

Non-Instructional/Business  
Operations**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person will be qualified to operate a bus only if that person:

- a) Is at least ~~twenty-one~~ 21 years of age;
- b) Has been issued ~~a currently valid operator's or commercial~~ an appropriate driver's license which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered in accordance with Commissioner of Education and Commissioner of Motor Vehicles regulations. In no case will the interval between physical examinations exceed a ~~+2~~13-month period;
- d) Is not disqualified to drive a motor vehicle under ~~Sections 509-e and 509-ee and any other provisions of Article 19-A~~ any provision of law or regulation;
- e) Has on file at least three statements from three different persons who are not related by either blood or marriage to the driver or applicant pertaining to the moral character and to the reliability of the driver or applicant;
- f) Has completed, or is scheduled to complete, required New York State Education Department safety programs ~~as required by law~~;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;
- h) Has taken and passed a physical performance test approved by the Commissioner of Education at least once every two ~~(2)~~ years and/or following ~~an absence from service of a period of being unavailable for service of sixty (60)~~ or more consecutive days from ~~his or her~~ their scheduled work duties. In no case will the interval between physical performance tests exceed 25 months; and
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements for New Bus Drivers**

\*If District owns buses (use this sentence with list a) through f) on page 2):

Before employing a new bus driver, the Superintendent or designee will:

(Continued)

2022

5740

2 of 2

Non-Instructional/Business  
Operations

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

*\*If District contracts out for buses (use this sentence with list a) through f) on page 2):*

Before **employing** a **vendor or contract bus company employs** a new bus driver, the Superintendent or designee ~~shall~~ **will be entitled to:**

- a) Require the person to pass a physical examination within ~~four (4)~~ **eight** weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;
- c) Investigate the person's employment record during the preceding three years;
- d) Require the person to submit to the mandated fingerprinting procedures and criminal history background check;
- e) Request the Department of Motor Vehicles to initiate a driving record abstract check;
- f) **Require the person to complete training in crisis intervention and diversity; and**
- f) Require that **newly hired** bus drivers ~~hired after September 1, 1997~~ take and pass the physical performance test, as mandated by Commissioner's regulations, before they transport students.

**Occasional Drivers**

Under Commissioner's regulations, an occasional driver is defined as a certified teacher who is employed by a school district or Board of Cooperative Educational Services (BOCES) whose

employment does not include serving as either a regular or substitute school bus driver. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

### **Implementation**

~~Administrative regulations will be developed to implement the provisions of drug and alcohol testing for school bus drivers, as well as to address bus driver physical performance test guidelines.~~

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)

49 USC § 521(b)

~~49 CFR Parts 40, 382, 391, 392, and 395~~

Education Law § 3624

Vehicle and Traffic Law §§ ~~509-e, 509-ee,~~ and Article 19-A

8 NYCRR § 156.3

15 NYCRR Part 6 and § 3.2

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 8/5/96

Revised: 7/6/98; 8/6/07