



School Bus Operation Guidelines

“There is no perfect school bus stop, because it is impossible to eliminate all potential hazards, but guidelines and training are still necessary to ensure ... the safest, most informed decisions”
Derek Graham, N.C. State Director of Pupil Transportation

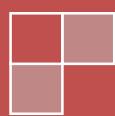


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SCHOOL BUS ROUTE AND SCHOOL BUS STOP LOCATION PLANNING GUIDELINES

BACKGROUND

Districts are liable for the safety of pupils for which it provides transportation to and from school.

California Education Code Section 39831.5 states that “no school district... shall be responsible or in any way liable for the conduct or safety of any pupil of the public schools at any time when such pupil is not on school property, unless such district, board, or person has undertaken to provide transportation for such pupil to and from the school premises ... “

All pupils who ride school buses shall receive school bus safety and emergency procedures instruction.

California Education Code Section 39831.5 states that “[a]ll pupils in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school who are transported in a schoolbus or school pupil activity bus shall receive instruction in schoolbus emergency procedures and passenger safety.”

GOAL

Transporting students to and from school safely is a goal of Districts, school transportation directors, school bus drivers, crossing guards, and others involved in student transportation.

INTRODUCTION

In the United States, on average, 20 school-age children—5 school bus occupants and 15 pedestrians—die each year in school bus-related crashes. Of the 15 school bus-related pedestrian fatalities, two-thirds of the victims are struck by the school bus itself, while the remaining third are struck by other vehicles, many of whose drivers pass the school bus illegally while it is stopped to load or unload students. ...[H]owever, ... an average of 810 school-age children [are] fatally injured annually during normal school travel hours (weekdays 6 a.m. to 8:59 a.m. and 2 p.m. to 4:59 p.m.) in typical school months (September through mid-June), while approximately 153,000 school-age children receive ... nonfatal injuries. Just over 3.5 percent of these injured children [are] passengers on school buses, while only 0.025 percent [are] student pedestrians injured in school bus-related crashes, and 72 percent [are] riding in motor vehicles that were not buses of any type.¹

¹ Committee on School Transportation Safety, Special Report 269, *The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment*, Transportation Research Board, Washington, D.C., 2002.

On a daily basis during the school year, approximately one in eight California, public K-12 students is transported to and from school by school buses.² The safety of these students during this transport is a high priority concern for all Districts. **These guidelines address specific aspects of District school bus transportation, namely, the planning of school bus routes and the choice of specific locations for school bus stops.** It will also address such questions as : *How does a District establish and maintain good (i.e., safe) school bus routes and school bus stops and; What comprises and how (or would governmental immunity apply if alleged negligence occurred in the form of a poorly (i.e., dangerously) located school bus stop?*

It's easier to answer the second question first. The liability of a District with respect to a poorly located bus stop depends on the specific stop and allegation. In California, the most generally arguable and applicable exception is for "the dangerous condition of [the governmental entity's] property." However, in a 2006 decision, California courts rejected such a suit because the student was not within the supervisory responsibility of the District at the time and location of the plaintiff's injury.³

School buses, school bus routes, and school bus stops are a fertile area of negligence liability⁴. Sources of off-campus student injury or death as a result of school bus-related transportation vary widely. They can occur before the bus arrives (e.g., vehicular accidents at poorly located pickup locations), during the bus trip (e.g., assaults by other students or collisions with other vehicles), or after the drop-off (e.g., the school bus accidentally strikes a student)⁵.

The rest of these guidelines address the first question: How does a District establish and maintain good (i.e., safe) school bus routes and school bus stops? Generally, school transportation planners are tasked with planning bus routes. The placement of school bus stops must consider not only the routes that students will have to travel between home and the stop, but also the conditions in which the student will be waiting.

² ASCIP has also prepared guidelines for field trip transportation entitled **ASCP Student Transportation Guidelines**.

³ *Bassett v. Lakeside Inn, Inc.*, 44 Cal. Rptr. 3d 827 (Cal. Ct. App. 2006).

⁴ Absent a threshold defense such as governmental immunity, a judge or jury would have to make a determination in terms of each of the four essential elements of negligence—legal duty, breach of that duty, proximate cause, and injury—and the remaining defenses of contributory negligence and assumption of risk.

⁵ In addition, if the victim is a special education student, this makes a difference in determining liability but whether the difference is significant depends on the circumstances, including the nature, severity, and relevance of the student's disability.

Districts, school transportation professionals, school administrators, and others who care about school bus routes and school bus stop location procedures benefit from guidelines that incorporate input from experts and stakeholders. Such guidelines offer steps for the designation of school bus stops and strategies to support safe pedestrian behavior by students between their homes and their bus stop. Consideration will also be given to new schools, existing schools undergoing attendance boundary changes, changing District demographics, intra- and extra-District student migrations, and other circumstances may result in potential changes to bus routes and bus stops.

In California, student transportation is generally categorized as Home-to-School Transportation (HTST) and Non- Home-to-School Transportation (NHTST⁶). **These guidelines primarily deal with HTST with respect to school bus routes and school bus stop locations.**

DETERMINING SCHOOL BUS STOP ROUTES

Decisions about District school bus routes require balancing the realities of ridership demands, any special needs of riders, the local road system, climate, weather, population density, settlement patterns, topography, and other factors and risks such as exposure to assault or other crimes. School bus routes decisions should address both traffic safety issues and non-traffic safety and security issues such as proximity to liquor stores, bars, adult entertainment, sex offenders, and other-crime related factors. Transportation directors must seek to do everything possible to maximize student safety while also addressing time and budgetary constraints.

Transportation directors must also incorporate state and/or local policies while considering potential school bus routes. State and local policies can influence or dictate the process and ultimate placement of school bus routes. However, the vast majority of decisions on routing and placement of stops are made at the District level.

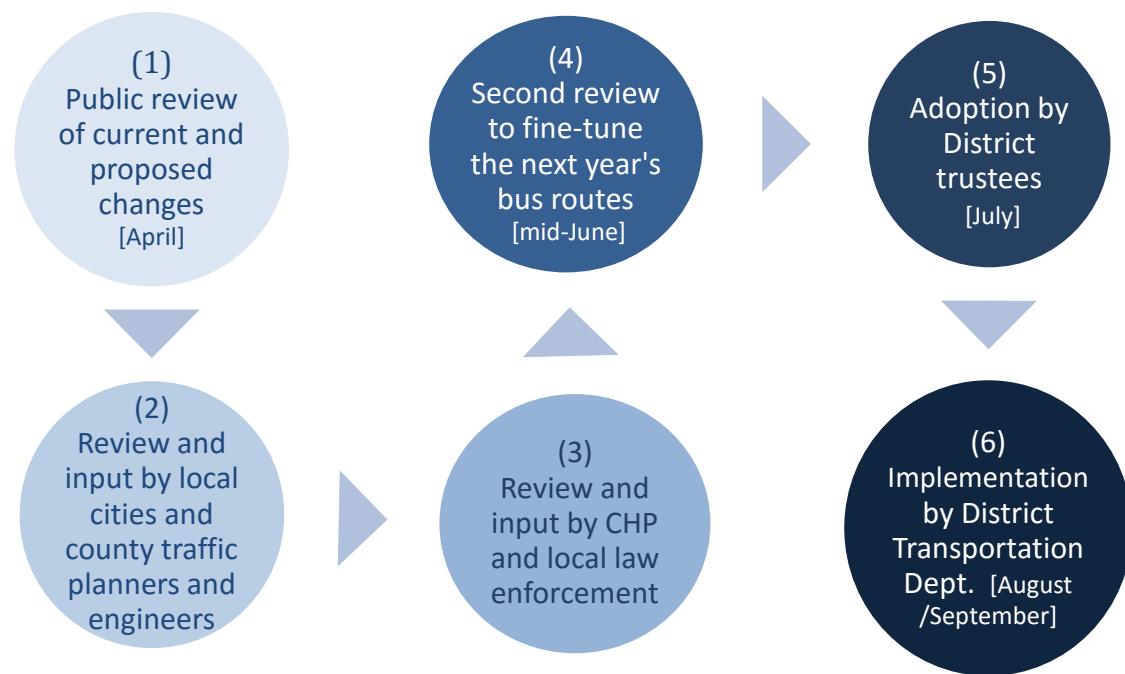
Determination of District school bus routes and individual school bus stops should be a collaborative effort among all interested stakeholders—parents and guardians, students, District administrators and staff, teachers, the District transportation director, bus drivers, local law enforcement, local planning staff, local traffic engineers, and local residents and businesses. District school bus routes and individual school bus stops should be reviewed and, potentially, revised each year to reflect relevant changes in the local community, the District, and applicable laws and regulations. Each year's final revision should be officially

⁶ Most NHTST can be categorized as forms of field trip transportation (which includes transport to and from off-campus athletic events).

adopted by each District's trustees, and this annual adoption should be accompanied by orders to comply with Education Code Section 39831.5 and other, applicable mandates related to school bus emergency procedures and school bus passenger safety training.

A model procedure for determining school bus routes should be done on an annual basis (to capture changes in enrollment and changes in the geographic distribution of the enrollment as well as account for major infrastructure improvements and other potential traffic obstructions) and include, at a minimum, the following steps:

Flow Diagram for Annual Update of District School Bus Routes



DETERMINING INDIVIDUAL SCHOOL BUS STOP LOCATIONS⁷

Concurrent with the development and adoption of District school bus routes, the District should promulgate District-level regulations related to the location and characteristics of school bus stops annually⁸ that should address issues including, but not limited to, the following:

⁷ The primary source for these guidelines is: [Selecting School Bus Stop Locations: A Guide for School Transportation Professionals](#). Prepared by the National Center for Safe Routes to School and the Pedestrian and Bicycle Information Center, both part of the University of North Carolina Highway Safety Research Center, with funding from the National Highway Traffic Safety Administration, National Center for Safe Routes to School. July 2010.

⁸ A school bus stop should never change without written approval from the appropriate District official.

- Use of private roads and/or property,
- Special guidelines for kindergarten students such as door-step pick-up,
- Special guidelines for IEP/504 students such as door-step pick-up,
- Placement of stops at corners or mid-block locations,
- Placement of stops on main arterials,
- Provisions for providing transportation in hazard zones within a “no transport zone,”
- Placement of stops in cul-de-sacs,
- Proximity of stops to railroad crossings, and
- Adequate visibility of stops pursuant to Vehicle Code Section 225049(c)⁹.

A primary source and starting point for determining bus stop locations are the guidelines included in the publication, [*Selecting School Bus Stop Locations: A Guide for School Transportation Professionals*](#), from the National Center for Safe Routes to Schools. While deciding on bus stop locations, districts face multiple sensitive policy issues and must decide which responsibilities the District bears and which responsibilities fall to parents and other caregivers. In addition, those responsibilities must be further clarified to reflect policies **when students are traveling between home and their school bus stops and while waiting for the bus**. Most school transportation professionals agree that it is the parents' responsibility to supervise students at these times. However, many also recognize that this may be an unrealistic expectation due to work schedules, disabilities, or other circumstances. In some cases, accommodations may have to be made for these situations. Regardless of how these situations will be handled, clearly stating and communicating expectations, through a series of public forums and, ultimately, in writing, about parents' responsibilities is vital.

School bus stops and school bus routes are intimately linked. The characteristics of one have implications for the other. For example, if a route requires travel along a busy road (e.g, there are no alternatives), and a stop must be designated along that segment of the route (e.g., there is a very long or hilly straight stretch without connecting roads), students who wait at that stop will have to contend with traffic on that road. School bus stop safety

⁹ If a desired bus stop does not meet visibility requirements, a District may seek approval of the stop from the California Highway Patrol. If approved, signs will need to be placed at the approach for the stop. See code for additional details. Note that this is also regulated by 13 CCR 1238. Although it may be helpful to consult with local law enforcement agencies, few will have in depth knowledge about the regulation of bus stop locations. Also, the Vehicle Code specifically states that approval of bus stop locations falls with the purview of the CHP and not local agencies.

is the central point of focus but there must be recognition of a need to balance the desired characteristics of a school bus stop with the realities of what a school bus route will allow.

Street-side characteristics include the conditions on the road where the school bus stops to load and unload students. To provide the safest environment for students to walk between home and the school bus stop and wait at the stop, it is important to consider, at a minimum, the following, whenever feasible:

- Selection of routes on streets with lower traffic volumes and lower speeds.
- Avoidance of multi-lane roads where pedestrians are most at risk of injury.¹⁰
- Selection of roads with sidewalks or designated pedestrian paths separate from the roadway and traffic. If these are not available, selection of roads with sufficient space to walk along the roadway to reach the stop.
- Avoidance or limitation of stops that require the school bus to make a left turn anywhere along the route.
- Avoidance of stops that require backing up. If backing up is unavoidable, pick up students before backing. During the afternoon return trip, drop off the students only after backing up and being in position to drive forward.
- Avoidance of railroad crossings along the bus route. If it is impossible to avoid crossings, signage and railroad crossing arm protection should be present.
- Selection of stops that provide sufficient visibility for both pedestrians and drivers.¹¹
There needs to be enough sight distance so drivers, bus drivers and students waiting at the stop all can see each other. In addition, the following can impact sight distances:
 - Sunrise/sunset times (Try to avoid placing stops where vehicles will be facing into the sun at pick-up or drop-off times. Note, however that this will be an issue on almost all east/west streets at various times of the year. Drivers need to be aware of this in bus route planning.)
 - Curves and hills
 - Trees and other vegetation

¹⁰ Vehicle Code Section 22504(c)2 describes prohibited stops on multi-lane roadways. See code for complete text, but, essentially, stops can only be made on multi-lane (two or more lanes in each direction) or divided (any number of lanes that is divided by a median, raised or painted) if the stop is at an intersection controlled by traffic signals (or a traffic officer, which is unlikely).

¹¹ If a desired bus stop does not meet visibility requirements, a District may seek approval of the stop from the California Highway Patrol. If approved, signs will need to be placed at the approach for the stop. See code for additional details. Note that this is also regulated by 13 CCR 1238. Generally, if the speed limit is 25 mph or less, sight distance must be at least 200 feet; if the speed limit is higher, 500 feet. Also railroad crossings are noted in 13 CCR 1238, stating that stops may not be made within 200 feet of the nearest rail, with certain exceptions noted in the code.

- On-street parked cars and approaching vehicles

For areas where insufficient sight distance may be an unavoidable, contact local transportation engineers or planners to post warning signs when needed. The **Manual of Uniform Traffic Code Devices** (MUTCD), used by traffic engineers, describes use of “Bus Stop Ahead” signs based on sight distance. According to the 2009 edition of the MUTCD, the sign should be installed in advance of locations where a stopped school bus, picking up or discharging passengers, is not visible to road users for an adequate distance. Local transportation engineers or planners can help determine what is considered to be “an adequate distance.”

School Bus Stop Characteristics

In addition to the on-street characteristics, characteristics about the off-street location of the school bus stop are also critical to ensuring student safety during transport to school. For the safest areas for students to wait for, and load onto or off of the bus:

- Choose “near-side” stops, whenever possible.
 - Minimize the need for students to cross a road from the stop to the bus regardless of the type of roadway.
 - Students must not cross multi-lane roads unless at an intersection where all traffic is controlled by traffic signals (or a traffic officer, which is much less likely).
- Pick locations that offer adequate lighting. If students will be waiting during low light hours, the stop should be positioned near a street light or other light source whenever possible.
- Choose locations with sufficient space for students and parents to wait at least 12 feet from the bus. This distance is recommended based on the “12-foot rule” for students approaching and leaving the bus included in the [National School Transportation Specifications and Procedures 2010 Revised Edition](#). However, some transportation professionals have suggested that the distance needs to reflect the bus class and the differing sight distance afforded by each. For example, Type C buses have a sight distance of 17 feet, so consider the appropriate distance for the type of school buses being used by your District.
- Consider the surrounding environment. Commercial businesses and parks offer benefits and drawbacks. While they can confer safety because drivers may be more likely to expect pedestrians in these areas, they also can distract children from being ready to load when the bus arrives.
- Choose locations that provide protection from weather. Depending on the geographical region:

- Establish stops that offer shade without sacrificing visibility.
- Avoid areas where weather conditions will reduce visibility or access to the bus.
- Determine policies for mid-block stops compared to corner stops. Whether a stop is located mid-block or on a corner does not have the same impact on safety as other factors described here, but this is a policy decision that must be taken into consideration. State and local policies vary regarding corner or intersection stops. This variation is due to differing interpretations of safety issues and their priority, especially as they relate to visibility, traffic conditions, and control of oncoming traffic. Corner stops are considered preferable because they conform to drivers' expectations to stop at intersections. They also provide a wide area to scan for traffic and students, minimize buses backing up and create more efficient routes. However, corner stops can be considered less preferable due to the inability to easily control all approaching drivers.¹²
- Consider the number of students who will use a stop. While the presence of multiple students confers safety, too many students increase the likelihood of behavioral problems.

LOADING AND UNLOADING AT SCHOOL BUS STOP LOCATIONS

More students are killed while getting on or off a school bus each year than are killed as passengers inside of a school bus. Specific procedures can help you avoid unsafe conditions which could result in injuries and fatalities during and after loading and unloading students.

Approaching the Stop

A school bus driver should use extreme caution when approaching a school bus stop. It is critical to understand and follow all state and local laws and regulations regarding approaching a school bus stop. This involves the proper use of mirrors, alternating flashing lights, and when equipped, the moveable stop signal arm and crossing control arm.

When approaching the stop, the school bus driver should:

- Approach cautiously at a slow rate of speed.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.

¹² Some states have noted that if a school bus stop is at an intersection or corner, students should be loaded and unloaded on the far side of the intersection so that the school bus blocks the cross traffic and the stop arm controls the other directions. Although there are advantages and disadvantages for each, perhaps the most important consideration is to avoid locating school bus stops at busy intersections.

- Continuously check all mirrors.
- If the school bus is so equipped, activate alternating flashing amber warning lights at least 200 feet or approximately 5-10 seconds before the school bus stop or in accordance with state law.
- Turn on right turn signal indicator about 100 to 300 feet or approximately 3 to 5 seconds before pulling over.
- Continuously check mirrors to monitor the danger zones for students, traffic, and other objects.
- Move as far as possible to the right on the traveled portion of the roadway.

When stopping, the school bus driver should:

- Bring the school bus to a full stop with the front bumper at least 12 feet away from students at the designated stop. This forces the students to walk to the bus so you have a better view of their movements.
- Place transmission in Park, or if there is no Park shift point, in Neutral and set the parking brake at each stop.
- Activate alternating red lights when traffic is a safe distance from the school bus and ensure stop arm is extended.
- Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.

Loading Procedures

The school bus driver should perform a safe stop as described in the **Approaching the Stop** section above. In addition, the following procedures should apply:

- Students should wait in a designated location for the school bus, facing the bus as it approaches.
- Students should board the bus only when signaled by the driver.
- Monitor all mirrors continuously.
- Count the number of students at the bus stop and be sure all board the bus. If possible, know names of students at each stop. If there is a student missing, ask the other students where the student is.
- Have the students board the school bus slowly, in single file, and use the handrail. The dome light should be on while loading in the dark.
- Wait until students are seated and facing forward before moving the bus.
- Check all mirrors. Make certain no one is running to catch the bus.

- If the school bus driver cannot account for a student outside, secure the bus, take the key, and check around and underneath the bus.
- When all students are accounted for, prepare to leave by:
 - Closing the door.
 - Engaging the transmission.
 - Releasing the parking brake.
 - Turning off alternating flashing red lights.
 - Turning on left turn signal.
 - Checking all mirrors again.
 - Allowing congested traffic to disperse.
- When it is safe, move the bus to enter traffic flow and continue the route.

The loading procedure is essentially the same wherever you load students, but there are slight differences. When students are loading at the school campus, the driver should:

- Turn off the ignition switch.
- Remove key, if leaving driver's compartment.
- Position yourself to supervise loading.

Unloading Procedures on the Route

The driver should perform a safe stop at designated unloading areas as described in the **Approaching the Stop** section above. The following procedures should be enforced:

- Have the students remain seated until told to exit.
- Check all mirrors.
- Count the number of students while unloading to confirm the location of all students before pulling away from the stop.
- Tell students to exit the bus and walk at least 12 feet away from the side of the bus to a position where the driver can plainly see all students.
- Check all mirrors again. Make sure no students are around or returning to the bus.
- If you cannot account for a student outside the bus, secure the bus, and check around and underneath the bus.
- When all students are accounted for, the driver should prepare to leave by:
 - Closing the door.
 - Engaging the transmission.
 - Releasing parking brake.
 - Turning off alternating flashing red lights.
 - Turning on left turn signal.

- Checking all mirrors again.
- Allowing congested traffic to disperse.
- When it is safe, move the bus, enter the traffic flow and continue the route.

Note: If the driver misses a student's unloading stop, he or she should not back up. The driver should turn around using a safe route.

Additional Procedures for Students Who Must Cross the Roadway

When a school bus is stopped on a highway or private road for the purpose of loading or unloading pupils, at a location where traffic is not controlled by a traffic officer or official traffic control signal, the school bus driver shall do all of the following:

- Escort all pupils in prekindergarten, kindergarten, or any grades one through eighth, who need to cross the highway or private road upon which the school bus is stopped. The driver shall use an approved hand-held "STOP" sign and wear an approved, high visibility vest while escorting all pupils.
- Require all pupils who cross the highway or private road upon which the school bus is stopped to walk in front of the bus as they cross.
- Ensure that all pupils who cross the highway or private road upon which the school bus is stopped have crossed safely, and that all other pupils and pedestrians are at a safe distance from the school bus before setting the school bus in motion.

SPECIAL PROCEDURES FOR DRIVERS AT THE END OF A SHIFT OR AT THE END OF A DAY: SCHOOL BUS EMPTY? THE ABANDONED PUPIL PROBLEM

Why are children abandoned on school buses?

- ***Young children can fall asleep on the way home, and school bus drivers can fail to find them before disembarking the bus.*** In extreme cold or heat, the parked bus can be a dangerous place for a child. And if the young passenger is able to get out of the bus, other perils could await her or him as she or he tries to find her or his way in the bus yard or on the streets.
- ***Special-needs students, often the most vulnerable and sometimes non-verbal, can also be stranded on school buses.*** They can be asleep, or simply be obscured from the driver's field of view and unable to verbalize their plight.

Why doesn't the driver always discover the potentially abandoned pupil? After all, if every school bus driver thoroughly checked the seats and floor of his or her bus after every run, no child would ever be left behind.

- Drivers are often in a hurry to get off the bus (end their shift).
- Drivers can become complacent or distracted.
- A change in a driver's routine can trigger the incident. For example, one anecdote cites a case involving a Washington school bus operation wherein driver pulling into the bus lot noticed a person acting oddly. Upon parking the bus, the driver immediately went to report the stranger, forgetting to check the bus. *Unfortunately, there happened to be a child still on board.*

How can pupil abandonment on school buses be prevented? After each run, the driver must check all seats and floor spaces for children left on or sleeping.

- Make certain there is sufficient redundancy in the post-trip inspection system.
- **Drivers must walk the aisle from front to back and check every seat prior to exiting the bus.**
- During afternoon returns to the bus lot, have the transportation manager go out into the yard to be visible when the buses are coming in.
- Train. A prevention program should begin with pre-service training and continue with in-service sessions. Drivers should be taught not only how to check their buses, but also what can happen if they don't.
- An extra precaution that drivers can take after walking up and down the aisle is to go outside the bus and open one of the emergency doors to get a good view of the floor.
- Require drivers' routines to include two checks per run — one when the bus becomes empty and another when it returns to the depot or other parking site.
- Part of a supervisor's role in preventing incidents of abandonment is making sure that drivers are constantly reminded of this element of their duties. Supervisors as well as drivers should be accountable.
- Use flags or signs that drivers can post in the rear window. One common version is a sign that reads "BUS EMPTY" and sticks to the glass with two suction cups.
- Install and use a commercial reminder device on your bus. Examples are *Child Check Mate* (see <http://www.childcheckmate.com/>). This is an electronic device which sets off an alarm when the driver removes the ignition key and which can be deactivated by a remote switch at the back of the bus. This device costs approximately \$100 per bus.) and *Double Check Child Safety System* (see <http://soteriainnovationsllc.com> This is a flag that is installed at the rear of the bus which is manually displayed when the driver walks to the back of the bus. This device costs approximately \$50 per bus.)

What are the consequences of pupil abandonment for Districts?

- A child can die from exposure, particularly if it's extremely hot or cold, if he or she is trapped on a school bus parked overnight in the yard.
- A child can be hurt, killed, lost, or abused if he or she is able to disembark a bus in a remote yard and attempts to walk home from a location previously unknown to him or her.
- Careers can be ruined. In many cases wherein a child is left on a bus, the driver is terminated. It is common for Districts to have zero tolerance policies with respect to pupil abandonment on school busses.¹³
- School bus pupil abandonment may lead to a liability lawsuit against the District, the contractor (if applicable), and the driver.
- The school bus driver might face criminal charges for child neglect or abandonment.
- The abandoned child story will likely be prominent in your District's local news media and trust in your school bus program and the District — may be lost.

SCHOOL BUS EMERGENCY PROCEDURES AND PASSENGER SAFETY TRAINING

Education Code Section 39831.5 provides that all pupils riding in a school bus or school pupil activity bus must receive instruction in school bus procedure and passenger safety as follows:

At least once each school year, all pupils receiving home to school transportation shall receive safety instruction, which includes, but is not limited to:

- Proper loading and unloading procedures
- Proper passenger conduct
- Bus evacuation
- Location of emergency equipment
- School bus evacuation drill through emergency exit doors
- Proper crossing of a street, highway or private road

This training shall be documented each time the instruction is given as follows:

- Name of District or COE

¹³ Some Districts, in some cases, allow the offending driver to be eligible for transfer to the District's food services or custodial departments, but seldom is the driver ever allowed to drive a school bus again.

- Name and location of the School
- Date of instruction
- Names of supervising adults
- Number of pupils participating
- Grade levels of pupils
- Subjects covered in the instruction
- Amount of time taken for instruction
- Bus driver's name
- Bus number
- Additional remarks

The above information shall remain on file for one (1) year from the date of the instruction.

At the beginning of the school year¹⁴, all pupils (and, during field trips, all volunteers) riding on a school bus or school pupil activity bus shall receive safety instruction, which includes, but is not limited to:

- Location of emergency exits
- Use of emergency equipment

Participation by Students with Disabilities

Title 34, Subtitle B, Chapter I, Part 104 of the Code of Federal Regulation enacts Part 504 of the Rehabilitation Act of 1973. Subpart D of Section 504 prohibits discrimination against students with disabilities. Accordingly, public schools must provide services to meet the individual needs of students with disabilities as adequately as the schools meet the needs of students without disabilities. 34 CFR 104.34 defines equal access to include settings, academic and nonacademic, that are offered to students without disabilities. As such, equal access includes equal access to school bus transportation by the provision of bus stops (e.g., by dropping off and picking up students at their door-steps or curbside) and/or vehicles that allow students with disabilities acceptable school bus transport.

Districts should include students with disabilities in school bus route and school bus stop planning and operation. No student should be automatically excluded from participating

¹⁴ And prior to departure on any school activity trip.

in school bus transportation due to disability.

Section 504 requires that a District presume that a student with a disability will participate alongside children without disabilities. In general, if a student with a disability needs an accommodation or related aids and services to participate on regular school buses, those services must be provided. If there are concerns that a student's participation may be unsafe or a risk, the District should consider providing accommodations and related alternative vehicles or specialized transportation services to support the student's participation.

APPLICABLE CODE

Education Code Section 44808

Notwithstanding any other provision of this code, no school district, city or county board of education, county superintendent of schools, or any officer or employee of such district or board shall be responsible or in any way liable for the conduct or safety of any pupil of the public schools at any time when such pupil is not on school property, unless such district, board, or person has undertaken to provide transportation for such pupil to and from the school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability or has failed to exercise reasonable care under the circumstances.

In the event of such a specific undertaking, the district, board, or person shall be liable or responsible for the conduct or safety of any pupil only while such pupil is or should be under the immediate and direct supervision of an employee of such district or board..

Education Code Section 39831.5.

(a) All pupils in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school who are transported in a schoolbus or school pupil activity bus shall receive instruction in schoolbus emergency procedures and passenger safety. The county superintendent of schools, superintendent of the school district, or owner/operator of a private school, as applicable, shall ensure that the instruction is provided as follows:

(1) Upon registration, the parents or guardians of all pupils not previously transported in a schoolbus or school pupil activity bus and who are in prekindergarten, kindergarten, and grades 1 to 6, inclusive, shall be provided with written information on schoolbus safety. The information shall include, but not be limited to, all of the following:

- (A) A list of schoolbus stops near each pupil's home.
- (B) General rules of conduct at schoolbus loading zones.
- (C) Red light crossing instructions.
- (D) Schoolbus danger zone.
- (E) Walking to and from schoolbus stops.

(2) At least once in each school year, all pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver, how to safely cross the street,

highway, or private road, instruction on the use of passenger restraint systems, as described in paragraph (3), proper passenger conduct, bus evacuation, and location of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit. As part of the instruction, pupils shall evacuate the schoolbus through emergency exit doors.

- (3) Instruction on the use of passenger restraint systems, when a passenger restraint system is installed, shall include, but not be limited to, all of the following:
 - (A) Proper fastening and release of the passenger restraint system.
 - (B) Acceptable placement of passenger restraint systems on pupils.
 - (C) Times at which the passenger restraint systems should be fastened and released.
 - (D) Acceptable placement of the passenger restraint systems when not in use.
- (4) Prior to departure on a school activity trip, all pupils riding on a schoolbus or school pupil activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits, and location and use of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit.

(b) The following information shall be documented each time the instruction required by paragraph (2) of subdivision (a) is given:

- (1) Name of school district, county office of education, or private school.
- (2) Name and location of school.
- (3) Date of instruction.
- (4) Names of supervising adults.
- (5) Number of pupils participating.
- (6) Grade levels of pupils.
- (7) Subjects covered in instruction.
- (8) Amount of time taken for instruction.
- (9) Busdriver's name.
- (10) Bus number.
- (11) Additional remarks.

The information recorded pursuant to this subdivision shall remain on file at the district or county office, or at the school, for one year from the date of the instruction, and shall be subject to inspection by the Department of the California Highway Patrol.

Vehicle Code Section 22112

- (a) On approach to a schoolbus stop where pupils are loading or unloading from a schoolbus, the schoolbus driver shall activate an approved amber warning light system, if the schoolbus is so equipped, beginning 200 feet before the schoolbus stop. The schoolbus driver shall deactivate the amber warning light system after reaching the schoolbus stop. The schoolbus driver shall operate the flashing red light signal system and stop signal arm, as required on the schoolbus, at all times when the schoolbus is stopped for the purpose of loading or unloading pupils. The flashing red light signal system, amber warning lights system, and stop signal arm shall not be operated at any place where traffic is controlled by a traffic officer or at any location identified in subdivision (e) of this section. The schoolbus flashing red light signal system, amber warning lights system, and stop signal arm shall not be operated at any other time.
- (b) The schoolbus driver shall stop to load or unload pupils only at a schoolbus stop designated for pupils by the school district superintendent or the head or principal of a private school, or authorized by any of those individuals for school activity trips.
- (c) When a schoolbus is stopped on a highway or private road for the purpose of loading or unloading pupils, at a location where traffic is not controlled by a traffic officer, the driver shall, before opening the door, ensure that the flashing red light signal system and stop signal arm are activated, and that it is safe to enter or exit the schoolbus.
- (d) When a schoolbus is stopped on a highway or private road for the purpose of loading or unloading pupils, at a location where traffic is not controlled by a traffic officer or official traffic control signal, the schoolbus driver shall do all of the following:
 - (1) Escort all pupils in prekindergarten, kindergarten, or any of grades 1 to 8, inclusive, who need to cross the highway or private road upon which the schoolbus is stopped. The driver shall use an approved hand-held "STOP" sign while escorting all pupils.
 - (2) Require all pupils who need to cross the highway or private road upon which the schoolbus is stopped to walk in front of the bus as they cross.

(3) Ensure that all pupils who need to cross the highway or private road upon which the schoolbus is stopped have crossed safely, and that all other pupils and pedestrians are a safe distance from the schoolbus before setting the schoolbus in motion.

(e) Except at a location where pupils are loading or unloading from a schoolbus and must cross a highway or private road upon which the schoolbus is stopped, the schoolbus driver may not activate the amber warning light system, the flashing red light signal system and stop signal arm at any of the following locations:

- (1) Schoolbus loading zones on or adjacent to school grounds or during an activity trip, if the schoolbus is lawfully stopped or parked.
- (2) Where the schoolbus is disabled due to mechanical breakdown. The driver of a relief bus that arrives at the scene to transport pupils from the disabled schoolbus shall not activate the amber warning light system, the flashing red light system, and stop signal arm.
- (3) Where a pupil requires physical assistance from the driver or authorized attendant to board or leave the schoolbus and providing the assistance extends the length of time the schoolbus is stopped beyond the time required to load or unload a pupil that does not require physical assistance.
- (4) Where the roadway surface on which the bus is stopped is partially or completely covered by snow or ice and requiring traffic to stop would pose a safety hazard as determined by the schoolbus motor carrier.
- (5) On a state highway with a posted speed limit of 55 miles per hour or higher where the schoolbus is completely off the main traveled portion of the highway.
- (6) Any location determined by a school district or a private school, with the approval of the Department of the California Highway Patrol, to present a traffic or safety hazard.

(f) Notwithstanding subdivisions (a) to (d), inclusive, the Department of the California Highway Patrol may require the activation of an approved flashing amber warning light system, if the schoolbus is so equipped, or the flashing red light signal system and stop signal arm, as required on the schoolbus, at any location where the department determines that the activation is necessary for the safety of school pupils loading or unloading from a schoolbus.

Amended Sec. 35, Ch. 769, Stats. 2012. Effective January 1, 2013.

Vehicle Code Section 22454

(a) The driver of any vehicle, upon meeting or overtaking, from either direction, any schoolbus equipped with signs as required in this code, that is stopped for the purpose of loading or unloading any schoolchildren and displays a flashing red light signal and stop signal arm, as defined in paragraph (4) of subdivision (b) of Section 25257, if equipped with a stop signal arm, visible from front or rear, shall bring the vehicle to a stop immediately before passing the schoolbus and shall not proceed past the schoolbus until the flashing red light signal and stop signal arm, if equipped with a stop signal arm, cease operation.

(b) (1) The driver of a vehicle upon a divided highway or multiple-lane highway need not stop upon meeting or passing a schoolbus that is upon the other roadway.

(2) For the purposes of this subdivision, a multiple-lane highway is any highway that has two or more lanes of travel in each direction.

(c) (1) If a vehicle was observed overtaking a schoolbus in violation of subdivision (a), and the driver of the schoolbus witnessed the violation, the driver may, within 24 hours, report the violation and furnish the vehicle license plate number and description and the time and place of the violation to the local law enforcement agency having jurisdiction of the offense. That law enforcement agency shall issue a letter of warning prepared in accordance with paragraph (2) with respect to the alleged violation to the registered owner of the vehicle. The issuance of a warning letter under this paragraph shall not be entered on the driving record of the person to whom it is issued, but does not preclude the imposition of any other applicable penalty.

(2) The Attorney General shall prepare and furnish to every law enforcement agency in the state a form letter for purposes of paragraph (1), and the law enforcement agency may issue those letters in the exact form prepared by the Attorney General. The Attorney General may charge a fee to any law enforcement agency that requests a copy of the form letter to recover the costs of preparing and providing that copy.

(d) This section also applies to a roadway upon private property.