

05 DEPARTMENT OF EDUCATION

071 COMMISSIONER OF EDUCATION

Chapter 81: SCHOOL TRANSPORTATION SAFETY

Summary: These regulations establish uniform safety requirements that include: student riding safety practices training, transportation employee in-service safety training, entry-level school bus driver training, prohibitions, school bus daily inspections, contracts, year-end transportation reports, and records retention.

SECTION 1. PURPOSE

1. The purpose of this rule is to provide minimum transportation safety regulations.

SECTION 2. DEFINITIONS

1. School bus is defined by 29-A M.R.S. §2301(5).
2. School bus operator, also known as school bus driver, is defined by 29-A M.R.S. §2303.

SECTION 3. MINIMUM TRAINING REQUIREMENTS FOR STUDENT RIDING SAFETY PRACTICES

1. Student riding safety practices instruction shall be provided at least once during each school semester, totaling two times per year. Each student transported to or from home and school and related events in a school bus must be instructed in riding safety practices, proper loading and unloading techniques, and proper street crossing to and from school bus stops.
 - A. SAUs shall keep records of student riding safety instruction training.
 - B. Student riding safety instruction records certify that students meet training requirements to safely ride a school bus.
2. At least once during each school semester, totaling two times per year, each student transported to or from home and school and related events in a school bus shall participate in supervised school bus emergency evacuation drills.
 - A. SAUs shall keep records of emergency evacuation drills.
 - B. School bus emergency evacuation drill records certify that students meet requirements to safely evacuate a school bus.

SECTION 4. MINIMUM TRAINING REQUIREMENTS FOR TRANSPORTATION EMPLOYEE IN-SERVICE SAFETY PRACTICES

1. School bus drivers shall successfully complete a minimum of sixteen hours of in-service training annually. The annual in-service training shall include both behind the wheel and classroom training.
2. School bus drivers and transportation employees shall annually provide transportation safety training documentation to their employer. The school bus driver training records certify that the school bus driver meets minimum training requirements to operate a school bus.

SECTION 5. MINIMUM TRAINING REQUIREMENTS FOR ENTRY-LEVEL SCHOOL BUS DRIVERS

1. New candidates for school bus driver shall complete a minimum of forty hours of initial school bus driver training. The training shall include both classroom and behind the wheel training.
2. An entry-level school bus driver training certificate that includes training date, training class name, training hours, attendee name, attendee signature, instructor name, instructor signature, and copy of curriculum certifies to the Secretary of State that a school bus driver meets new school bus driver training requirements. The Department, in consultation with transportation partners, shall develop an entry-level school bus driver training certificate template that shall be used by training providers.

SECTION 6. PROHIBITIONS FOR SCHOOL TRANSPORTATION

1. Alcohol use and possession are prohibited in school buses.
2. Marijuana use and possession are prohibited in school buses.
3. Tobacco use and possession are prohibited in school buses.
4. Weapons use and possession are prohibited in school buses.
 - A. There is an exception for on duty law enforcement and military officials.

SECTION 7. DAILY INSPECTIONS FOR SCHOOL BUS SAFETY

1. **Pre- and post-trip inspections**
 - A. School bus drivers shall perform daily pre-trip and post-trip vehicle inspections.
 - B. Drivers shall promptly report defects or deficiencies that have potential to affect the safety of vehicle operation or result in mechanical breakdown. The pre-trip and post-trip vehicle inspection reports shall be completed and submitted daily, in writing or by electronic submission, to the district transportation department.

- C. Pre-trip and post-trip inspection records certify that SAUs are daily checking and reporting potential school bus defects and deficiencies.

2. Bus Clear Inspections

- A. School bus drivers shall perform bus clear inspections at the end of each bus run to confirm that all students have exited the school bus.
- B. Drivers shall immediately report names of children who do not exit a bus to the SAU.
- C. Bus clear inspection records certify that bus drivers have checked each bus seat area to confirm that all students are off the bus.

SECTION 8. CONTRACTS FOR SCHOOL TRANSPORTATION SERVICES

- 1. Local SAUs contracting for school transportation services or leasing of school buses shall present the contract proposal to the Department for review, upon request, along with a statement of compliance with the provisions of 20-A M.R.S. §5402.

SECTION 9. YEAR-END TRANSPORTATION REPORT REQUIREMENTS

- 1. SAUs shall annually submit a Transportation Safety and Training Report to the Department between July 1 and October 15. The report shall be submitted annually in the Department data system.
- 2. SAUs shall annually submit a Transportation Vehicle Inventory Report to the Department between July 1 and October 15. The report shall be submitted annually in the Department data system.
- 3. SAUs shall annually submit a Transportation Data Out-Of-District Special Education Students, Homeless Students and Career and Technical Education Students Report to the Department between July 1 and October 15. The report must be submitted in the Department data system.
- 4. If a SAU fails to file transportation reports with the Department in the format and within the time periods specified, State subsidy may be withheld until the reports are received.

SECTION 10. RECORDS RETENTION REQUIREMENTS

- 1. SAUs shall retain safety records and present these documents to the Department for review, upon request, along with a statement of compliance for each.
-

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

EFFECTIVE DATE:

July 1, 1974 (filed October 24, 1978 under the title “Uniform School Bus Standards for Pupil Transportation in Maine”) – filing 78-277

AMENDED:

July 1, 1979 (filed November 5, 1979) – filing 79-517

March 8, 1982 – filing 82-41

October 15, 1984 Section 1 – filing 84-348

December 29, 1988 Section 2- filing 88-460

November 21, 1989 – filing 89-499

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 19, 1996

REPEALED AND REPLACED:

September 16, 2017 (filed September 11, 2017 under the title “School Transportation Safety”) – filing 2017-139