

***Wayne County Board of Education
Policies Update: (Operations) (7)***

- ***Policy 8390 (Operations: Animals on School Property)***
- ***Policy 8400 (Operations: School Safety)***
- ***Policy 8400.01 (Operations: School Security Personnel)***
- ***Policy 8500 (Operations: Food Services)***
- ***Policy 8600 (Operations: Transportation)***
- ***Policy 8600.04 (Operations: Bus Operator Certification)***
- ***Policy 8640 (Operations: Transportation for
Curricular/Co-Curricular and Extra-Curricular County
Sponsored Trips)***

***Your comments concerning these policy should be sent
in writing (mail or email) to:***

***Mr. Todd Alexander
Superintendent
Wayne County Board of Education
PO Box 70
Wayne, WV 25570
Email: talexand@k12.wv.us***

***These policies are out for public comment for 10 working days beginning
Wednesday, April 15, 2026 through Tuesday, April 28, 2026***

Book Public Comment Period 4/15/26 thru 4/28/26

Section First Reading - Agenda 4/14/26

Title Revised Policy - Vol. 17, No. 1 - April 2025 - ANIMALS ON SCHOOL PROPERTY

Code po8390

Status

Adopted September 11, 2023

Revised Policy - Vol. 17, No. 1 - April 2025

8390 ~~USE OF SERVICE ANIMALS~~ ANIMALS ON SCHOOL PROPERTY

Introduction

The Board of Education recognizes that there are many occasions when animals are present on ~~District County~~ property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy shall apply to all animals on ~~District County~~ property, including service animals.

Due to allergies and the potential dangers associated with having animals in the classroom, animals can only be in WV Pre-K classroom with prior parent awareness and approval. A WV Pre-K classroom shall not have on the premises ferrets, birds, reptiles, including snakes, lizards, and turtles, or any wild or dangerous animals.

Definitions

- A. Pursuant to West Virginia Law, "Animal means any animal other than human, and the term includes fowl, birds, amphibians, fish, and reptiles, wild or domestic, living or dead."
- B. "Service animal", pursuant to 28 C.F.R. ~~§35.104~~ 36.104, "means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

The Americans with Disabilities Act (ADA) has also defined a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use or a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 ~~(e) through (h)~~ of the ADA.

West Virginia Code also defines "service animal" as any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items.

- C. **(x) Emotional Support Animal:** Emotional Support Animals provide comfort to individuals but are not trained to perform a specific job or task. This definition does not include psychiatric service animals who are properly trained and certified as a "service animal." See 28 C.F.R. 36.104
- D. **(x) Therapy Dog:** Therapy dogs are dogs who go with their owners to volunteer in settings such as schools, hospitals, and nursing homes for the purpose of providing affection and comfort to aid in a particular response, such as healing or learning. A therapy dog in a school setting serves the function of assisting students in the learning process while providing comfort and affection to specific students or to a group of students. Therapy dogs are not service dogs and do not have the same special access as service dogs. (Source: American Kennel Club)

[OPTION #1]

[NOTE: The following section should be included in the policy only if the ~~District~~ County intends to require this of any animal brought onto ~~District~~ County property for official purposes or on a regular/recurring basis.]

[x] Vaccination, Licensing and/or Veterinary Requirements

Animals housed on ~~District~~ County property or brought on ~~District~~ County property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought on to District property on a regular basis for any purpose, including service animals, must meet every veterinary requirement set forth in State law and ~~District~~ County and/or local regulation/ordinance, including but not limited to rabies vaccination or other inoculations required to be properly licensed.

[END OF OPTION #1]

Non-Service Animals in Schools and Elsewhere on ~~District~~ County Property

Animals permitted in schools and elsewhere on ~~District~~ County property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g. seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Principal may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

- A. the staff member seeking approval to have an animal in his/her classroom shall:
 1. provide a current () within thirty (30) days [end of option] satisfactory health certificate or report of examination from a veterinarian for the animal;
 2. take precautions deemed necessary to protect the health and safety of students and other staff;
 3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and,
 4. keep the surrounding areas in a clean and sanitary condition at all times.
- B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

x] Emotional Support Animals for Students

An emotional support animal is not granted the same access to school buildings and classrooms as service animals. The County is not required to grant students' requests that they be permitted to bring an emotional support animal to classes or on school grounds for any purpose. () The Superintendent may grant a student use of an emotional support animal on a case-by-case basis if necessary and not disruptive to the environment or other students.[end of option]

[END OF OPTION

[x] Therapy Dogs

Therapy dogs are the property of the (x) handler () County [end of option] and are specially trained to help all students in the assigned classroom, program, or school. Authorization for a therapy dog to be on School grounds must be granted by the (x) Superintendent () Principal () _____ [end of option] provided the following conditions are met each year:

- A. Documentation of certification as a therapy dog from the AKC, Intermountain Therapy Animals (R.E.A.D.), Alliance of Therapy Dogs, Bright and Beautiful Therapy Dogs, Love on a Leash, Pet Partners, Therapy Dogs International, or another certification program recognized by the AKC.
- B. Documentation of an educational purpose for the therapy dog and a regular appraisal period for continuation.
- C. Documentation that the therapy dog is not younger than one (1) year-old and is properly licensed according to local requirements.
- D. Documentation from a licensed veterinarian that the therapy dog is current on its vaccinations and immunizations, is free of fleas and ticks, is in good health, is housebroken, and does not pose a danger to the well-being of students or staff.
- E. Documentation of an insurance policy that provides liability insurance for the therapy dog while on School grounds.
- F. Documentation that the handler has completed a background check consistent with Board policy and is prepared to be solely responsible for the therapy dog, its care, cleaning, feeding, and cleanup while on School grounds.
- G. Agreement that the therapy dog and handler will abide by school rules and any specific rules for the therapy dog's presence on School grounds.

Authorization for a therapy dog to be on County property will be suspended if the therapy dog is the source of an allergic reaction, causes discomfort or distress of a student or staff member, shows aggression or disruptive behavior, relieves itself inappropriately, or otherwise interferes with the learning environment. Reinstatement of authorization for the therapy dog to be on District grounds requires approval by the (x) Superintendent () _____. [end of option]
 Authorization for a therapy dog to be on County property may be withdrawn at any time by the Superintendent.

[END OF OPTION]

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be. The student's need for and use of a service animal must be documented in the student's Individual Education Plan (IEP) or Section 504 Plan.

A service animal is the personal property of the student and/or parents. The student, or handler, is also responsible for the supervision and care of the service animal. Supervision and care ~~includes~~ include meeting the health needs of the animal, feeding and watering, exercising, animal cleanliness, clean up and waste disposal. Service animals shall not be left unattended.

Service animals may be walked and exercised only in designated areas on campus. Animal waste shall be bagged and disposed of in a garbage bin. Dog waste shall not be disposed of in green bins, compost bins, or flushed in a bag.

The Board does not assume responsibility for training, daily care, or healthcare of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on ~~District school~~ property or at ~~District~~ school-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of its handler (e.g., a student with a disability or a separate handler if the student is unable to control the animal). A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 8120.

Removing and/or Excluding a Student's Service Animal

Service animals may be excluded by a building principal if the animal:

- A. has demonstrated that it is not under the control of the student, or handler, and the student, or handler, does not take effective action to control the animal;
- B. has demonstrated that it is not housebroken;
- C. the student, or handler, fails to supervise and care for the animal;
- D. the presence of the animal poses a direct threat to the health and safety of others; or,
- E. the presence of the animal would require a fundamental alteration of the service, program or activity of the District.

If a service animal is removed based upon one (1) or more of the above-listed exclusions the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

Further, the Principal should notify the Superintendent **prior to or as soon thereafter as is practical** when a service animal has been removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Principal's decision to remove and/or exclude a service animal from **District County** property may be appealed in accordance with the complaint procedure set forth in Policy 2260 – Nondiscrimination and Equal Access to Equal Educational Opportunity.

The procedures set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents or guardians or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education's Office for Civil Rights.

Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access **District County** transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access **District County** transportation.

When a service animal is going to ride on a school bus owned or leased by the **District County**, the student and his/her parents or guardians, or eligible student, and the handler, if s/he is someone other than the student, shall meet with the () Principal (x) Transportation Supervisor () _____ **[end of option]** to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on the bus/vehicle with a tether or harness.

At the discretion of the () Principal (x) Transportation Supervisor () _____ **[end of option]**, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or
- B. the service animal urinates or defecates on the bus.

The student and his/her parents or guardian shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the (x) Transportation Supervisor. () Principal. () _____ **[end of option]**

Although transportation may be suspended for the service animal, it remains the District's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

Service Animals for Employees

In accordance with Policy ~~1422~~ 1423, Policy ~~3122~~ 3123, and Policy ~~4122~~ 4123 - Nondiscrimination and Equal Employment Opportunity, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ~~ADA-mandated~~ ADA-mandated interactive process.

Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the ~~District's~~ County's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the ~~District's~~ County's facilities with their service animals should notify the Principal that their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 Public Attendance at School Events.

Legal References

28 C.F.R. 35.104
 28 C.F.R. 35.136
 WV Codes 5-15-3, 30-10-3(a)
 Section 504 of the Rehabilitation Act of 1973 (Section 504)
 The Americans with Disabilities Act (ADA)
 The Individuals with Disabilities Education Act (IDEA)

Cross References

po1623 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
 po2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
 po3123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
 po4123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
 po8120 - VOLUNTEERS

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Legal	28 C.F.R. 35.104
	28 C.F.R. 35.136
	WV Codes 5-15-3, 30-10-3(a)
	Section 504 of the Rehabilitation Act of 1973 (Section 504)
	The Americans with Disabilities Act (ADA)
	The Individuals with Disabilities Education Act (IDEA)
Cross References	po1623 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
	po2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
	po3123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
	po4123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
	po8120 - VOLUNTEERS

Book	Public Comment Period 4/15/26 thru 4/28/26
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Title	December 2024 - SCHOOL SAFETY
Code	po8400
Status	
Adopted	May 26, 2015
Last Revised	April 23, 2024

8400 - **SCHOOL SAFETY**

The Board of Education is committed to maintaining a safe environment in all of the ~~District's County's~~ schools. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of ~~school district County~~ personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event.

The Board () and the multicounty vocational center **[end of option]** shall annually assess the safety and security of each of the school facilities within its boundaries. Safety and security measures of each facility shall be upgraded when necessary to ensure, to the best of the Board's ability, the safety of the students within each facility. The Board shall report annually the safety and security measures it has put in place, including upgrades thereto, to the State Department of Education. Safety and security measures means action taken by the Board () or multicounty or vocational center **[end of option]** that improves the security and the safety of the students within such facility, including, but not limited to, hiring a school resource officer, installing weapon detection systems, upgrading facility doors or windows, etc.

The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s), and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence. To that end, the Superintendent shall develop a *School Safety Plan* with input from the ~~District County~~ Council on Productive and Safe Schools. The Council shall be comprised of the following members:

- A. the ~~District County~~ Superintendent, who shall serve as the Chair of the ~~District County~~-wide Council on Productive and Safe Schools;
- B. one (1) representative from each local school improvement council, to be elected by a majority vote of each local school improvement council;
- C. the prosecuting attorney or his/her designee;
- D. a representative of the Department of ~~Health and Human Resources~~ Human Services;
- E. a representative of the law-enforcement agencies situated in the ~~District County~~ in which the school is situated to be recommended by the county sheriff;
- F. a representative of the Board to be appointed by the President of the Board;
- G. the supervisor of transportation;
- H. a representative of the Regional Comprehensive Behavioral Health Center as designated by the Office of Behavioral Health Services in which the school system is situated, to be appointed by the Executive Director of the Center;
- I. when the members listed in A through H do not include at least two (2) classroom teachers, then the Superintendent shall appoint additional members so that at least two (2) classroom teachers are members of the ~~District County~~-wide Council;

- J. when the members listed in A through H do not include at least two (2) school principals, then the ~~District~~ **County** Superintendent shall appoint additional members so that at least two (2) school principals are members of the ~~District~~ **County**-wide Council.

No meetings of the ~~District~~ **County**-wide Council shall be held during instructional time.

Thereafter, the Superintendent shall convene a meeting of the ~~District~~ **County** Council on Productive and Safe Schools annually for the purpose of reviewing the *School Safety Plan*, and making modifications as deemed necessary and proper; identifying additional training that might be needed; and discussing any other such related matters as may be deemed to be necessary by the participants.

The Superintendent shall make a report to the Board about this review and recommend the approval and adoption of any proposed revisions or additions to the *School Safety Plan*.

In addition to any other requirement contained in this policy or the Crisis Response Plan required by WV Code 18-9F-9, the Board shall implement a school safety program before September 1, 2019, that at a minimum, requires:

- A. Room numbers to be placed on exterior walls or windows of school buildings, so rooms with exterior walls can be identified by law enforcement and first responders from the outside;
- B. Providing updated floor plans of the school to first responders, local law enforcement, and State Fire Marshall by September 1 of each school year;
- C. First aid training, ~~that which includes blood borne~~ **bloodborne pathogen information**, for all school personnel ~~and students each school year~~ upon employment; and
- D. Active shooter training for all school personnel and students at the beginning of each school year.

In addition to the Crisis Response Plan, other safety program requirements listed in WV Code, or any other requirement contained in this policy, effective September 1, 2026, the Board shall create standardized school safety mapping data that conform to, integrate with, and are accessible within software platforms used by city, county, State, and Federal public safety agencies that could provide emergency services at the school. Appropriate public safety agencies are to be involved in the development of the mapping data process. Specific requirements of the school safety mapping data are listed in WV Code. The compiled mapping data shall be provided to the West Virginia Board of Education, Division of Homeland Security and Emergency Management, and local first response agencies including police, fire, emergency medical services (EMS), and any other local entities the school's crisis response planning team determines should be consulted.

Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the ~~District~~ **County** report annually incidents ~~which that~~ meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered persistently dangerous as defined by West Virginia State Board of Education policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in West Virginia State Board of Education policy, the Superintendent shall

() discuss this at the annual meeting for the purpose of reviewing the *School Safety Plan* so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

() convene a meeting of the building administrator, representative(s) of the local law enforcement () agency () agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall

☒ discuss the school's designation as a persistently dangerous school at the annual meeting for the purpose of reviewing the *School Safety Plan* so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

☐ convene a meeting of the building administrator, representative(s) of the local law enforcement ☐ agency ☐ agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

☒ If a school in a neighboring ~~district~~ county is identified as persistently dangerous and there is not another school in that ~~district~~ county, the ~~District~~ County shall admit students from that school in accordance with Board Policy 5113.02

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

Video Cameras Required in Certain Special Education Classrooms

Upon appropriation of funds by the Legislature, the Board shall provide a video camera to a public school for each self-contained classroom that is a part of that school which shall be used in every self-contained classroom (as defined by State code).

The principal of the school shall be the custodian of the video camera, all recordings generated by the video camera, and access to those recordings.

Specific Directives to Enhance the Safety of Disabled Children

All employees engaged in the care, housing, and education of disabled children, as well as their supervisory personnel and administrators, must successfully complete upon employment and every three (3) years thereafter designated training developed by the West Virginia Department of Education in collaboration with the Secretary of Human Services. The eight-hour training program shall include, but not be limited to, the legal duties of persons so employed, the behavioral characteristics associated with different disabling conditions, symptoms of disabling conditions, appropriate interventions necessary to support a child in a particular setting, and the process of mandatory reporting of abuse.

Suspension and Dismissal of School Personnel

The Board has the duty and authority to provide a safe and secure environment in which students may learn and prosper; therefore, it may take necessary steps to suspend or dismiss any person in its employment at any time should the health, safety, and welfare of students be jeopardized or the learning environment of other students has been impacted.

It shall be the duty of the Superintendent to report any employee suspended or dismissed in accordance with WV Code 18A-2-8, including the rationale for the suspension or dismissal, to the State Superintendent.

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Legal

WV Code 18-5A-2(1)(m)(n)(o)

WV Code 18-5-42

WV Code 18-5-43

WV Code 18-5-48

WV Code 18A-2-8

WV Code 18-9F-10

WV Code 18-20-11

Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended
West Virginia Board of Education policy 4373

Book	Public Comment Period 4/15/26 thru 4/28/26
Section	First Reading - Agenda 4/14/26
Title	New Policy - Volume 17, No. 2 - August 2025 - SCHOOL SECURITY PERSONNEL
Code	po8400.01
Status	

New Policy - Volume 17, No. 2 - August 2025

8400.01 - SCHOOL SECURITY PERSONNEL

The Board of Education is authorized to employ school safety officers for the purpose of maintaining order and discipline, preventing crime, investigating policy violations, and reasonable detaining any individual committing an offense that constitutes a breach of peace on school property, buses, or at school-sponsored events, and who is responsible solely for ensuring the safety, security and welfare of all students, faculty, staff, and visitors in the assigned school.

"Breach of Peace" is a felony offense defined as follows: 1) An action or potential crime involving physical injury or a threat of physical injury to another person, or destruction of property or property located on school premises; or, 2) A committed act where the officer believes that a person is likely to cause harm to themselves or others.

School safety officers must be certified by the director of the West Virginia Division of Protective Services as meeting pre-employment and in-service training standards. School safety officers are required to complete annual training with the local county sheriff's office.

[OPTION]

[] The Board authorizes its school safety officers to carry firearms if they meet the following requirements: 1) Pass a background check; 2) Confirmation of the officer's prior law-enforcement service meets the 10-year requirement; 3) Confirmation that the officer was in good standing when they retired or resigned as a law enforcement officer; and, 4) Confirmation that the officer is certified as capable of discharging the duties of a school safety officer.

[END OF OPTION]

School safety officers may not arrest another person but may notify the appropriate law-enforcement agency and detain another person committing an act that constitutes a breach of the peace in a reasonable manner and for a reasonable period. The detention shall not constitute an arrest, nor shall it render the Board or school safety officer liable to the person detained. The detention may be no longer than the time required for the earliest of either (1) the determination that no offense constituting a breach of the peace has been committed; or (2) the surrender of the person detained to a certified law-enforcement officer.

School safety officers may not interrogate or question a detained minor without the knowledge and consent of the minor's parent, except in the instance of a perceived immediate danger to the health, safety, and welfare of others within the facility, when the parents are not present and/or when the minor attempts self-harm, the questioning is limited to the immediate danger, and the questioning will likely lead to the alleviation or elimination of the immediate danger, and if the person detained is a student and is under the age of twenty-one (21), their parent or guardian is notified of the detention.

The Board shall be responsible for the costs of providing the necessary equipment for school safety officers to adequately perform their duties.

The Board shall maintain insurance coverage on the school safety officer, which shall include adequate insurance for liability, property loss, and the personal injury of students and other personnel, and may include coverage from the Board of Risk and Insurance Management.

EMPLOYMENT OPTIONS

Additional information regarding the employment process is available in Administrative Guideline 8400.01.

There are three (3) options for employing school safety officers:

A. Employing a school safety officer as a Board employee

The Board would follow established hiring procedures and provide wages and benefits. The employee is not law enforcement and has no authority to arrest. The individual is to provide services as a safety officer as previously described.

B. Contracting with private security for a school safety officer

The Board may utilize an employee of a private security firm that has contracted with the Board. An employee of a private security firm contracted with the Board is not law enforcement and has no authority to arrest. The individual is to provide services as a school safety officer as previously described.

Notwithstanding any other provision of WV Code or federal law to the contrary, nothing in this policy shall be construed to create an employer-and-employee relationship.

C. Contracting with an independent individual to provide West Virginia Guardian services

The Board may contract with an independent contractor who is a former State trooper, former deputy sheriff, former state fire marshal, former Department of Natural Resources police officer, former municipal police officer, or former Federal law enforcement officer to provide West Virginia Guardian services. The purpose of the contract is to provide public safety and/or security on public school grounds and buildings. Any county board may contract with as many independent contractors as the board considers necessary.

"West Virginia Guardian" means an independent contractor certified by the county sheriff as meeting the qualifications set forth in state law. A West Virginia Guardian is considered an authorized individual for purposes of the Gun-Free School Zones Act of 1990, 18 U.S.C. §921 and §922. An independent contractor acting as a West Virginia Guardian may carry weapons upon meeting all the established requirements. A West Virginia Guardian is not law enforcement and has no authority to arrest. Guardians shall wear apparel that makes them readily identifiable as a Guardian while performing their duties.

Notwithstanding any other provision of WV Code or Federal law to the contrary, nothing in this policy shall be construed to create an employer-and-employee relationship.

Notwithstanding any other provision of WV Code or Federal law to the contrary, nothing in this policy shall be construed to create an employer-and-employee relationship.

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Legal	WV Code 15-2D-3
	WV Code 61-7-11a
	WV Code 18-5-52
	WV Code 18-5-53
	WV Code 18-5-54

Book	Public Comment Period 4/15/26 thru 4/28/26
Section	First Reading - Agenda 4/14/26
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Code	po8500
Status	
Adopted	May 26, 2015
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Revised Policy - Volume 17, No. 2 - August 2025

8500 - FOOD SERVICES

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of breakfast and lunch for all students. The Board shall annually encumber the funds needed to operate the program.

All schools are required to collaborate with the West Virginia Office of Child Nutrition ("WV OCN") to develop strategies and methods to increase the percentage of students participating in the school breakfast and lunch nutrition programs and to adopt a delivery system approved by the WV OCN to provide for each student the opportunity to eat breakfast. These approved systems shall include but are not limited to:

- A. Grab-and-Go Breakfasts;
- B. Breakfast in the Classroom; or
- C. Breakfast after First Period.

The Board must annually approve the Sponsor's Agreement and Policy Statement for the provision of free and reduced-price meals and snacks, or free milk, free textbooks, workbooks, and instructional supplies. The Superintendent must provide copies of the sponsor's approved Policy Statement to all participating schools.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA's school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and
- C. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

Effective August 1, 2025, the following food additives shall be deemed unsafe and shall not be permitted as an ingredient in any meal served in a school nutrition program as set forth in this article:

Red Dye No. 2 3 (CAS Reg. No. 16423-68-0);

Red Dye No. 40 (CAS Reg. No. 25956-17-6);

Yellow Dye No. 5 (CAS Reg. No. 1934-21-0);

Yellow Dye No. 6 (CAS Reg. No. 2783-94-0);

Blue Dye No. 1 (CAS Reg. No. 3844-45-8);

Blue Dye No. 2 (CAS Reg. No. 860-22-0); and

Green Dye No. 3 (CAS Reg. No. 23353-45-9).

An elementary, middle, or high school may permit the sale of food items that do not comply with this policy as part of a school fundraising event if the sale of those items takes place off of and away from school premises or the sale of those items takes place on the school premises at least one-half (1/2) hour after the end of the school day. No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

The WV OCN will maintain and communicate to districts applicable Federal State guidelines regarding best practices in food waste reduction initiatives.

Among these initiatives, "The Shared Table Initiative," directs the West Virginia State Board of Education to provide guidance. This policy guidance will be provided to aid the District in the successful implementation of such a program in their schools if one is to be established. Districts who intend to incorporate a process for redistribution of unused food: making food available throughout the day to students who may be hungry; providing a method for discrete distribution of food to be taken home for children with food insecurities; and food donations are encouraged to follow the policy guidance provided by the West Virginia State Board of Education as there are State and county health department regulations, as well as U.S. Food and Drug Administration requirements that must be accounted for when enacting such a program. Additionally, the plan and process for each school and district will be unique to the food-service program and need to be created to meet the specific needs of that Food Service Department.

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.

[x] During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.

Substitution

If determined appropriate by a student's Section 504 team, substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a healthcare provider who has prescriptive authority in the State of West Virginia has provided medical certification that the student has to have a disability which restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. 15(b). (See also Board Policy 5335.01 - Diet Modifications) Such substitutions shall be recorded in the affected student's 504 Plan or health plan, as the case may be. To qualify for such substitutions the medical certification must identify:

- A. the student's medical condition or symptoms of a condition that restricts one (1) or more major life activity or function;
- B. an explanation of how the condition or symptom affects the student's diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

[OPTIONAL PROVISION]

[x] If determined appropriate by a team of qualified individuals including, but not limited to the principal, school nurse, parent, Director of Food Services () _____, substitutions to the standard meal requirements may be made, at no additional charge, for a student who is not a "disabled person", but has a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

[END OPTIONAL PROVISION]

For students who need nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

Breakfast and lunches sold by the school may be purchased by students and staff members and community residents in accordance with the rules of the District's school lunch program.

The operation and supervision of the food-service program shall be the responsibility of the Director of Food Service. The food service program should be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

In accordance with Federal law, the Director of Food Service shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year for each school, which are conducted by State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available to members of the public upon request. **[Please note: Schools participating in more than one (1) child nutrition program are only required to obtain two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that only offer the Special Milk Program.]**

A periodic review of the food-service accounts shall be made by the Treasurer. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account. All meals must be priced and served as a unit. Only fluid milk and bottled water may be sold as a la carte items for breakfast and lunch at any grade level.

Bad Debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable. District efforts to collect bad debt shall be in accordance with appropriate methods determined by the Board.

[] Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable by the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFS for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTA, or any other non-federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Negative Account Balances

[DRAFTING NOTE: USDA regulations provide local control with respect to permitting negative lunch account balances, including prohibiting it altogether. As a practical matter, a hard-line rule prohibiting any negative account balances is not recommended. Rather, permitting some limited negative balances to occur, while placing some restrictions on those situations, is likely the most appropriate. Nonetheless, this first option recognizes that each School District does have the choice to prohibit a negative balance without any exceptions].

[CHOOSE EITHER OPTION 1 OR OPTION 2]

[OPTION 1]

No student will be permitted to purchase any meals for which the student does not have sufficient balance in his/her food service account or sufficient cash on his/her person to purchase the food items.

Students receiving reduced-price lunch who do not have sufficient account balance or cash on hand to purchase a meal () will not be provided an alternative meal. **[end of option] (x)** will be provided an alternative meal that meets the USDA guidelines applicable to alternative meal options. The Superintendent shall, in coordination with the District's food service, assure that any alternative meals that are provided meet the requisite USDA guidelines for alternative meals. The cost of the alternative meal will be added to the delinquent account. **[end of option]**

[END OF OPTION 1]

[OPTION 2]

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate negative food service account balance as determined by the Superintendent. The Superintendent shall determine the manner of determining permissible account balances by grade level. A student () shall be () shall not be permitted to purchase a la carte items without sufficient account balance or cash on hand. () Likewise, any student ~~that who~~ has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring his/her account current.

[END OF OPTION 2]

[END OF OPTIONS]

[] A student ~~that who~~ has exceeded the permissible negative balance amount in his/her account and does not have cash on hand sufficient to purchase a meal will be provided an alternative meal, subject to USDA guidelines applicable to alternative meals. The Superintendent shall, in coordination with the District's food services, assure that any alternative meals provided to any student receiving paid or reduced-price meals that are either claimed for reimbursement or charged to the student account, meets all of the requisite USDA guidelines for alternative meals.

This policy and any implementing guidelines shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year. The policy and implementing guidelines will also be provided to all District staff with responsibility for enforcing the policies. () The policy and guidelines will be posted on the District website.

[Drafting Note: Posting to the website is not sufficient to meet the notice requirements, but could be supplemental.]

The Superintendent is authorized to develop and implement an administrative guideline regarding meal charge procedures. This guideline will provide consistent directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service.

This guideline shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year. This guideline will provide directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service.

With regard to the operation of the school food service program, the Superintendent shall require the:

- A. maintenance of sanitary, neat premises free from fire and health hazards;
- B. preparation of food that complies with Federal food safety regulations;
- C. the planning and execution of menus in compliance with USDA requirements;
- D. purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy including the requirement that a minimum five percent (5%) of the District's fresh produce, meat, and poultry products must be purchased from in-state producers provided that such products can be grown or are available from in-state producers; (see Policy 1130, Policy 3113, Policy 3214, Policy 4113, Policy 4214, Policy 6460 and Policy 6320)
- E. complying with food holds and recalls in accordance with USDA regulations;

- F. administration, accounting, and disposition of food service funds pursuant to Federal and State law and USDA regulations;
- G. safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. regular maintenance and replacement of equipment; and
- I. all District employees whose salaries are paid for with USDA funds or non-Federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (See Policy 6116 - Time and Effort Reporting).

In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction unless the classroom is also used to serve meals to students are prohibited.

The District shall serve only nutritious food in accordance with the nutritional standards adopted by the Board in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the District's food-service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8510.01 and Policy 8550. The only exception is as per WV Code 18-2-6a where a District may permit the sale of healthy beverages and soft drinks in high schools.

[x] The Board will permit the sale of soft drinks and healthy beverages in District high schools except during breakfast and lunch periods. Those high schools ~~which that~~ permit the sale of soft drinks through vending machines also shall offer for sale healthy beverages. Of the total beverages offered for sale, at least fifty percent (50%) shall be healthy beverages. Vending machines containing healthy beverages shall be in the same location or a substantially similar location as vending machines containing soft drinks. The sale of such soft drinks shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the West Virginia State Board of Education and the nutrition service of the United States Department of Agriculture. Seventy-five percent (75%) of the profits from the sale of soft drinks shall be allocated by a majority vote of the faculty senate of each school and twenty-five percent (25%) of the profits from the sale of soft drinks shall be allocated to the purchases of necessary supplies by the principal of the school.

Foods and beverages unassociated with the food-service program may be vended in accordance with Board Policy 8540.

The Superintendent will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually. **()** The Superintendent shall assure that the District's vendors and/or Food Service Management Contractor is provided a copy of this policy and any implementing guidelines and that any pertinent agreements are consistent with this policy and any implementing guidelines.

Nondiscrimination Statement

The following statement applies to all programs administered by the District that are funded in whole or in part by the U.S. Department of Agriculture (USDA):

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively Protected Classes) or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. Mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, DC 20250-9410

2. Fax:

(202) 690-7442; or

3. E-mail:

program.intake@usda.gov.

This institution is an equal opportunity provider.

West Virginia Board of Education policy 1224.1

West Virginia Board of Education policy 4321.1

West Virginia Board of Education policy 8200

WV Code 18-2-6a

WV Code 18-5D-3A

WV Code 19-37-2 and 3

42 U.S.C. 1758

42 U.S.C., Chapter 13

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

7 C.F.R. 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015

OMB Circular No. A-87USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Program

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WV Code 18-2-6a

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WV Code 19-37-2 and 3

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Book	Public Comment Period 4/15/26 thru 4/28/26
Section	First Reading - Agenda 4/14/26
Title	Replacement Policy - Volume 18, No. 1 - January 2026 - TRANSPORTATION
Code	po8600
Status	
Adopted	May 26, 2015
Last Revised	July 25, 2023

Replacement Policy - Volume 18, No. 1 - January 2026

8600 - TRANSPORTATION

~~It is the policy of the Board of Education to provide transportation for students as required by State Code and West Virginia Board of Education policy. The State Code authorizes the Board to provide, at public expense, adequate means of transportation for all children of school age who live greater than two (2) miles distance from the assigned school or nearest bus route; for children participating in Board approved curricular and extracurricular activities; and within available revenues, for students within two (2) miles distance of the school. The board for the county educating a nonresident student, a student living in West Virginia, but not in the county, may provide an adequate means of transportation to nonresident students when students have complied with the procedure for obtaining authorization to attend school outside their county of residence, subject to the following:~~

- ~~A. The Board not be required to uniformly provide nonresident student transportation, and may consider whether a nonresident student meets the eligibility criteria for free or reduced price lunch and milk established within the Richard B. Russell National School Lunch Act (42 U.S.C. 1759); and~~
- ~~B. The Board educating the nonresident student shall provide transportation to and from the school of attendance, or to and from an agreed pickup point on a regular transportation route, or for the total miles traveled each day for the nonresident student to reach the school of enrollment if the nonresident student is a student with disabilities and has an individualized education program that specifies that transportation is necessary for fulfillment of the program.~~

~~In the event topography, impassable roads, long bus rides or other conditions prevent the practicable transportation of any student to a county high school, the Board may transfer the student to a high school in an adjoining district or accept similarly situated students from an adjoining county. In such case, the Board may enter into an agreement providing for the payment of the cost for transportation, if any, for these students.~~

Guidelines for School Bus Routing

~~The recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions are as follows for:~~

- ~~A. elementary school students, thirty (30) minutes;~~
- ~~B. middle school, intermediate school and junior high school students; forty five (45) minutes; and~~
- ~~C. high school students, sixty (60) minutes.~~

~~The Board may not create a new bus route for the transportation of students in any of the grade levels pre-kindergarten through grade five to and from any school included in a school closure, consolidation or new construction project which exceeds by more than fifteen (15) minutes the above recommended duration of the one-way school bus transportation time for elementary students unless:~~

- ~~A. the Board adopts a separate motion to approve creation of the route and request written permission of the West Virginia Board of Education to create the route;~~

- ~~B. receives the written permission of the WVBE to create the route.~~

~~Transportation of eligible vocational or special education children between their home areas and schools outside the County may be arranged through the use of Board-owned vehicles, through cooperation with other counties, through commercial carriers, and/or by other means in the most efficient and economical manner.~~

~~School buses shall be purchased and maintained by the Board for the transportation of resident students between their home areas and the schools of the county to which they are assigned or, on a space available basis, to their nonpublic schools. The Superintendent may substitute smaller buses for reasons of economy or efficiency of operation.~~

~~[] Children living beyond the following walking limits shall be entitled to bus transportation:~~

- ~~A. Pre-Kindergarten _____ mile~~
- ~~B. Kindergarten _____ mile~~
- ~~C. Grades 1 through 6 _____ mile~~
- ~~D. Grades 7 through 12 _____ mile~~

~~Transportation services are not recommended on streets, roadways, private property developments which are not maintained by the West Virginia Department of Highways or a public municipality; a private property development in which law enforcement agencies may not respond to an accident; or anywhere visibility, sight distances, or adequate space to maneuver the bus may be in question.~~

~~The () Board () Superintendent shall approve the bus routes annually. The Superintendent is authorized to make any necessary changes in the approved route.~~

~~Regulations for Transporting Students with Disabilities Requiring Special Transportation~~

~~In the event students eligible for special education, Section 504 services or individualized health care require special transportation arrangements, the terms of such arrangements as contained in a student's IEP, Section 504 Plan, or health care plan shall prevail to the extent such transportation arrangements conflict with this policy.~~

~~School Bus Stop Locations~~

~~The highest priority in establishing bus stop locations must be the safety of students. Every effort should be made by the Board to select a safe bus stop location with ample waiting areas for students. With irregular terrain, special consideration must be given in establishing a bus stop location.~~

- ~~A. Ideally, bus stops should be located out of the traffic stream at least 2/10 of a mile apart. School bus operators should avoid stopping at intersections whenever possible.~~
- ~~B. For bus stop locations near a railroad crossing, consideration should be given to the traffic flow in the area and to assure that adequate distance is allowed for traffic to clear the railroad tracks. The safety of the general motorists should be considered.~~
- ~~C. The minimum sight distance should be related to the approved speed of traffic. The approved speed is the posted speed limit, advisory speed limit or a value judged to most accurately represent the prevailing speed at a specific location.~~
- ~~D. Sight distance needed on a level grade for essential speeds is as follows: (EXCEPTION: When a bus stop is near the crest of a hill or a curve, the view of approaching traffic is obstructed, or traffic speed is thirty five (35) mph or less, the sight distance shall be a minimum of 200 feet.)~~

~~Speed (mph)~~	~~Recommended Sight Distance~~	~~Minimum Sight Distance~~
~~25~~	~~300 feet~~	~~139 feet~~
~~30~~	~~360 feet~~	~~176 feet~~
~~35~~	~~420 feet~~	~~219 feet~~
~~40~~	~~480 feet~~	~~263 feet~~

45	540-feet	314-feet
50	600-feet	369-feet
55	660-feet	432-feet

- E. ~~The West Virginia Division of Transportation (hereinafter, "DOT") and County Traffic Engineers will provide assistance in the selection and the use of school bus STOP signs that warn motorists of the presence of students as a bus stop. The District shall request assistance from the DOT if needed.~~
- F. ~~Bus stops should be located to minimize students walking along roadways.~~
- G. ~~Wherever possible, bus stops should be located to minimize the need for students to cross the highway.~~
- H. ~~A school bus operator shall contact the Transportation Director when a bus stop is determined to be potentially unsafe. The Transportation Director shall evaluate and take action to relocate the stop to a safer place, if necessary. The County Director/Supervisor may request the Executive Director of School Transportation/designee to assist in evaluation of bus stop locations, but the final decision shall remain the responsibility of the County.~~
- I. ~~School bus operators are to pick up and discharge students only at the designated locations. Parents/guardians are responsible for providing supervision for all Pre-K—3 students at all bus stops until the bus arrives for both pickup and delivery. The Board may terminate bus transportation service if a parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.~~

Any transfer points should be conducted off highway, with a preference given to transferring on school property.

Transporting Homeless Students

~~Students meeting the Federal definition of "homeless" will be transported from their temporary place of residence to their school of assignment, at the request of the parent, guardian or unaccompanied minor, to the same extent as all other students of the County and consistent with this policy and Policy 5111.01—Homeless Students. If the homeless child or youth continues his/her education in the school of origin but begins living in an area served by another county, the county of origin and the county in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the districts cannot agree upon a method, the responsibility and costs for transportation are to be shared equally. In no event will a homeless student be denied enrollment based on issues related to student transportation.~~

Video Recording Devices

~~The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus. The "Student Code of Conduct" shall be applicable to all students while being transported by bus. In the event video recording devices have audio recording capabilities, the bus shall contain an appropriate posted notice of such capabilities.~~

~~The Board shall install forward-facing and rear-facing cameras on all school buses purchased on or after July 1, 2019, for the purpose of enforcing the law forbidding the overtaking and passing a school bus that is stopped for the purpose of receiving and discharging students and for any other lawful purpose.~~

Suspension, Revocation or Non-renewal of Certification of School Bus Operators

~~Should any bus operator be disqualified from performing the duties of bus operator through the revocation or suspension of bus operator certification or through the revocation or suspension of commercial driver's license, as a result of criminal conviction or for any other reason, the bus operator shall be deemed incompetent and shall be subject to disciplinary action up to and including termination of employment.~~

~~The Superintendent shall be responsible for developing and implementing appropriate administrative guidelines for this policy.~~

It is the policy of the Board of Education to provide transportation for students as required by State Code, West Virginia Board of Education policy, and the WV Minimum School Transportation Procedures Manual.

Bus Passenger Regulations

- A. The school bus operator (operator) shall be in charge of any passengers riding the bus. The operator shall follow WV Policy 4373, Expected Behavior in Safe and Supportive Schools (Policy 4373) to provide discipline on buses.
- B. The County shall provide training on Policy 4373 to all operators and aides upon initial employment with the County, and any time Policy 4373 is revised.
- C. Enrolling or enrolled students, employees, or persons approved previously by the County are the only passengers eligible to be transported by the County school transportation system.
- D. The following requirements for student transportation have been established and outlined in WV Code 18-5-13.

Provide transportation according to rules established by the public school district, as follows:

To provide, at public expense, adequate means of transportation:

1. For all children of school age who live more than two (2) miles distance from school by the nearest available road.
 2. For school children participating in County approved curricular and extracurricular activities.
 3. Across County lines for students transferred from one County to another by mutual agreement of both counties. The agreement shall be recorded in the meeting minutes of each participating County, and
 4. Within available revenues, for students within two (2) miles distance of the school.
- E. Transportation services are not recommended on streets, roadways, or private property developments that are not maintained by the West Virginia Department of Highways, a public municipality, not under the jurisdiction of law enforcement agencies, or anywhere visibility, sight distances, or adequate space to maneuver the bus may be in question. It shall be the responsibility of the public school district to develop a policy to address these issues and to determine if these conditions exist prior to establishing a bus route.
 - F. The bus operator shall ensure that students participate in emergency evacuation drills at least twice annually and three times annually for pre-kindergarten (pre-k) student(s). The first drill is to be completed by October 31st and the second by April 30th of each school year.
 - G. Transportation requirements regarding WV Universal Pre-K are addressed in WVBE Policy 2525, West Virginia's Universal Access to a Quality Early Education System. Policy 2525 addresses seating arrangements, supervision, and contact with families when children who typically ride the bus are absent. Transportation and school staff are responsible for requirements addressed in Policy 2525, as designated in the policy. Additionally, it is recognized that compartmentalization, the passive safety restraint systems required in buses under Federal Motor Vehicle Safety Standards (FMVSS) 222, provides a higher level of safety to children over forty (40) pounds; however, if a child weighing forty (40) pounds or less is transported, the following guidelines should be considered. All passengers under the age of five (5) weighing forty (40) pounds or less should be secured in a Child Safety Restraint System (CSRS) and, if secured, shall meet the following any time a CSRS is being used:
 1. each child shall be transported in a CSRS suitable for the child's weight, age, height, or specialized need that meets applicable FMVSS.
 2. each child shall be properly secured in the CSRS.
 3. the CSRS shall be properly secured to the bus seat, using an anchorage system that meets applicable FMVSS.
 4. the seat directly behind a child transported in a CSRS shall remain unoccupied unless occupants in that seat are in a CSRS as well, or unless the seats are of an integrated type.
 5. the services of a bus aide should be provided to assist the operator when transporting a student requiring a CSRS.
 6. lap belts shall only be used to secure a CSRS, not a child. If lap belts are used to secure a CSRS, the bus seat(s) shall be seat belt ready.
 7. any use of lap/shoulder belt combinations shall meet all Federal and State regulations.

8. No student shall be carried on or off the bus as per National Standards Guidelines.

Regulations for Students Transported on Buses

Parents/Guardians shall:

- A. provide written guidance regarding any special care a student may need while riding the bus, and
- B. be responsible for providing or designating supervision for all pre-k to grade 3 students at all bus stops until the bus arrives for both pickup and delivery.

The Board:

- A. may terminate bus transportation service if a parent/guardian continuously fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents/guardians and students.
- B. shall establish a written policy for operators to follow when a parent/guardian or designee fails to be present at the bus stop.
- C. shall provide training to elementary school students annually on Section 5: Student Conduct on Buses and Section 10: Procedures for Loading, Unloading, and Railroad Crossings of the WV School Transportation Requirements Manual.
- D. school staff should provide supervision for students when buses are loading and unloading on school property.

The student shall:

- A. walk on the left side of the road facing traffic.
- B. arrive at the bus stop at least five (5) minutes before the scheduled arrival of the bus.
- C. wait for the bus in an orderly manner at the designated stop.
- D. when crossing the highway to board the bus, make sure all traffic has stopped, then look for the bus operator's signal before proceeding across the highway.
- E. board and exit the bus in an orderly manner.
- F. comply with Policy 4373.
- G. be responsible for vandalism that occurs on a seat in which they ride.
- H. change seats only with permission of the operator and only when the bus is not in motion.
- I. avoid unnecessary conversation with the operator.
- J. keep heads and arms inside bus windows at all times.
- K. report any open exit or released hatch to the operator immediately.
- L. provide enrollment information to the operator.
- M. follow the operator's/aide's instructions at all times.

Students shall not:

- A. ride in stepwell or forward of front row seats.
- B. stand at any time while the bus is in motion.
- C. throw, or pass, any object of any nature into or from the bus through a door or window.
- D. use harassing, profane, or obscene language or gestures.

- E. open emergency exits, except during emergencies, unless directed by the operator.
- F. wear headphones, earpieces, or use any electronic devices, including cell phones, that may prevent hearing a warning signal or horn or seeing the operator's hand signals while loading or unloading from the bus.

Students shall not eat or drink on the school bus. Exception: as medically necessary pursuant to WVBE Policy 2422.7, Standards for Basic and Specialized Health Care Procedures.

Regulations for Transporting Students with Disabilities

- A. Students with disabilities' Individualized Education Programs (IEP), individualized health care plans, and Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 Plans (504 Plan) shall specify the bus modifications and support required for transporting the student, when appropriate. At no time shall a student be carried onto or off of the bus as per National Standards Guidelines.
- B. When transportation of a student with disabilities necessitates a transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the County. If possible, the transfer should be conducted on board of education property.
- C. Vehicle requirements for use in transporting students with disabilities shall be guided by this policy.

It is recommended that buses used to transport students with disabilities be equipped with cellular telephones and/or two-way radios.

D. Wheelchair safety guidelines:

1. Ensure the brakes are working correctly.
2. Ensure the frame is secure.
3. Ensure the wheelchair has a posture belt, and it is secured around the student.
4. Ensure the wheelchair is equipped with footrests.
5. Ensure the wheelchair fits the student.

E. Safe school bus wheelchair lift loading.

1. Ensure the wheelchair is facing away from the bus.
2. Ensure the wheelchair brakes are securely locked.
3. Ensure the roll stops are in the "up" position on the lift. If barriers are not up, they are interlocked, and the lift will not move regardless.
4. Lower the platform using the handheld controls.
5. Ensure the platform is flat against the ground, including both vertical arms, before attempting to load the student on the lift.
6. Unfold the outboard roll stop with the handheld control "down" button.
7. Secure the wheelchair seat belt around the student (if applicable).
8. Back the wheelchair onto the lift platform. (Note: again, the student should be facing away from the bus.)

F. Safety tips for motorized wheelchairs.

1. Never allow the student to "drive" the wheelchair onto the lift.
2. Disengage the motor.
3. Manually push the wheelchair onto the lift.

4. Ensure the brakes are locked.

G. The operator and the bus aide shall:

1. assist and supervise students with disabilities.
2. complete first aid and Cardiopulmonary Resuscitation (CPR) training.
3. the bus aide shall position himself/herself on the bus in a position that best serves the needs of all students.

H. Any operator, including substitutes who transfer to a bus transporting students with special healthcare needs, shall receive a minimum of three (3) hours of training for the transportation of students with special health care needs, lifts, and any adaptive equipment.

The operator shall be responsible for receiving the student and properly securing the wheelchair. Aides shall assist the operator as necessary.

I. All aides serving in a school transportation capacity shall receive a minimum of six (6) hours initial training in emergency procedures, the proper operation of the lift, use of adaptive and emergency equipment, proper loading and unloading procedures for students with special healthcare needs and WVBE Policy 2422.7. A combination of classroom and hands-on training shall be utilized. A minimum of one (1) hour of refresher training shall be completed annually. All training is to be conducted by a qualified individual (i.e., WVDE-certified trainer, school nurse, or special education director).

J. Aides should be able to perform the same duties as the operator in the event of an emergency. Aides shall be given a timed modified physical performance exam prior to beginning their duties as follows:

1. move from the front of the bus to the rear and exit through the rear door,
2. ascend and descend the bus steps.
3. lower and lift objects.
4. identify, apply, and release the bus parking brake.

K. Any operator who is not familiar with the equipment provided on a special needs bus shall be instructed in the proper usage of that equipment to ensure safe transportation of students.

L. The special education director/designee and/or school nurse shall provide the following information to the County transportation director/designee, operator, and aide:

1. student's name and address.
2. parent's name, address, home, and telephone number(s).
3. emergency health care (action) plan information, individualized health care needs and any transportation related services.

M. When the IEP, emergency action plan, or 504 Plan requires that medicine be administered to a student with disabilities while being transported, the procedures shall be in accordance with WVBE Policy 2422.7.

The school nurse shall train the aides in medication administration or in the delivery of medication and other basic or specialized health care procedures as specified in WVBE Policy 2422.7.

N. Parents/guardians of students with disabilities, pursuant to the IEP, shall assist in the transportation of their child by:

1. providing documentation on the special care needed.
2. arranging for the student to be at the bus stop and providing the necessary supervision.
3. arranging for the student to be picked up at the designated time at the bus stop.

4. contacting the County transportation office if the child is to be absent.

O. The County shall implement Policy 4373 in conjunction with Policy 2419, Regulations for the Education of Students with Exceptionalities.

P. The County director/designee shall be included in the IEP meeting when transportation is listed as a related service.

Requirements for School Bus Routing

The recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions are as follows for:

- A. elementary school students, thirty (30) minutes;
- B. middle school, intermediate school, and junior high school students; forty-five (45) minutes; and
- C. high school students, sixty (60) minutes.

The Board may not create a new bus route for the transportation of students in any of the grade levels pre-kindergarten through grade five (5) to and from any school included in a school closure, consolidation, or new construction project that exceeds by more than fifteen (15) minutes the above-recommended duration of the one-way school bus transportation time for elementary students unless:

- A. the Board adopts a separate motion to approve the creation of the route and request written permission of the West Virginia Board of Education to create the route;
- B. receives the written permission of the WVBE to create the route;
- C. Buses transporting students to alternative sites shall be equipped with the following:
 - 1. an effective means of communication such as cellular phone or two-way radio.
 - 2. a video camera.
 - 3. an aide, another operator, or a staff member from the alternative school.

Transportation of eligible vocational or special education children between their home areas and schools outside the County may be arranged through the use of Board-owned vehicles, through cooperation with other counties, through commercial carriers, and/or by other means in the most efficient and economical manner.

The () Board (x) Superintendent shall approve the bus routes annually. The Superintendent is authorized to make any necessary changes in the approved route.

Regulations for Transporting Homeless Students

- A. The County shall ensure compliance with Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq. (McKinney-Vento Act) when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the public school district in which the school of origin is located, that public school district shall provide or arrange for the child's or youth's transportation to and from the school of origin.
- B. If the homeless child or youth continues his/her education in the school of origin but begins living in an area served by another public school districts, the public school districts of origin and the public school districts in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the public school districts cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

Student Conduct on Buses

Students are required to exhibit the following conduct on public school buses as per WVBE policy 4373.

- A. All students enrolled in the County shall behave in a manner that promotes a school environment that is nurturing, orderly, safe, and conducive to learning and personal-social development.

- B. Students shall help create an atmosphere free from bullying, intimidation, harassment, or any other inappropriate behavior.
- C. Students shall demonstrate honesty and trustworthiness.
- D. Students shall treat others with respect, deal peacefully with anger, use good manners, and be considerate of the feelings of others.
- E. Students shall demonstrate responsibility, use self-control, and be self-disciplined.
- F. Students shall demonstrate fairness, follow rules, and not take advantage of others.
- G. Students shall demonstrate compassion and caring.
- H. Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.
- I. Students shall have proper approval to exit the bus other than at their regularly assigned bus stop.

Procedures for Student Discipline When Transported by School Bus

The operator shall immediately notify the school principal when any transported student has violated Policy 4373. Written notification shall be completed by the operator as soon as possible.

- A. Student discipline is the responsibility of the principal, together with the operator. A student to be suspended from the bus shall be notified by the principal/designee, with the operator's assistance. The parents/guardians of the student shall be notified by the school principal/designee.
- B. All students shall be transported until the parent/guardian has been properly notified about the suspension. A student should not be left at a bus stop, and the operators shall follow the district's ridership procedures.
- C. A suspended student shall be readmitted to the bus only after the principal/designee notifies the operator that the student may be readmitted. Parents/guardians will also be notified by the school principal/designee when their child may resume riding the bus.
- D. If a student has been recommended for discipline three times in one year by the operator, a conference to discuss the student's disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present with the operator and the principal/designee. If the inappropriate behavior continues, the student's rights to transportation services may be suspended for the remainder of the year, to the extent feasible.

Medical Exclusion of Students from a Bus

The school nurse or administrator, pursuant to Policy 2423, Health Promotion and Disease Prevention and WV Code 18A-5-1 and 18-5-22, shall notify the operator when a student shall be excluded from the bus due to an infectious disease.

The student will be returned to the bus transportation program when the appropriate medical official has given the student a written statement signifying that the student may again be transported with other students.

General Operating Procedures

- A. The operator shall wear a seatbelt as designed anytime the vehicle is in motion.
- B. Transportation employees are professionals and shall conduct themselves in a professional manner, as required by WV Policy 5902, Employee Code of Conduct, section 4.2. Additionally, all operators and aides shall wear non-skid shoes. Heels of more than two inches in height, sandals, clogs, flip flops, crocs, open-toed or open-heeled shoes, and wooden-soled shoes shall not be permitted.
- C. The operator shall not knowingly operate an unsafe bus and shall perform all inspections and duties set forth in Section 22, WV School Transportation Requirements Manual and any additional inspections and duties required by the public school districts. A director of transportation, supervisor of transportation, coordinator of transportation, school bus supervisor, chief mechanic, crew leader, or mechanic shall not knowingly place an unsafe bus in operation for the purpose of transporting students.

- D. The County shall provide each operator a tentative bus schedule by the first day of school.
- E. The operator shall not permit any unauthorized person to occupy the operator's seat or tamper with any part of the bus at any time.
- F. The operator and/or aide shall not distribute items of reward (incentive, recognition) that could cause a choking hazard or bodily injury.
- G. The operator shall obey all speed limits. Truck speed limits apply to buses. Adverse weather conditions require reduced speeds.
- H. Operators shall use proper signals as required by law when operating a bus.
 - 1. In accordance with WV Code 17C-12-8 (b) It shall be unlawful to operate any flashing warning light on any school bus except when any said school bus is stopped or is slowing down to stop on any street or highway for the purpose of permitting school children to board or alight from said school bus.
 - 2. Four-way hazard lights should be used only in emergencies and railroad crossing procedures.
- I. The operator shall not leave the bus when it is running and has students onboard unless the bus is equipped with a lift and safety interlocks for FMVSS 403 and 404 lift equipment, and the operator is assisting the loading or unloading of a student with the lift.
- J. If the operator leaves the bus due to an emergency (i.e. but not limited to: render aid to a person in need of emergency medical assistance, check the mechanical condition of school bus, installation of tire chains, emergency drills, etc.), the park brake shall be engaged, and the keys shall be in the possession of the operator with the exception referred to in Section I of the School Transportation Requirements Manual.
- K. The bus shall not be operated in reverse while at the school except in an emergency. The operator shall use the assistance of a school official or another adult when the situation requires such a movement.
- L. The operator shall follow the route as specified by the County transportation director. The County transportation director shall review any potential hazards on the school bus route that have been identified and address them appropriately.
- M. All bus schedule changes made by the County transportation director shall be communicated to the parents and students as quickly as possible.
- N. In case of an accident or a mechanical failure while students are being transported, the operator shall provide for the safety of the students and request assistance as soon as possible.
- O. For buses equipped with a manual transmission, the operator should only disengage the clutch while making a complete stop or shifting gears. Buses equipped with an automatic transmission shall not be operated in neutral while moving (freewheeling).
- P. Students shall participate in emergency evacuation drills at least twice annually and at least three times annually for pre-kindergarten (pre-k) in a school year, according to Federal Highway Safety Standard No. 17, Section E (1). If students with disabilities are transported, care shall be given in determining the level of involvement these students may have during the drill. Some students' healthcare requirements or medical conditions may preclude them from participating. However, appropriate measures shall be taken, such as preparing a plan of action to ensure the safety of all occupants. Operators and aides shall have a plan in place and know their responsibilities if the need arises.
 - 1. Drills are to be conducted on districts/school property whenever possible. If drills are conducted on non-school property, care shall be taken to provide for the safety of students.
 - 2. School officials shall assist in the drills when conducted on school property.
 - 3. The drills shall include students exiting through the front and rear door and instruction on the proper use of exit windows, roof hatches, and other equipment used to assist with emergencies.
 - 4. Wheels shall be chocked during the drill.
 - 5. Upon completion, the date of each drill shall be reported to the district's director.

- Q. Signage, including but not limited to advertisements, banners, photos, stickers, and posters, except those approved by the WVDE, is not permitted to be displayed in or on buses.
- R. Only service animals recognized under the Americans with Disabilities Act (ADA) are permitted on a bus.
- S. Only property of students, public school districts property, or school property may be transported on a bus.
- T. Baggage and other items transported in the passenger compartment shall be stored and secured so that the aisles are kept clear, and the door(s) and emergency exit(s) remain unobstructed at all times.
- U. Fireworks, ammunition, explosives, lighter fluid, aerosol cans, pressurized containers, other highly flammable materials, and all deadly or dangerous weapons, are prohibited.

Aerosol cans, such as windshield deicer, shall be stored in an outside storage box on the bus. Properly labeled pump spray bottles may be stored inside the bus, but must be stored out of sight in a secure location.

- V. Medical support equipment and special adaptive/assistive equipment such as oxygen bottles may be transported as follows:

1. oxygen bottles should be no larger than thirty-eight (38) cubic feet of liquid oxygen and twenty-two (22) cubic feet for compressed gas. Only two (2) oxygen containers are allowed on the bus.
2. tanks and valves should be located and positioned to protect them from direct sunlight, bus heater vents, or other heat sources. Stationary tanks shall be properly mounted with Original Equipment Manufacturer (OEM) approved mounting devices.
3. oxygen bottles of a non-stationary type, medically prescribed for a student by a physician, shall be in a padded carrier designed for personal use and protection and shall be in the possession of the passenger. Documentation of prescribed need should be on file.
4. operators and aides shall be trained in the proper transportation of special adaptive/assistive equipment such as oxygen bottles.
5. if compressed gas is in use, a placard shall be installed and readily visible.

W. Bus Safety Equipment

1. Three (3) directional triangles shall be carried on each bus and used as a warning device during emergencies as required by Federal Motor Vehicle Safety Standard (FMVSS 571.125.)
2. Link-type bus tire chains shall be used when emergency weather conditions dictate or when directed by the district's director and must be stored in the designated storage box on the bus at all times. Operators shall be trained in the installation and use of chains. Automatic tire chains shall not take the place of regular chains.
3. Fire extinguishers shall be charged, available for use in all buses, inspected daily and serviced annually by a certified technician. Inspection tag shall be initialed monthly as required by National Fire Protection Association (NFPA) 10-2022.
4. First aid/body fluid cleanup kits and belt cutters shall be readily available in the bus. Belt cutters shall be securely mounted, within reach of the operator, and labeled if in a compartment and not clearly visible.
5. A strobe light shall be used in inclement weather only where visibility of the bus is limited. Rain, snow, sleet, fog, etc. are all considered inclement weather. Nighttime shall not be considered limited visibility.

X. General Reports.

1. Operators are to compile monthly reports and submit them to the County's director no later than three (3) working days following the last day of the school month.
2. The County director shall submit State reports through the West Virginia Education Information System (WVEIS) no later than ten (10) working days following the last day of the school month.

3. The certification of the Bus Fleet Data shall be submitted through WVEIS on the Webb (WOW) by July 15th of each year.
4. All students transported to and from school shall have their transit times entered into WVEIS by the end of the second month of school and updated as necessary. The ridership should be entered for the month of October each year, no later than November 15th.
5. Road hazards and unsafe bus stops are to be reported immediately to the County Transportation Director.

Y. Accident Reports.

1. A bus accident is to be reported to the County director when the bus touches another vehicle, person, or object, or leaves a mark and/or causes damage.
2. A verbal report is to be given by the operator as soon as possible and a written report provided on the next business day to the County director.
3. All bus accidents involving bodily injury, a fatality, extensive property damage, or structural damage to a bus shall be reported immediately via phone by the County director to the State Director. A written report is to follow to the State Director within one (1) week.
4. The County shall develop an emergency response plan regarding school bus accidents. It is recommended that law enforcement and first responders be included in creating the plan. The plan should include but not be limited to who shall determine the severity of the accident and when it's appropriate to call 911, when to release students to the care of their parents/guardians, and whether the bus is safe to continue the route or whether a replacement bus is needed.

Z. Cellular Phones and Other Electronic Devices.

1. The use of earpieces, ear buds, headsets, cellular phones, or other portable electronic devices, even those equipped with hands-free technology (Bluetooth), is prohibited for operators while operating the bus and by aides while students are present.
2. Global Positioning Systems (GPS) units used on curricular and extra-curricular trips are prohibited unless audible only or managed by a County employee other than the operator.
3. The use of two-way radios, cellular phones or any technologies that requires the operator to input data while driving or while supervising the loading and unloading of students is prohibited.

If communication with the County transportation department is necessary, the bus must be stopped in a location where the bus can safely remain stationary. County two-way radios shall be used to conduct transportation business only. Any use that could interfere with emergency communication shall be prohibited. WV Code 17C-14-15 states that the driver of a school bus shall not use or operate a wireless telecommunications device while the bus is in motion, unless that device is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials.

School Bus Stop Locations

The highest priority in establishing bus stop locations must be the safety of students. Every effort should be made by the Board to select a safe bus stop location with ample waiting areas for students. With irregular terrain, special consideration must be given in establishing a bus stop location.

- A. School bus stops should be located out of the traffic stream at least 2/10 of a mile apart. School bus operators should avoid stopping at intersections whenever possible.
- B. For bus stop locations near a railroad crossing, consideration should be given to the traffic flow in the area and to assure that adequate distance is allowed for traffic to clear the railroad tracks. The safety of the general motorists should be considered.
- C. The minimum unobstructed sight distance should be related to the approved speed of traffic. The approved speed is the posted speed limit, advisory speed limit or a value judged to most accurately represent the prevailing speed at a specific location.

- D. Sight distance needed on a level grade for essential speeds is as follows: (EXCEPTION: When a bus stop is near the crest of a hill or a curve, the view of approaching traffic is obstructed, the sight distance shall be a minimum of 200 feet.)

Speed MPH	Recommended Sight Distance	Minimum Sight Distance
25	300 feet	139 feet
30	360 feet	176 feet
35	420 feet	219 feet
40	480 feet	263 feet
45	540 feet	314 feet
50	600 feet	369 feet
55	660 feet	432 feet

- E. The West Virginia Division of Transportation (hereinafter, "DOT") and County Traffic Engineers will provide assistance in the selection and the use of school bus STOP signs that warn motorists of the presence of students as a bus stop. The District shall request assistance from the DOT if needed.
- F. Bus stops should be located to minimize students walking along roadways.
- G. Bus stops should be located to minimize the need for students to cross the highway.
- H. A school bus operator shall contact the Transportation Director when a bus stop is determined to be potentially unsafe. The Transportation Director shall evaluate and take action to relocate the stop to a safer place, if necessary. The County Director/Supervisor may request the State Executive Director of School Transportation/designee to assist in evaluation of bus stop locations, but the final decision shall remain the responsibility of the County.
- I. School bus operators are to pick up and discharge students only at the designated locations. Parents/guardians are responsible for providing supervision for all Pre-K - 3 students at all bus stops until the bus arrives for both pickup and delivery. The Board may terminate bus transportation service if a parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.

Any transfer points should be conducted off-highway, with a preference given to transferring on school property.

Procedures for Loading and Unloading of Student Passengers and Railroad Crossings

- A. The operator shall not change the location or procedure of a bus stop without approval from the County director.
- B. School bus operators are required to know how to use specific bus equipment as it pertains to loading and unloading of student passengers, including:
1. eight (8)-way flashing warning light system
 2. stop arm
 3. mirrors
 4. entrance door
 5. crossing control arm
- C. There shall be sufficient space on the school bus seat for each passenger's body to be completely contained within the seat compartment. If a child safety restraint system (CSRS) is required, the system must be height/weight appropriate for the student, and the student must be properly secured within the CSRS. No unrestrained person may occupy the seat immediately behind a person utilizing a CSRS.
- D. Special Dangers of Loading and Unloading.
1. Dropped or Forgotten Objects. The operator shall always focus on students as they approach and leave the bus and watch for any student who disappears from sight. The operator shall not engage in any other activity while loading and unloading student passengers.

2. Handrail Hang-ups. Clothing, accessories, or parts of students' bodies can get caught in the handrail or door as they enter or exit the bus. Closely observe all students exiting the bus to confirm that they are in a safe location prior to moving the bus.
 3. The operator shall report to the appropriate law enforcement official any motorist who violates the state law regarding the stopping of motor vehicles when a bus is loading and unloading in accordance with WV Code 17C-12-7 and 17C-12-9.
- E. If backing is required at or near a school bus stop, the backing procedure should be completed prior to passenger discharge. Backing shall not be done while loading or unloading students except in an emergency.
1. If an adult or responsible person is available, ask for his/her assistance while backing.
 2. If an operator fails to stop at a student's bus stop, the operator shall not back up.
- F. The following are the required loading procedures in the circumstances where students do not have to cross a highway prior to boarding the bus:
1. When approaching the stop, the operator shall:
 - a. approach cautiously at a slow rate of speed, indicating an approaching stop to the following vehicles by activating brakes.
 - b. look for pedestrians, traffic, or other objects before, during, and after coming to a stop. Continuously check all mirrors.
 - c. activate alternating flashing amber warning lights at least 200 feet or approximately five (5) to ten (10) seconds before the bus stop or in accordance with State law.
 - d. If the alternating flashing amber warning lights have been activated during student loading, the operator shall come to a complete stop and activate alternating flashing red lights, whether or not the driver can see the students to ensure no student may be approaching the bus from a blind spot.
 - e. continuously check mirrors to monitor the danger zones for students, traffic, and other objects.
 - f. move as far as possible to the right on the traveled portion of the roadway.
 - g. bring the bus to a full stop with the front bumper at least ten feet away from students at the designated stop, as to ensure that the bus operator has an optimal view of the students.
 - h. place transmission in Park (or in Neutral if there is no park shift point) and set the parking brake at each stop.
 - i. open service door, if possible, enough to activate alternating red lights when traffic is a safe distance from the bus.
 - j. make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.
 2. Students shall wait in a designated location for the bus, facing the bus as it approaches. Students shall board the bus only when signaled by the operator. The signal shall consist of the "thumbs up" method that is recognized by students and does not create a hazard. External public address (PA) systems shall be an acceptable alternative.
 3. The operator shall:
 - a. monitor all mirrors continuously.
 - b. instruct the students in safe loading procedures.
 - c. count the number of students at the bus stop and be sure all students board the bus. If possible, know the names of the students at each stop.

- d. ask other students present about the whereabouts of any absent student.
 - e. have the students board the bus slowly, in a single file using the handrail.
 - f. make sure all dome lights are on while loading in the dark.
 - g. before deactivating the red flashing warning lights and continuing on the route, check to make sure all students are seated and facing forward.
 - h. make a final check of all mirrors. Make certain no one is running to catch the bus.
 - i. If the operator cannot account for a student outside of the bus, the operator is to secure the bus, take the key, and check around and underneath the bus. Ensure the red loading lights stay activated, and traffic remains stopped while checking outside the bus.
4. the operator shall prepare to leave when all students are accounted for by:
- a. closing the door, deactivating the alternating flashing red lights.
 - b. engaging the transmission.
 - c. releasing the parking brake.
 - d. checking all mirrors again.
 - e. allowing congested traffic to disperse.
 - f. when it is safe, the operator shall continue the route.
- G. The following is the loading procedure on a highway when students are required to cross the highway before boarding the bus. Follow procedure for approaching the bus stop as described in this section.
- Before students cross the road, they shall:
1. stop and look in all directions, making sure the roadway is clear and safe.
 2. check to see if the red flashing lights on the bus are flashing.
 3. wait for the operator's signal before crossing the roadway. The signal shall consist of the "thumbs up" method. External PA shall be an acceptable alternative.
 4. upon the operator's signal, students shall proceed across the roadway, continuing to look in all directions, crossing far enough in front of the bus to be in view of the operator.
- H. Unloading Procedures on the Highway (where students do not have to cross the highway after exiting the bus).
1. When unloading students on the highway, the operator shall:
 - a. perform a safe stop as described in this section.
 - b. have the students remain seated until told to exit.
 - c. check all mirrors.
 - d. instruct students to exit the bus and walk at least ten feet away or the safest possible distance from the side of the bus to a position where the operator can plainly see all students.
 - e. count the number of students while unloading to confirm the location of all students before pulling away from the stop.
 - f. check all mirrors again. Make sure no students are around or returning to the bus.

2. If a student cannot be accounted for, the operator shall secure the bus, remove the key and check around and underneath the bus. Ensure the red loading lights stay activated, and traffic remains stopped while checking outside the bus.

When all students are accounted for, the operator shall prepare to leave by following the procedure outlined in this section.

I. The following procedures must be used when any student crosses a roadway during unloading:

1. students shall walk approximately ten feet or the safest distance away from the side of the bus to a location at least ten feet in front of the right corner of the bumper where the operator can see them, but still remaining away from the front of the bus.
2. students shall stop at the right edge of the roadway. The operator should be able to see the student's feet.
3. when students reach the edge of the roadway, they shall:
 - a. stop and look in all directions, making sure the roadway is clear and safe.
 - b. check to see if the red flashing lights on the bus are still flashing.
 - c. wait for the operator's signal before crossing the roadway. The signal shall consist of the "thumbs up" method. External PA shall be an alternative to the thumbs-up method.
 - d. upon the operator's signal, cross far enough in front of the bus to be in view of the operator.
 - e. stop at the left edge of the bus and look again for the operator's thumbs-up signal to continue to cross the roadway.
 - f. look for traffic in both directions, making sure the roadway is clear.
 - g. students shall proceed across the roadway, continuing to look in all directions.
 - h. when passengers have safely crossed the road, cancel the red flashing warning lights to allow stopped traffic to move on. Continue the bus route when it is safe to do so.

J. Loading procedures when students are loading at the school campus.

Follow the procedure for approaching the bus stop as outlined in this section. After the bus arrives at the stop where the students will board the bus, the operator should:

1. turn off the ignition switch.
2. remove key if leaving the operator's compartment. The operator's compartment shall be defined as the area directly adjacent to the operator's seat and forward of the front seat barrier.
3. position himself/herself to supervise loading.

When all students are accounted for, the operator shall prepare to leave by following the procedures outlined in this section.

K. Unloading Procedures at School.

1. When unloading at the school, the operator shall follow these procedures:
 - a. Follow the procedure for approaching the bus stop as outlined in this section.
 - b. After the bus arrives at the location where the students will unload, secure the bus by:
 1. turning off the ignition switch.
 2. removing the key, if leaving the operator's compartment with students onboard.

3. having the students remain seated until told to exit.
4. positioning himself/herself to supervise unloading.
5. having students exit in orderly fashion.
6. observing students as they step from the bus to assure that all move promptly away from the unloading area.
7. walking through the bus and check for hiding/sleeping students and items left by students.
8. checking all mirrors.
9. making certain that no students are returning to the bus.
10. checking around and underneath the bus if the operator cannot account for a student outside the bus.

2. when all students are accounted for, the operator will prepare to leave by following the procedures outlined in this section.

L. Off highway bus stops require different procedures compared to conventional highway bus stops. An "off highway" bus stop is a loading/unloading zone located off the traveled portion of the roadway.

Off Highway Loading Procedures - the bus operator shall:

1. activate the right turn signal indicator about 100-300 feet or approximately three (3) to five (5) seconds before pulling over into the loading/unloading location.
2. continuously check mirrors to monitor the danger zones for students, pedestrians, traffic and other objects.
3. when pulling over, move a safe distance from the traveled portion of the roadway.
4. bring the school bus to a full stop with the front bumper at least 10 feet away from the students. This forces the students to walk to the bus so the operator will have a better view of their movements.
5. place transmission in park (or neutral if there is no park shift point) and set the parking brake at each stop.
6. follow loading procedures outlined in this section.
7. prepare to leave by following procedures outlined in this section.

M. Off Highway Unloading Procedures

The bus operator shall:

1. follow procedures outlined in this section for when approaching the stop.
2. after the bus has come to a full stop, place transmission in park (or neutral if there is no park shift point) and set the parking brake.
3. follow unloading procedures outlined in this section.
4. when all students are accounted for, prepare to leave by following the procedures outlined in this section.

N. Railroad-highway Crossing Procedures (As required by WV Code 17C-12-3 certain vehicles must stop at all railroad grade crossings.)

1. All buses shall stop at railroad grade crossings whether loaded or empty.
2. When approaching the crossing, the operator shall:
 - a. slow down, including shifting to a lower gear in a manual transmission bus and testing the brakes.

- b. activate hazard lights approximately 200 feet before the crossing. Make sure his/her intentions are known.
- c. scan the surroundings and check for traffic behind the bus.
- d. stay to the right of the roadway if possible.
- e. choose an escape route in the event of a brake failure or problems behind the bus.

3. At the crossing, the operator shall:

- a. stop no closer than fifteen (15) feet and no farther than fifty (50) feet from the nearest rail, where the operator has the best view of the tracks.
- b. place the transmission in Park, or if there is no Park shift point, in Neutral and press down on the service brake or set the parking brake.
- c. turn off all radios, including the two-way radio, all noisy equipment, and silence the passengers.
- d. open the service door and operator's window. Look and listen for an approaching train. If a train is present, close the door, set the park brake and wait for train to pass.

4. Crossing the track, the operator shall:

- a. check the crossing signals again before proceeding. Close the entrance door.
- b. stop only before the first set of tracks if at a multiple track crossing. When certain that there is not a train approaching on any track, proceed across all of the tracks until the bus has completely cleared them. Close the operator's window, turn the emergency flashers off, and continue the route.
- c. cross the tracks in a low gear. Do not change gears while crossing.
- d. drive through the gate if it comes down after the bus has started across even if it means the bus will break the gate.

5. Special situations.

- a. If the bus stalls or is trapped on the tracks, the operator shall get all passengers out of the bus and off the tracks immediately.

The operator shall move everyone far away from the bus at an angle, which is both away from the tracks and toward the approaching train.

- b. If there is a police officer or a crossing flagger at the crossing, the operator shall obey their directions.

If there is no police officer at the crossing and the operator believes the signal is malfunctioning, the operator shall call his/her dispatcher to report the situation and ask for instructions on how to proceed.

- c. Obstructed view of tracks.

- 1. The operator shall not attempt to cross the tracks unless s/he can see far enough down the track to know that no trains are approaching.
- 2. Operators are to be extremely careful at "passive" crossings as these crossings do not have any type of traffic control device.
- 3. Even if there are active railroad signals that indicate the tracks are clear, the operator must look and listen to be sure it is safe to proceed.

- d. Containment or storage areas.

- 1. Operators shall be familiar with the length of their buses and the size of the containment area at highway-railroad crossings on the bus route, as well as any crossings the buses encounter in

the course of a school activity trip.

2. The operator shall add 15 feet (or 30 feet if stopping between two sets of tracks) to the length of the bus to determine an acceptable amount of containment or storage area.
3. When approaching a crossing with a signal or stop sign on the opposite side, the operator shall determine if the proper amount of space is available.

The operator shall determine that the bus has enough containment or storage area to completely clear the railroad tracks if there is a need to stop on the other side.

O. Transportation to Alternative Education Sites.

Buses transporting students to these sites shall be equipped with the following:

1. an effective means of communications such as cellular phone or two-way radio.
2. a video camera.
3. an aide, another operator, or a staff member from the alternative school

Requirements for School Bus Routing

The recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions are as follows for:

- A. elementary school students, thirty (30) minutes;
- B. middle school, intermediate school and junior high school students; forty-five (45) minutes; and
- C. high school students, sixty (60) minutes.

The Board may not create a new bus route for the transportation of students in any of the grade levels pre-kindergarten through grade five (5) to and from any school included in a school closure, consolidation or new construction project which exceeds by more than fifteen (15) minutes the above-recommended duration of the one-way school bus transportation time for elementary students unless:

- A. the Board adopts a separate motion to approve creation of the route and request written permission of the West Virginia Board of Education to create the route;
- B. receives the written permission of the WVBE to create the route.

Transportation of eligible vocational or special education children between their home areas and schools outside the County may be arranged through the use of Board-owned vehicles, through cooperation with other counties, through commercial carriers, and/or by other means in the most efficient and economical manner.

The () Board (x) Superintendent shall approve the bus routes annually. The Superintendent is authorized to make any necessary changes in the approved route.

Operator Assignments

- A. Any person accepting employment as an operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited, or interfered with, by any commitment as a result of any other employment.
- B. Transportation employees, including operators, may be delegated and trained to administer epinephrine auto-injectors (EpiPens) by the certified school nurse (Registered Nurse-RN), as directed in WV Code 18-5-22c and WVBE Policy 2422.7, if the County elects to adopt such policy. EpiPens are the only medication that counties may elect to allow school nurse RNs to delegate and train operators to administer during an emergency situation.

Only medication required for use during transportation shall be transported on the school bus.

- C. Any person who performs responsibilities as an operator shall not be eligible to operate a bus without a minimum of six (6) consecutive hours of off-duty rest between the conclusion of the previous day and immediately prior to the

beginning of the next day's scheduled run.

1. Any operator who accumulates more than ten (10) hours of driving time in a 24-hour period shall be required to have eight (8) consecutive hours off-duty.
2. Any operator who has been on duty for fifteen (15) hours in a 24-hour period shall be required to have eight (8) consecutive hours off-duty.
3. An operator who operates a passenger-carrying commercial motor vehicle must be off-duty eight (8) consecutive hours for rest after having been on-duty sixty (60) hours in seven consecutive days or seventy (70) hours in eight (8) consecutive days. These requirements apply if the operator has any additional job with a public school districts or any employer in which on-duty hours accumulate. The operator is responsible for monitoring total on-duty hours.
 - a. "On-duty" time is time for which the operator is being compensated by any employer.
 - b. "Off-duty" time is defined as time uncompensated by any employer.

Video Recording Devices

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus. The "Student Code of Conduct" shall be applicable to all students while being transported by bus. In the event video recording devices have audio recording capabilities, the bus shall contain an appropriate posted notice of such capabilities.

The Board shall install forward-facing and rear-facing cameras on all school buses purchased on or after July 1, 2019, for the purpose of enforcing the law forbidding the overtaking and passing a school bus that is stopped for the purpose of receiving and discharging students and for any other lawful purpose.

Suspension, Revocation or Non-renewal of Certification of School Bus Operators

Should any bus operator be disqualified from performing the duties of bus operator through the revocation or suspension of bus operator certification or through the revocation or suspension of a commercial driver's license, as a result of a criminal conviction or for any other reason, the bus operator shall be deemed incompetent and shall be subject to disciplinary action up to and including termination of employment.

The Superintendent shall be responsible for developing and implementing appropriate administrative guidelines for this policy.

West Virginia State Board of Education policy 4373

West Virginia State Board of Education policy 4336

WV Code 18-5-13

WV Code 18-5-16

WV Code 18A-5-1

WV Code 17C-12-7(g)

WV Code 17C-12-7(h)

42 U.S.C. 11431 et seq.

49 C.F.R. 392.80

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West Virginia Board of Education policy 4373

West Virginia Board of Education policy 4336

WV Code 18-5-13

WV Code 18-5-16

WV Code 18A-5-1

WV Code 17C-12-7(g)

WV Code 17C-12-7(h)

42 U.S.C. 11431 et seq.

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Replacement Policy - Volume 18, No. 1 - January 2026

8600.04 - BUS OPERATOR CERTIFICATION

~~It is the policy of the Board of Education that all bus operators hold proper certification under standards for school bus operators established within the West Virginia Code and West Virginia Board of Education policy, which include attainment of the age of twenty one (21), possess a high school, GED, or TASC diploma from an accredited institution, proper training and experience, demonstrated competency, physical and mental/emotional capabilities, and passing the physical examination. It is also the purpose of this Board to protect its students from drivers whose certification is invalidated in the State of West Virginia.~~

~~The State Superintendent may, after ten (10) days' notice and upon proper evidence, suspend, revoke, or refuse to renew the certification or impose any condition upon the certification of any bus operator upon just and sufficient cause as set forth below. There is a rational nexus between the conduct set forth below and the performance of the job as an operator. For purposes of this policy, a conviction includes any plea of guilty, conditional pleas, or pleas of no contest.~~

- ~~A. Failure to meet the physical and mental/emotional requirements set forth in WV policy 4336, as indicated from the results of any physical or psychological examination.~~
- ~~B. Failure to pass the online examination.~~
- ~~C. Failure to complete the annual minimum eighteen (18) hours of transportation related professional development.~~
- ~~D. Accumulation of ten (10) or more points on DMV driving record following initial certification or conviction of reckless driving, as defined by WV Code 17C-5-3, conviction for leaving the scene of an accident involving physical injury or death, as defined by WV Code 17C-4-1, or conviction for obstructing an officer or fleeing an officer as defined by WV Code 61-5-17.~~
- ~~E. Conviction of a felony.~~
- ~~F. Conviction of and/or DMV suspension or revocation of license on a charge of operating a motor vehicle while under the influence of alcohol, controlled substances, any other drugs or the combination thereof, or by a preponderance of evidence, including but not limited to, positive breath, or blood test, or field sobriety results, of operating a motor vehicle under the influence of same. The applicant/employee shall not be certified to operate a bus for at least two years subsequent to a first conviction, license suspension/revocation or WVDE certification suspension/revocation. For a second offense, license suspension/revocation, or WVDE certification suspension/revocation, certification shall be revoked and refused permanently.~~
- ~~G. Failure of any drug or alcohol test administered by the operator's employer or submission of an adulterated specimen. Once notified, the operator must report to the collection site immediately. Failure or delay doing so shall be considered a refusal which is equivalent to testing positive. The operator will not be certified to operate a bus for at least two (2) years subsequent to a first positive or adulterated test result unless the operator completes a return to duty process which includes consultation with a substance abuse professional. For a second positive test result or adulteration, certification shall be revoked and refused permanently.~~

- ~~H. Intentional disengagement of bus safety equipment, including bus cameras, without prior authorization of county directors.~~
- ~~I. Conviction of any charge involving sexual misconduct with a minor or student. The operator may also have certification renewal refused or certification suspended or revoked when it is shown by a preponderance of evidence that s/he has a consensual sexual or amorous relationship with a student irrespective of any criminal prosecution.~~
- ~~J. A demonstration by a preponderance of evidence of frequent violations of traffic laws, sound safety practices, regulations, or ordinances while operating a bus, or any single violation while operating a bus that threatened the safety of student passengers, or other users of streets or roadways. Violations of WV Code 17E-1-14a, which make texting while driving a commercial motor vehicle a misdemeanor crime, will be deemed a single violation that threatened the safety of student passengers and/or other users of streets or roadways, regardless of whether an operator is prosecuted, if proven by a preponderance of evidence. Violations of WV Code 17C-14-15, which make talking on a cell phone while driving any vehicle a misdemeanor crime, if performed while operating a bus shall be deemed a single violation that threatened the safety of student passengers and/or other users of streets or roadways, given surrounding circumstances, regardless of whether an operator is issued a traffic ticket, if proven by a preponderance of evidence.~~

~~The State Superintendent may, after ten (10) days notice and upon proper evidence, suspend, revoke, or refuse to renew the certification or impose any condition upon the certification of any operator for intemperance, untruthfulness, cruelty, immorality, or use of fraudulent, unapproved, or insufficient credit to obtain the certificate only if there is a rational nexus between the conduct of the operator and the performance of the job.~~

~~With respect to conduct for which an operator has been disciplined by the Board with less than termination, or has been placed upon an improvement plan that s/he is meeting or has met as determined by the Board, the operator's certificate may not be revoked unless it can be proven by clear and convincing evidence that the operator has committed one of the offenses listed above and his/her actions render him/her unfit to operate a bus.~~

~~If an operator's certificate has been issued or renewed through an error, oversight, or misinformation, the State Superintendent may recall the certificate and make such corrections as will conform to the requirements of law and WVBE rules.~~

~~The Board shall notify the WVDE when an operator has resigned or has been terminated.~~

BUS OPERATOR CERTIFICATION TEST

~~Notwithstanding any other provision of West Virginia Code to the contrary or any rules of the Board concerning school bus operator certification in effect on July 1, 2010, the certification test for school bus operators shall be required as follows, and school bus operator shall not be required to take the certification test more frequently for:~~

- ~~A. substitute school bus operators and for school bus operators with regular employee status, but on a probationary contract, the certification test shall be administered annually;~~
- ~~B. school bus operators with regular employee status and continuing contract status, the certification test shall be administered triennially; and;~~
- ~~C. substitute school bus operators who are retired from a board and who at the time of retirement had ten (10) years of experience as a regular full time bus operator, the certification test shall be administered triennially.~~

~~Retired bus operators employed to perform expanded substitute service shall be considered day-to-day, temporary, part-time employees and shall not be eligible for additional pension or other benefits paid to regular employees' and shall be prohibited from accruing seniority.~~

BUS OPERATOR RECRUITMENT AND TRAINING PROGRAMS

~~The Board is permitted to establish locally funded recruitment and training programs for prospective bus operators in accordance with the section.~~

~~The programs are subject to the following:~~

- ~~A. It has been submitted and approved by the West Virginia Department of Education;~~
- ~~B. May only be used if the Board is unable to maintain an adequate number of bus operators or substitute bus operators in its pool or is experiencing a shortage in adequately staffing its school transportation system;~~

- C. ~~The program includes requirements for program participants to submit to and pass pursuant to State law, a background check (See Board Policy 3121/Board Policy 4121), and submit to and pass pursuant to the West Virginia School Bus Transportation Policy and Procedures Manual (policy 4336), a drug screen (See Board Policy 4162);~~
- D. ~~Specifies the amount, if any, of any stipend to be paid to program participants or any reimbursement of participant costs or other benefit upon successful completion, or any penalties for failure to complete the program;~~
- E. ~~Program specifies any obligation, if any, on participants who successfully complete the program to apply or become employed by the county board as a bus operator or substitute bus operator for a period of time, and any penalty for failure to comply with any post program completion requirements; and~~
- F. ~~The Board posts bus operator training program position openings on the Board website and may advertise them in other media. This post must include any appropriate qualifications.~~

~~A bus operator recruitment and training program that has been approved by the Department of Education must require that all of the requirements to become classified as a bus operator must be met for successful program completion.~~

~~Completion of a Board bus operator recruitment and training program does not entitle a participant to employment as a bus operator or substitute bus operator for the County Board providing the program, nor does completion of the training program establish any seniority for time spent in the program. Participants may only obtain employment status with the county upon completion of the program pursuant to proper bid and hiring process for an open regular or substitute bus operator position, in accordance with applicable statute.~~

It is the policy of the Board of Education that all bus operators hold proper certification under standards for school bus operators established within the West Virginia Code and West Virginia Board of Education policy, which include attainment of the age of twenty-one (21), proper training and experience, demonstrated competency, physical and mental/emotional capabilities, and passing the physical examination. It is also the purpose of this Board to protect its students from drivers whose certification is invalidated in the State of West Virginia.

Criteria for Contract Operators and the Certification of Operator Candidates

A. All operator candidates shall be certified by the WVDE Office of School Transportation as the designee of the State Superintendent of Schools (State Superintendent) at the request of the County Board of Education or the public institution seeking to employ them.

B. The operator candidate shall meet the following criteria to be certified:

1. The candidate shall be at least twenty-one (21) years of age.
2. The candidate shall have at least three (3) years of driving experience as a licensed operator of any vehicle and be eligible to obtain a valid commercial driver's license permit. A Commercial Learners Permit (CLP) will allow the candidate to take the required on-road training.

The candidate shall complete a form granting the employing County Board of Education permission to obtain his/her driving record from the Department of Motor Vehicles (DMV) of the appropriate state(s). The driving record shall be for five (5) years, if available. This form is available in the West Virginia School Bus Operator Training and Certification Manual. The DMV Check is good for six (6) months from the date of issue.

3. The candidate shall submit to the County Board of Education or institution seeking to employ him/her a WVDE Application for Bus Operator Certification and Release of Information form. The County shall submit to the WVDE Office of School Transportation the Release of Information Form (Form 7) and a copy of the application form for each operator candidate; upon receipt of this information, a request for a criminal background report will be issued.
4. All candidates for initial operator certification shall be fingerprinted by the West Virginia State Police (State Police) or its designee. The fingerprints shall be submitted for analysis to the State Police for a State criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation (FBI) for a national criminal history record check.
 - a. Information contained in either the central abuse registry record or the FBI record may form the basis for the denial of a certificate for cause in accordance with WV Code 18A 3 10.
 - b. Upon written consent to the WVDE by the candidate and within ninety (90) days of the state fingerprint analysis, the results of a state analysis may be provided to the Board of Education to which

the candidate is applying for employment without further cost to the candidate. After ninety (90) days, the applicant must be fingerprinted again.

The candidate shall successfully complete a minimum number of hours of non-driving instruction, as specified in the West Virginia School Bus Operator Training and Certification Manual, excluding first aid/CPR. Instruction shall be in person with a WVDE-certified operator trainer, online training modules, or a combination thereof. A WVDE-certified bus operator trainer shall be present and take an active role in the training when online training modules are utilized, unless specified by the State Director. Training shall not be duplicated to reach the initial number of training hours. Only the number of hours per section of training designated by the WVDE shall be used to reach the required hours of instruction. Example: If an operator trainer determines a candidate requires five (5) hours additional training on pre-trip inspection, the additional hours shall only be completed after the required hours of instruction are complete.

New applicant without a CDL	Minimum forty (40) hours
Possess a CDL with P and S endorsements	Minimum thirty-six (36) hours
Possess a valid First Aid/CPR card	Minimum thirty-four (34) hours
Possess a CDL with P & S plus valid First Aid/CPR card	Minimum thirty (30) hours

5. The candidate shall successfully complete a minimum of twelve (12) hours of on-the-road training including two (2) hours of night driving, as specified in the West Virginia School Bus Operator Training and Certification Manual. The training shall be with a WVDE-certified bus operator trainer and no student (school age) passengers on board.
6. The candidate shall receive six (6) hours of training in the transportation of special education students, as specified in the West Virginia School Bus Operator Training and Certification Manual.
7. The candidate shall receive appropriate training on WVBE Policies 5902, 4373, 2525, and any additional County specific policies. The training shall be completed by the employing County or institution.
8. The candidate shall have first aid and cardiopulmonary resuscitation (CPR) certification from a program approved by the State Director.
9. The candidate shall pass a physical examination from a medical examiner certified by the Federal Motor Carrier Safety Administration (FMCSA). The term "medical examiner" is defined as a Doctor of Medicine, Doctor of Osteopathy, physician assistant, advanced practice nurse, and Doctor of Chiropractic. The physical examination for certification purposes will only be good for six (6) months from date of examination.
 - a. The medical examiner shall record physical examinations on the U.S. Department of Transportation (USDOT) Medical Examination Report Form (for Commercial Driver Medical Certification).
 - b. The physical examination shall cover all health issues set forth in Policy 4160.02. Tuberculin testing is not required unless there is evidence of exposure to tuberculosis or signs or symptoms of active tuberculosis as referenced in WV Code 16-3D-3.
10. The candidate shall be subject to pre-employment drug testing for the use of certain controlled substances as required by the US Department of Transportation (USDOT) regulations. Negative drug test results must be obtained prior to beginning any on highway training.
11. The employing agency shall request a full query from the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse for violations of any candidate who currently holds a commercial driver's license (CDL), has previously held a commercial driver's license (CDL), or who has obtained a commercial learners permit (CLP).
12. The candidate shall pass a knowledge exam provided by the WVDE and administered by the public school districts seeking to employ him/her.

The candidate who fails the knowledge exam may retake it after required additional training from the training modules. After subsequent failures, the required additional training will happen before the knowledge exam may be taken. The test may be given as many times as possible at the

discretion of the public school districts or institution seeking to employ him/her.

13. Upon successful completion of the knowledge exam, the candidate shall pass additional tests on skills and performance at the request of the public school districts or institution seeking to employ the candidate, administered by a qualified bus inspector employed by the WVDE or a certified bus operator examiner using vehicles owned or leased by the public school districts.

Should a candidate fail any portion of the skills or performance tests, the remainder of the test(s) shall not be administered. The skills and performance tests shall be administered to a candidate no more than three (3) times annually and only after consultation with the test examiner or State Director. The request shall be in writing and shall include reasons for retesting. Candidates must wait a minimum of three (3) days prior to being retested and must receive documented additional training in the areas of failure. If the failure happens in any portion of the physical performance test, the entire physical performance test will be re-administered. If the failure happens in any portion of the skills test, the entire skills test will be re-administered.

14. Prior to the candidate taking any skills examination or test provided by or administered by the WVDE, the candidate shall obtain a CDL with a minimum Class B license and P (passenger) and S (school bus) endorsements.

15. The candidate shall pass a physical performance exam as referenced in this policy, below.

16. Upon successful completion of the WVDE training program and receipt of the certification card, the newly certified operator shall initially be required to drive a minimum of two (2) bus routes (one [1] A.M. route and one [1] P.M. route, two [2] A.M. routes on different days, two [2] P.M. routes on different days) with a certified operator and students on-board prior to accepting any other assignment.

- C. The State Superintendent may refuse to certify a candidate as an operator who is not of good moral character and physically, mentally, and emotionally qualified to perform the duties of an operator safely and efficiently.

Reasons supporting a refusal to certify a candidate shall include failure to complete and pass any of the following:

1. a physical examination and completed form which includes a list of all prescribed medications and their dosages.
2. training provided by a certified trainer.
3. knowledge exam developed by the WVDE.
4. skills and performance exams.
5. drug screen.
6. accumulation of six (6) or more points against the candidate's driving record from any State DMV.
7. conviction of one (1) drug/alcohol-related driving offense within the last two (2) years or conviction of two (2) or more drug/alcohol-related driving offenses within the last ten (10) years.
8. conviction for an offense involving the use or possession of any illegal/controlled substance without a valid prescription or abuse with a valid prescription, within the last five (5) years as demonstrated by a preponderance of evidence.
9. pattern of abuse of alcohol within the last five (5) years regardless of the candidate's driving record, as demonstrated by a preponderance of evidence.
10. a criminal background or driving history that demonstrates a lack of good moral character.
11. conduct constituting sexual abuse, negligence, or assault of a minor, whether or not criminally charged, as demonstrated by a preponderance of evidence.

12. conviction of a felony
 13. conviction of a misdemeanor that has a rational nexus to a bus operator's duties and responsibilities.
- D. When the State Director recommends to the State Superintendent that a candidate be denied certification for any reason, the candidate will receive notice of the recommended denial for cause and be afforded the opportunity for a hearing before the School Bus Operator Review Panel in accordance with WV Policy 1340, Rules of Procedure for Administrative Hearings and Appeals.

Responsibilities of Certified Operators for Renewal of Certification

- A. The operator shall notify the County director and the medical examiner of any medication taken or the use of any controlled and/or over-the-counter substance that may interfere with the safe operation of a bus. A copy of the West Virginia Department of Education, Office of School Operations, Prescription/OTC Medication Restriction Guidelines, which contains examples of drugs that may interfere with the safe operation of a bus, may be obtained from the County director or the WVDE Office of School Transportation. The operator shall notify the County director by the next business day of any driving under the influence (DUI)/driving while intoxicated (DWI) charge and any moving vehicle violations received while driving any vehicle.
- B. The Superintendent has the right to require a physical and/or psychological examination from a designated health care provider when s/he has any reasonable questions regarding the ability of an operator or the sufficiency of an annual physical examination.
- C. The Superintendent has the right to require that a physical performance examination be administered when s/he has any reasonable questions regarding the ability of an operator to perform his/her required duties. The physical performance exam may also be required when an operator is returning to work after an accident, injury, or extended illness in which the ability to perform his/her required duties may be in question. A WVDE-certified bus operator examiner or a WVDE inspector may administer the examination. The exam must be administered in the largest type C bus available and will include, but may not be limited to:
 1. Emergency Exit Time (from the driver's seat with the seat belt fastened and out rear exit in twenty [20] seconds)
 2. Installing a road ready tire chain that is installed correctly, tight, and has no twists in the tire chain. Tire Chain Time (one [1] tire) (ten [10] minutes unassisted)
 3. Bus Steps Time (three [3] trips up & down in thirty [30] seconds)
 4. Throttle to Brake Time (ten [10] Throttle to brake cycles in ten [10] seconds)
 5. Brake (Hold brake for three [3] seconds, five [5] times)
 6. Roof Hatch (operator's body must pass through trim ring)
- D. If a bus operator presents the County with a medical release to return to duty, it shall indicate no restrictions or limitations.
- E. All operators, including substitutes, shall receive a minimum of 18 hours of professional learning in transportation-related subjects annually, including a minimum of one (1) hour refresher training on special needs transportation, if transporting Pre-k or Head Start students an additional one (1) hour of dealing with young riders, completed between July 1st of the current school term and June 30th of the following school term, with the first twelve (12) hours occurring before January 1st. An exception to this schedule may be granted by the superintendent.
- F. All operators shall pass a knowledge exam developed by the WVDE pursuant to WV Code 18A-4-8e and administered by the County or public institution.
 1. For substitute operators and for operators with regular employee status but on a probationary contract, the knowledge exam shall be administered annually.
 2. For operators with regular employee status and continuing contract status, the knowledge exam shall be administered triennially.

3. For substitute operators who are retired from a County school system and who at the time of retirement had ten years of experience as a regular full-time operator, the knowledge exam shall be administered triennially.
 4. The operator who fails the knowledge exam may retake it.
- G. The County currently employing the bus operator shall annually submit a request for renewal of certification for the following school term to the State Director no earlier than April 1st, showing:
1. passage of the annual physical examination.
 2. passage of the knowledge exam, if applicable.
 3. completion of 18 hours of transportation-related professional development completed between July 1st to June 30th of the current school year.
 4. results of an annual report of the operator's DMV record.
 5. current first-aid and CPR certification.
 6. current CDL with appropriate endorsements.
- H. The term for bus operator certification begins July 1st and expires June 30th of each year. Certification cards for the upcoming term will not be issued prior to June 1st.
- I. Any operator whose certification has not been renewed for five (5) consecutive certification terms shall be considered a new applicant and shall complete all certification requirements of a new applicant.
- J. Any operator whose certification has not been renewed for two (2) to five (5) years shall have a required eighteen (18) hours of training with a minimum of six (6) hours behind the wheel.
- K. Reciprocity of school bus operators:

Training credit may be granted to school bus operators who are currently certified and transporting students on a school bus in another state. The districts or employing agency must verify the applicant's school bus driving history and query the FMCSA Clearinghouse for drug testing history. Requirements are as follows. The applicant shall:

1. Possess a class A or B CDL with passenger (P) and school bus (S) endorsements with no air brake restriction.
 2. Receive a minimum of eighteen (18) hours of training with a minimum of six (6) hours behind the wheel and classroom training as specified by the School Bus Operator Training and Certification Manual and provided by a WVDE certified bus operator trainer which shall include but not be limited to student loading and unloading, FMVSS 111 mirror grid training, pre-trip inspections, and training on policy 4336, after which, the transportation director and trainer shall evaluate the applicant to determine if additional training is needed.
 - a. have a valid First Aid and CPR card.
 - b. pass a USDOT physical exam.
 - c. pass the WVDE knowledge exam.
 - d. pass a USDOT pre-employment drug screen.
 - e. have a CIB/FBI criminal background check approved by the WVDE.
 - f. provide a driving history record for the last five (5) years, if available, with less than six (6) total points (equal to WV's point grading system).
 - g. pass a skills and physical performance exam provided by the WVDE or designee.
- L. Any operator who has not transported students from home to school or school to home at least five (5) times within the previous certification term shall complete a minimum of three (3) hours behind-the-wheel refresher training with a WVDE-certified trainer prior to the employing County or institution requesting re-certification for any successive school year.

- M. The WVDE may periodically conduct a compliance review of bus operator certification files. The review shall include copies of the physical exam, the CDL with proper endorsements, a valid First Aid/CPR card, a valid DMV report, the knowledge exam if applicable, staff development hours, and if applicable, a letter from the prescribing physician should be included if any medications with restrictions are indicated.

Reasons for Suspension, Revocation, or Non-renewal of Certification of Operators

- A. The State Superintendent may, after ten (10) days' notice and upon proper evidence, suspend, revoke, or refuse to renew the certification, or impose any condition upon the certification of any operator upon just and sufficient cause as set forth below. For purposes of this policy, a conviction includes any plea of guilty, conditional pleas, or pleas of no contest, where there is a rational nexus between the conduct set forth below and the performance of the job as an operator.
1. Failure to meet the physical and mental/emotional requirements set forth in WV Policy 4336, as indicated from the results of any physical or psychological examination.
 2. Failure to pass the knowledge exam.
 3. Failure to complete the annual minimum of eighteen (18) hours of transportation-related professional development.
 4. Accumulation of ten (10) or more points on DMV driving record following initial certification or conviction of reckless driving, as defined by WV Code 17C-5-3, conviction for leaving the scene of an accident involving physical injury or death, as defined by WV Code 17C-4-1, or conviction for obstructing an officer or fleeing an officer as defined by WV Code 61-5-17.
 5. Conviction of a felony.
 6. Conviction of and/or DMV suspension or revocation of license on a charge of operating a motor vehicle while under the influence of alcohol, controlled substances, any other drugs or the combination thereof, or by a preponderance of evidence, including but not limited to, positive breath, or blood test, or field sobriety results, of operating a motor vehicle under the influence. The employee shall not be certified to operate a bus for at least two years following the date of the revocation, first conviction, license suspension/revocation or WVDE certification suspension/revocation. At the conclusion of two years, the operator shall be considered a new applicant and complete all requirements of section 15. For a second offense, license suspension/revocation, or WVDE certification suspension/revocation, certification shall be revoked and refused permanently.
 7. Failure of any drug or alcohol test administered by the operator's employer or submission of an adulterated specimen. The operator will not be certified to operate a bus for at least two (2) years subsequent to a first positive or adulterated test result and the operator completes a return-to-duty process, which includes consultation with a substance abuse professional. For a second positive test result or adulteration, certification shall be revoked and refused permanently.
 8. Once the operator is notified, the operator must report to the collection site immediately. Failure of delay in doing so will be considered a refusal, which is equivalent to testing positive.
 9. Intentional disengagement of bus safety equipment, including bus cameras, without prior authorization of districts directors.
 10. Conviction of any charge involving sexual misconduct with a minor or student. The operator may also have certification renewal refused, or certification suspended or revoked when it is shown by a preponderance of evidence that s/he has a consensual sexual or amorous relationship with a current student, irrespective of any criminal prosecution.
 11. A demonstration by a preponderance of evidence of frequent violations of traffic laws, sound safety practices, regulations, or ordinances while operating a bus, or any single violation while operating a bus that threatened the safety of student passengers, or other users of streets or roadways including but not limited to incomplete pre-trip or post-trip inspections and driving through flooded roadways.
 12. Violations of WV Code 17E-1-14a, which make texting while driving a commercial motor vehicle a misdemeanor crime, will be deemed a violation that threatened the safety of student passengers and/or other users of streets or roadways, regardless of whether an operator is prosecuted, if proven by a

preponderance of evidence.

13. Violations of WV Code 17C-14-15, which make talking on a cell phone while driving any vehicle a misdemeanor crime, but if performed while operating a bus, will be deemed a violation that threatened the safety of student passengers and/or other users of streets or roadways, regardless of whether an operator is issued a traffic ticket, if proven by a preponderance of evidence. (example: video recording from bus.)
- B. The State Superintendent may, after ten (10) days' notice, and upon proper evidence, suspend, revoke, or refuse to renew the certification or impose any condition upon the certification of any operator for intemperance, untruthfulness, cruelty, immorality, or use of fraudulent, unapproved, or insufficient credit to obtain the certificate only if there is a rational nexus between the conduct of the operator and the performance of the job.
- C. If an operator's certificate has been issued or renewed through an error, oversight, or misinformation, the State Superintendent may recall the certificate and make such corrections as will conform to the requirements of law and WVBE rules.
- D. The County superintendent or other employer of operators licensed by the WVDE who knows of any acts on the part of an operator for which a certificate may be revoked in accordance with WV Code 18A-4-8e or section 24 shall report the same, together with all facts and evidence, to the State Superintendent.
- E. At least annually, operators shall be monitored and evaluated for performance by the County director/supervisor. Evaluations should include verbal discussions with the operator, ride with the operator, review of bus video, or any combination thereof.
- F. A bus video may be reviewed at any time by the State Director, WVDE bus inspector, WVDE investigator, WVDE and/or districts attorney, districts director, members of the bus operator review panel and the County superintendent for reasons including but not limited to: safety violations or misconduct, violation of policies and procedures, operator evaluation, periodic review of student conduct, etc. The bus video may be viewed by the operator with permission or consent of the County director or designee approved by the County superintendent.
- G. County directors/supervisors who perform evaluations shall be trained in proper evaluation procedures.

Responsibilities of Certified Operators for Renewal of Certification

- A. The operator shall notify the County director and the medical examiner of any medication taken or the use of any controlled and/or over-the-counter substance that may interfere with the safe operation of a bus. A copy of the West Virginia Department of Education, Office of School Operations, Prescription/OTC Medication Restriction Guidelines, which contains examples of drugs that may interfere with the safe operation of a bus, may be obtained from the County director or the WVDE Office of School Transportation. The operator shall notify the County director by the next business day of any driving under the influence (DUI)/driving while intoxicated (DWI) charge and any moving vehicle violations received while driving any vehicle.
- B. The Superintendent has the right to require a physical and/or psychological examination from a designated health care provider when s/he has any reasonable questions regarding the ability of an operator or the sufficiency of an annual physical examination.
- C. The Superintendent has the right to require that a physical performance examination be administered when s/he has any reasonable questions regarding the ability of an operator to perform his/her required duties. The physical performance exam may also be required when an operator is returning to work after an accident, injury, or extended illness in which the ability to perform his/her required duties may be in question. A WVDE-certified bus operator examiner or a WVDE inspector may administer the examination. The exam must be administered in the largest type C bus available and will include, but may not be limited to:
 1. Emergency Exit Time (from the driver's seat with the seat belt fastened and out rear exit in twenty [20] seconds)
 2. Installing a road ready tire chain that is installed correctly, tight, and has no twists in the tire chain. Tire Chain Time (one tire) (ten [10] minutes unassisted)
 3. Bus Steps Time (three [3] trips up & down in thirty [30] seconds)
 4. Throttle to Brake Time (ten [10] Throttle to brake cycles in ten [10] seconds)

5. Brake (Hold brake for three [3] seconds, five [5] times)
 6. Roof Hatch (operator's body must pass through trim ring)
- D. If a bus operator presents the County with a medical release to return to duty, it shall indicate no restrictions or limitations.
- E. All operators, including substitutes, shall receive a minimum of eighteen (18) hours of professional learning in transportation-related subjects annually, including a minimum of one (1) hour refresher training on special needs transportation, if transporting Pre-k or Head Start students an additional one (1) hour of dealing with young riders, completed between July 1st of the current school term and June 30th of the following school term, with the first twelve (12) hours occurring before January 1st. An exception to this schedule may be granted by the Superintendent.
- F. All operators shall pass a knowledge exam developed by the WVDE pursuant to WV Code 18A-4-8e and administered by the County or public institution.
1. For substitute operators and for operators with regular employee status but on a probationary contract, the knowledge exam shall be administered annually.
 2. For operators with regular employee status and continuing contract status, the knowledge exam shall be administered triennially.
 3. For substitute operators who are retired from a County school system and who, at the time of retirement, had ten (10) years of experience as a regular full-time operator, the knowledge exam shall be administered triennially.
 4. The operator who fails the knowledge exam may retake it.
- G. The County currently employing the bus operator shall annually submit a request for renewal of certification for the following school term to the State Director, no earlier than April 1st, showing:
1. passage of the annual physical examination.
 2. passage of the knowledge exam, if applicable.
 3. completion of eighteen (18) hours of transportation-related professional development completed between July 1st to June 30th of the current school year.
 4. results of an annual report of the operator's DMV record.
 5. current first-aid and CPR certification.
 6. current CDL with appropriate endorsements.
- H. The term for bus operator certification begins July 1st and expires June 30th of each year. Certification cards for the upcoming term will not be issued prior to June 1st.
- I. Any operator whose certification has not been renewed for five (5) consecutive certification terms shall be considered a new applicant and shall complete all certification requirements of a new applicant.
- J. Any operator whose certification has not been renewed for two (2) to five (5) years shall have a required eighteen (18) hours of training with a minimum of six (6) hours behind the wheel.
- K. Reciprocity of school bus operators:

Training credit may be granted to school bus operators who are currently certified and transporting students on a school bus in another state. The districts or employing agency must verify the applicant's school bus driving history and query the FMCSA Clearinghouse for drug testing history. Requirements are as follows. The applicant shall:

1. Possess a class A or B CDL with passenger (P) and school bus (S) endorsements with no air brake restriction.
2. Receive a minimum of eighteen (18) hours of training with a minimum of six (6) hours behind the wheel and classroom training as specified by the School Bus Operator Training and Certification Manual and provided by

a WVDE certified bus operator trainer which shall include but not be limited to student loading and unloading, FMVSS 111 mirror grid training, pre-trip inspections, and training on policy 4336, after which, the transportation director and trainer shall evaluate the applicant to determine if additional training is needed.

- a. have a valid First Aid and CPR card.
 - b. pass a USDOT physical exam.
 - c. pass the WVDE knowledge exam.
 - d. pass a USDOT pre-employment drug screen.
 - e. have a CIB/FBI criminal background check approved by the WVDE.
 - f. provide a driving history record for the last five (5) years, if available, with less than six (6) total points (equal to WV's point grading system)
 - g. pass a skills and physical performance exam provided by the WVDE or designee.
- L. Any operator who has not transported students from home to school or school to home at least five (5) times within the previous certification term shall complete a minimum of three (3) hours behind-the-wheel refresher training with a WVDE-certified trainer prior to the employing County or institution requesting re-certification for any successive school year.
- M. The WVDE may periodically conduct a compliance review of bus operator certification files. The review shall include copies of the physical exam, the CDL with proper endorsements, a valid First Aid/CPR card, a valid DMV report, the knowledge exam if applicable, staff development hours, and if applicable, a letter from the prescribing physician should be included if any medications with restrictions are indicated.

Retired bus operators employed to perform expanded substitute service shall be considered day-to-day, temporary, part-time employees and shall not be eligible for additional pension or other benefits paid to regular employees, and shall be prohibited from accruing seniority.

BUS OPERATOR RECRUITMENT AND TRAINING PROGRAMS

The Board is permitted to establish locally funded recruitment and training programs for prospective bus operators in accordance with the section.

The programs are subject to the following:

- A. It has been submitted and approved by the West Virginia Department of Education;
- B. May only be used if the Board is unable to maintain an adequate number of bus operators or substitute bus operators in its pool or is experiencing a shortage in adequately staffing its school transportation system;
- C. The program includes requirements for program participants to submit to and pass pursuant to State law, a background check (See Board Policy 3121/Board Policy 4121), and submit to and pass pursuant to the West Virginia Minimum School Transportation Procedures Manual (policy 4336), a drug screen (See Board Policy 4162);
- D. Specifies the amount, if any, of any stipend to be paid to program participants or any reimbursement of participant costs or other benefit upon successful completion, or any penalties for failure to complete the program;
- E. Program specifies any obligation, if any, on participants who successfully complete the program to apply or become employed by the county board as a bus operator or substitute bus operator for a period of time, and any penalty for failure to comply with any post program completion requirements; and
- F. The Board posts bus operator training program position openings on the Board website and may advertise them in other media. This post must include any appropriate qualifications.

A bus operator recruitment and training program that has been approved by the Department of Education must require that all of the requirements to become classified as a bus operator must be met for successful program completion.

Completion of a Board bus operator recruitment and training program does not entitle a participant to employment as a bus operator or substitute bus operator for the County Board providing the program, nor does completion of the training program establish any seniority for time spent in the program. Participants may only obtain employment status with the county upon completion of the program pursuant to proper bid and hiring process for an open regular or substitute bus operator position, in accordance with applicable statute.

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Legal

West Virginia Board of Education policy 1340

West Virginia Board of Education policy 4336

WV Code 17C-14-12

WV Code 18A-4-8e

WV Code 18A-4-8e(k)

Cross References

po4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Book Public Comment Period 4/15/26 thru 4/28/26

Section First Reading - Agenda 4/14/26

Title Rescind Policy - Vol. 17, No. 1 - April 2025 - TRANSPORTATION FOR CURRICULAR/CO-CURRICULAR AND EXTRA-CURRICULAR COUNTY-SPONSORED TRIPS

Code po8640

Status

Adopted May 26, 2015

Last Revised July 23, 2024

Rescind Policy - Vol. 17, No. 1 - April 2025

8640 - TRANSPORTATION FOR CURRICULAR/CO-CURRICULAR AND EXTRA-CURRICULAR COUNTY-SPONSORED TRIPS

~~It shall be the policy of the Board of Education to use regular or special purpose school vehicles for transportation on curricular/co-curricular and extra-curricular District sponsored trips. Certified professional or service personnel may be permitted to drive Board owned, rented, or leased vehicles provided that no more than ten (10) occupants, including the operator, are transported at one time. No more than two (2) District Board owned, rented, or leased vehicles as described above shall be used for any single trip. A bus shall be used for more than nineteen (19) students and/or passengers on curricular and extra-curricular trips.~~

~~The transportation for all curricular/co-curricular and extra-curricular District sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent.~~

~~The Board shall require participating school officials to submit a planned schedule of curricular/co-curricular and extra-curricular trips to the Superintendent or his/her designee for approval. Thereafter, the procedure shall be as follows:~~

- ~~A. The () Director of Transportation () Supervisor of Transportation shall receive a copy of the approved schedule far enough in advance to arrange safe and adequate transportation.~~
- ~~B. Schedules for approved trips shall not interfere with the regular transportation schedule.~~
- ~~C. Only school bus operators employed by the Board shall operate type A1, A2, B, C, and D buses on such trips.~~
- ~~D. All school buses used for such trips shall be covered by insurance as provided in WV Code 18-5-13.~~

~~[] The Board shall assume transportation costs for () all curricular/co-curricular trips. () a certain number of approved curricular/co-curricular trips as specified in the Superintendent's administrative guidelines. [END OF OPTIONS]~~

~~[] The Board shall also assume the transportation costs for all extra-curricular trips.~~

~~[] The Board shall assume the vehicle cost for all extra-curricular trips but the cost of the driver shall be paid () by the sponsoring organization () from the designated fund.~~

~~[] The Board shall provide the vehicles for all extra-curricular trips, but a mileage charge shall be assessed to cover the cost of the driver and fuel. This charge is to be paid () by the sponsoring organization () from a designated fund.~~

~~Transportation may be limited by the availability of vehicles, drivers, and scheduling and shall not interfere with the regular transportation schedule.~~

~~Students transported in a school bus on such trips shall, in addition to the school bus operator, be supervised by at least one (1) professional employee of the Board of Education who shall provide a list of all persons on the bus to the school bus operator. Each additional bus shall be supervised by a professional employee or person approved by the Board. () Students~~

~~shall be supervised while they are waiting for rides home. [END OF OPTION] Provisions for specialized health care needs shall be made if necessary. Students transported in a school bus on such trips shall be instructed on the location and operation of all emergency exits and proper procedures for evacuating the bus in case of accident or breakdown.~~

~~[] All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.~~

~~[] Students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle () without prior approval of the principal.~~

~~[] No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis provided the student's parent(s) provides written authorization and release from liability using Form 5515 F2 — Parental Authorization and Release from Liability Form.~~

~~[] In case such an exception is made, the approved student driver shall not transport any other student.~~

~~[] In case such an exception is made, the approved student driver shall not transport any other student without the parent(s) of the student to be transported in such vehicle providing written authorization and release from liability using Form 5515 F2 — Parental Authorization and Release from Liability Form.~~

~~A report on all curricular/co-curricular and extra-curricular trips provided shall be filed through the WVEIS at the end of each month.~~

~~The Superintendent shall prepare administrative guidelines consistent with this policy.~~

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