpreters, and authorized passengers as~~

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~~provided within rule 3301-83-17 of the Administrative Code, after pre-trip procedures are conducted for each trip, including confirming communication capability to ensure the driver has the ability to communicate with passengers. The deaf driver's ability to communicate may be satisfied by transporting groups of students and employees that can communicate using both speech and sign language or a group that includes a sighted individual that can communicate using speech and sign language.~~

- ~~(7) Shall complete preservice training requirements as follows:
 - ~~(a) Shall complete a four hour minimum Ohio preservice driver curriculum or other course only as approved in advance by the pupil transportation office of the department.~~
 - ~~(b) Shall complete a driving performance evaluation and review by a certified on the bus instructor, or by a superintendent's designee.~~
 - ~~(c) Submit evidence of training to the department.~~
 - ~~(d) Have a certificate of acknowledgement of van driver training as issued by the department.~~
 - ~~(e) A current school bus driver certificate shall be considered satisfactory in fulfilling these requirements.~~~~
- ~~(8) Shall complete a two hour minimum of annual in-service training as approved by the school district transportation department. Failure to complete the annual in-service training may result in the revocation of an individual's certificate.~~
- ~~(9) Holding an annual driver certification issued by the owner of the vehicle.~~