



Public Schools of North Carolina
State Board of Education
Department of Public Instruction

Report to the Joint Legislative Education Oversight Committee

Replacement School Buses Funds/
Safety Rules for School Activity Buses

SL 2003-2004, sec. 7.25(c)

House Bill 397, 2003 Budget Bill

Date Due March 15, 2004

Report #37 in October 2003-December 2004

DPI Chronological Schedule



PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION :: Howard N. Lee, *Chairman*

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DEPARTMENT OF PUBLIC INSTRUCTION :: Michael E. Ward, *State Superintendent*

January 9, 2004

MEMORANDUM

TO: All Superintendents

FROM: Philip W. Price
Benjamin J. Matthews

SUBJECT: Legislative Study – Safety Rules for Activity Buses

Session Law 2003-284, Section 7.25c directs the State Board of Education to study the adequacy of safety rules and policies for activity bus use:

SECTION 7.25.(c) The State Board of Education shall study the adequacy of the safety rules and policies adopted by local boards of education regarding the use of activity buses. The State Board shall report the results of this study to the Joint Legislative Education Oversight Committee by March 15, 2004.

We hereby request you respond to the questions below:

1. LEA Name _____
2. Does your LEA have a Local Board of Education Policy that addresses the use of your local activity buses? _____ YES _____ NO
3. If the answer to #2 is No, is your LEA in the process of establishing a Local Board Policy?
4. Does your LEA have other written rules or procedures regarding the use of your local activity buses? _____ YES _____ NO
5. Please provide copies of the policies, rules or procedures referenced in (2) and (3) above.

We must have this information from you no later than February 1, 2004. Please submit this completed questionnaire electronically to Belinda Guy at bguy@dpi.state.nc.us. If this is not possible, this information may be faxed to Ms. Guy at 919-807-3558.

We appreciate your prompt response to this request. If you have questions, please call Ben Matthews at 919-807-3501 or Derek Graham at 919-807-3571.

PWP:BJM:mm

04-039

DIVISION OF SCHOOL SUPPORT

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Safety Rules for Activity Buses
Executive Summary
For Information
March 11, 2004

The State Board of Education was directed to study the adequacy of the safety rules and policies adopted by local boards of education regarding the use of activity buses. The State Board is to report the results of this study to the Joint Legislative Oversight Committee by March 15, 2004. In response to this request, the Department of Public Instruction sent a survey to the 117 LEAs in North Carolina requesting their policies related to activity bus transportation.

Background – Applicable Laws

The primary safety of activity bus operation is addressed in a number of North Carolina general statutes. According to Motor Vehicle Law (G.S. 4.01 (27d3)) a School Activity Bus is defined as

“A vehicle, generally painted a different color from a school bus, whose primary purpose is to transport school students and others to or from a place for participation in an event other than regular classroom work. The term includes a public, private, or parochial vehicle that meets this description.”

Motor Vehicles Law – both state and federal – addresses the qualifications of the driver, requiring that the driver of a School Activity Bus has a Commercial Driver’s License and either a P (passenger) endorsement or a School Bus Driver’s Certificate (valid in-state only). Changing laws will require all drivers to have a federal P and S (school bus) endorsement by the fall, 2005. Further, Motor Vehicles Law requires that all of these drivers participate in random drug and alcohol testing.

Public School Law – addresses the safety of the vehicle itself, just like for school buses. G.S. 115C-248(d) states the following

“The superintendent of each local school administrative unit, shall cause each activity bus which is used for the transportation of students by such local school administrative unit or any public school system therein to be inspected for mechanical defects, or other defects which may affect the safe operation of such activity bus, at the same time and in the same way and manner as the regular public school buses for the normal transportation of public school pupils are inspected. A report of such inspection, together with the recommendations of the person making the inspection, shall be filed with the principal of the school which uses and operates such activity bus and a copy shall be forwarded to the superintendent of the local school administrative unit involved. It shall be the duty of the driver of each activity bus to make the same reports to the principal of the school using and operating such activity bus as is required by this section. If any public school activity bus is found to be so defective that the activity bus may not be operated with reasonable safety, it shall be the duty of such principal to cause the use of such activity bus to be discontinued until such defect is remedied to the satisfaction of the person making the inspection and a report to this effect has been filed in the manner herein prescribed. Nothing in this subsection shall authorize the use of State funds for the purchase, operation or repair of any activity bus.”

State Board of Education Policy EEO-H-005 – the Preventive Maintenance and Vehicle Replacement Manual – outlines specific preventive maintenance for buses. These procedures are implemented through the state's Vehicle Fleet Management System (operated by NCDOT). The required maintenance for school buses and school activity buses is identical, consisting of 30-day inspections and scheduled preventive maintenance every 6,000 miles.

Local Board of Education Policies

Beyond these state laws and policies, specific activity bus transportation policies are not mandated by the State Board of Education or North Carolina General Statute. These policies are developed at the discretion of the local boards of education across the state. Many policies are procedural, detailing the requirements for reserving, picking up and fueling activity buses. Others supplement the public school law by adding additional driver qualifications. Others have no formal policies, relying on the general statutes above for guidance in how to operate activity buses.

Survey of Existing Policies, rules and procedures

All 117 LEAs responded to the survey and 87 submitted copies of their written documentation. The policies and procedures sent to DPI varied in length from one paragraph to several pages. A copy of the survey is attached to this document as well as the summary sheet that shows each LEA and the type of policy, procedure or rule noted.

Summary of Results

Seventy-nine LEAs (67%) have local board of education policies related to activity bus transportation. Of these, forty-six LEAs have administrative procedures or rules in addition to their board policies. Another fourteen LEAs (12%) rely on administrative procedures or rules to supplement state laws regarding activity bus transportation. Three LEAs (2.6%) that have neither board policies nor written procedures are in the process of developing board policies. Twenty-one LEAs (18%) reported no board policies or other written rules or procedures. State laws address the safety of the driver and the vehicle as discussed above. Whether adopted policy or written rules or procedures, ninety-six LEAs, including the three in-process, or 82% have adequately documented local guidelines to be followed that supplement state law. Twenty-one LEAs have not adequately documented their policies and procedures regarding activity bus transportation; however conversations with LEA staff indicate that they use state laws as a basis for their ongoing, non-written procedures.

In reviewing the applicable motor vehicle and public school laws, it is clear that the safety of activity bus transportation is adequately addressed in state law in much the same way as "yellow" school bus transportation. Nevertheless, many LEAs have adopted local rules or have policies and rules in place. Actual copies of those policies submitted are available in the office of DPI School Support.

Safety Rules for Activity Buses

Section 7.25.(c) The State Board of Education shall study the adequacy of the safety rules and policies adopted by local boards of education regarding the use of activity buses. The State Board shall report the results of this study to the Joint Legislative Education Oversight Committee by March 15, 2004.

LEA #	LEA	Local Board of Education Policy		Establishing a Local Board Policy		Other Written Rules or Procedures		Copies of Policies, Rules or Procedures Provided		Comments
		Yes	No	Yes	No	Yes	No	Yes	No	
10	Alamance-Burlington	Yes				Yes		Yes		We need some serious work on our policy and it has been on my 'do list' for some time.
20	Alexander	Yes				Yes		Yes		
30	Alleghany		No		No		No		No	
40	Anson	Yes				Yes		Yes		
50	Ashe	Yes					No	Yes		
60	Avery	Yes					No		No	
70	Beaufort		No	Yes			No		No	
80	Bertie	Yes				Yes		Yes		
90	Bladen		No		No		No		No	
100	Brunswick	Yes				Yes		Yes		
110	Buncombe	Yes				Yes		Yes		
111	Asheville City	Yes				Yes		Yes		The county shares transportation responsibilities with us. We adhere to their policies as well.
120	Burke	Yes				Yes		Yes		
130	Cabarrus	Yes				Yes		Yes		
132	Kannapolis City	Yes					No	Yes		
140	Caldwell	Yes				Yes		Yes		
150	Camden	Yes					No	Yes		
160	Carteret	Yes				Yes		Yes		
170	Caswell	Yes					No	Yes		
180	Catawba		No		No	Yes		Yes		Yes we have guidelines for activity bus usage. This list is a basically generic. We have many other unwritten rules that apply to activity bus usage.
181	Hickory City	Yes								Current policy follows state and federal guidelines concerning bus equipment and maintenance, bus drivers' licenses, not using rental vans of fifteen passenger vans, transporting children with special needs and preschool children, and use of charter buses. We feel the current federal and state guidelines are adequate regarding the use of activity buses.
182	Newton-Conover City	Yes		Yes				Yes		
190	Chatham		No				No	Yes	No	
200	Cherokee	Yes					No	Yes		
210	Edenton/Chowan		No		No	Yes		Yes		
220	Clay		No		DNR		No		No	
230	Cleveland		No		No		No		No	
231	Kings Mountain City	Yes				Yes		Yes		

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		Yes	No	Yes	No	Yes	No	Yes	No	
232	Shelby City		No		No		No		No	
240	Columbus		No		No		No		No	
241	Whiteville City		No		No	Yes	No	Yes	No	Have rules for use of activity vehicles but not a policy
250	Craven	Yes								
260	Cumberland	Yes				Yes		Yes		
270	Currituck	Yes					No	Yes		Activity vehicles are considered an extension of the school system. All safety rules and policies apply.
280	Dare	Yes				Yes		Yes		
290	Davidson		No		No		No		No	
291	Lexington City		No		No		No		No	
292	Thomasville City	Yes				Yes		Yes		
300	Davie	Yes				Yes		Yes		
310	Duplin	Yes				Yes		Yes		
320	Durham	Yes					No	Yes		Copy of board Policy attached. We follow federal rules and procedures concerning pre-trip and post trip inspections
330	Edgecombe	Yes					No	Yes		
340	Winston-Salem/Forsyth	Yes				Yes		Yes		
350	Franklin	Yes					No	Yes		
360	Gaston	Yes				Yes		Yes		
370	Gates	Yes					No	Yes		
380	Graham	Yes					No	Yes		
390	Granville	Yes					No	Yes		
400	Greene	Yes					No	Yes		
410	Guilford		No	Yes		Yes		Yes		The GSC Transportation Dept. is analyzing the entire activity bus usage concept. A recommendation for a BOE policy on use will likely be proffered in April or May, 2004.
420	Halifax		No		No	Yes			No	
421	Roanoke Rapids City	Yes					No	Yes		
422	Weidon City		No		DNR		No		No	
430	Harnett		No		No		No		No	
440	Haywood	Yes					No	Yes		
450	Henderson		No		No	Yes		Yes		
460	Hertford	Yes				Yes		Yes		
470	Hoke	Yes				Yes		Yes		
480	Hyde	Yes				Yes		Yes		
490	Iredell-Statesville	Yes					No		No	
491	Mooreville City	Yes					No	Yes		
500	Jackson	Yes				Yes		Yes		
510	Johnston		No		DNR		No		No	
520	Jones		No		No		No		No	
530	Lee	Yes				Yes		Yes		
540	Lenoir		No	Yes		Yes		Yes		
550	Lincoln	Yes				Yes		Yes		

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		Yes	No	Yes	No	Yes	No	Yes	No	
560	Macon		No	Yes		Yes		Yes		We plan to revisit all of our policies this summer and there is a possibility that we will develop policy for the use of activity buses as the demand for use of the buses is increasing all the time. Currently, any mention of activity buses is included in other policies that address other forms of transportation.
570	Madison		No							
580	Martin		No		DNR		No		No	
590	McDowell	Yes			DNR	Yes	No	Yes		We are in the process of revising our policies
600	Charlotte-Mecklenburg	Yes					No	Yes		
610	Mitchell		No		No		No		No	
620	Montgomery	Yes				Yes		Yes		
630	Moore	Yes				Yes		Yes		
640	Nash-Rocky Mount	Yes				Yes		Yes		
650	New Hanover		No		No	Yes		Yes		
660	Northampton	Yes				Yes		Yes		
670	Onslow	Yes					No	Yes		
680	Orange		No	Yes		Yes		Yes		All of our activity buses are operated like yellow school buses, i.e. drivers all have to be CDL with S restriction certified, all maintenance is done in accordance with state regulations, all trips are scheduled and assigned by transportation department, etc. School board policies are assumed to be in place for both yellow buses and locally owned buses. We do not lease our buses out to other agencies and they are locally insured. See CHCCS website school board policies under 6300.
681	Chapel Hill-Carrboro City		No		No	Yes			No	
690	Pamlico	Yes					No	Yes		
700	Elizabeth City/Pasquotank		No		No		No		No	Not a written policy
710	Pender		No		DNR		No		No	
720	Perquimans	Yes				Yes		Yes		
730	Person		No		No		No		No	
740	Pitt	Yes					No	Yes		
750	Polk	Yes				Yes		Yes		
760	Randolph	Yes					No	Yes		
761	Asheboro City	Yes				Yes		Yes		
770	Richmond	Yes					DNR	Yes		
780	Robeson	Yes				Yes		Yes		
790	Rockingham		No		No	Yes		Yes	No	
800	Rowan-Salisbury	Yes				Yes		Yes		
810	Rutherford	Yes				Yes		Yes		At the current time we are not in the process of establishing a Local Board Policy, but at the recommendation of the State Board we will gladly proceed.
820	Sampson		No		No		No		No	
821	Clinton City	Yes					No	Yes		
830	Scotland	Yes				Yes		Yes		
840	Stanly	Yes					No	Yes		
850	Stokes		No	Yes			No	Yes		

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860	Surry		No							These rules and procedures only deal with the charges that are associated with the use of the activity bus by schools within our system and the method in which we charge for this usage along with pick-up/delivery guidelines.
861	Elkin City	Yes			No	Yes	No	Yes	No	
862	Mount Airy City	Yes				Yes		Yes		
870	Swain		No		DNR		No	Yes		
880	Transylvania	Yes				Yes		Yes		
890	Tyrrell	Yes					No	Yes		
900	Union	Yes				Yes		Yes		
910	Vance	Yes				Yes		Yes		
920	Wake		No		No	Yes			No	
930	Warren	Yes					No	Yes		
940	Washington	Yes				Yes		Yes		
950	Watauga		No		No		No		No	
960	Wayne	Yes				Yes		Yes		
970	Wilkes	Yes				Yes		Yes		
980	Wilson	Yes					No	Yes		
990	Yadkin	Yes				Yes		Yes		
995	Yancey	Yes					No	Yes		
TOTALS		79	38	7	31	60	57	87	30	

Safety Rules for Activity Buses

Summary Page

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	<u>LEAs</u>	<u>Percentage</u>
LEAs with Local Board of Education Policy Only	33	28%
LEAs with Local Board of Education Policy and with other written rules or procedures	46	39%
-Total with Local Board Policy: 79 (67%)		
LEAs with no Local Board of Education Policy but with other written rules or procedures	14	12%
LEAs with no Local Board of Education Policy but establishing Local Board of Education Policy	3	3%
LEAs with no Local Board of Education Policy or other written rules or procedures	21	18%
TOTALS	<u>117</u>	<u>100%</u>
LEAs who sent copies of policies, rules or procedures	87	74%