

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

Authorized Charter School Transportation Procedures

1023

Pursuant to Commission LEA policy 3400 – Transportation, authorized charter schools who provide or contract to provide transportation to their pupils are required to adopt policies and procedures to ensure compliance with statutory and regulatory requirements for a transportation program. In addition, all schools shall provide transportation to students if required by a student’s Individualized Education Program (IEP). The purpose of this procedure document is to lay out the minimum expectations regarding transportation for charter schools authorized by the Commission. Charter operators shall follow all federal and state laws, policies, and regulations even if it is not explicitly stated in these transportation procedures. These procedures cover:

- [School Policies and General Requirements](#)
- [Transportation Supervisors](#)
- [Bus and Bus Driver Reporting](#)
- [Bus Driver Certificates](#)
- [Bus Driver Background Checks](#)
- [Transportation Contracts](#)
- [Forms and Appendices](#)

School Policies and General Requirements. A school, prior to the beginning of each school year or upon hire of a school bus driver during the school year, shall assure that every school bus driver knows and understands the school's policies and procedures concerning transportation, including, but not limited to, bus drivers' responsibilities and duties with regard to a student exiting a bus at a point other than the student's destination for the trip, in accordance with state law. Schools are encouraged to implement school bus emergency evacuation drills.¹

In accordance with state law, schools shall adopt policies and procedures for transportation of students.

Additionally, the school shall adopt a transportation policy which shall include the following in accordance with the minimum requirements laid out in LEA Policy 3400:²

- A procedure for students, parents, teachers, staff, and the community to report school bus safety complaints;
- A procedure for the transportation supervisor to investigate any complaint of a safety violation or concern in compliance with state law, including the notification of the Director of Schools for the Commission;
- A requirement that each school bus serving the school be equipped with the phone number (established by the school) for reporting complaints on the rear bumper;
- A process to provide annual notice to students and parents through the student handbook regarding the process for reporting complaints; and
- A policy or procedure for the collection and maintenance of the following records, regardless of whether transportation is provided by the school or via contractual agreement:
 - Bus maintenance and inspections;

¹ National Highway Traffic Safety Administration, Highway Safety Program Guideline No. 17, Section 3

² Public Acts of 2017, Chapter No. 289.

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- Bus driver credentials, including background checks, health records, and performance reviews;
- Driver training records; and
- Complaints received and any records related to the investigation of those complaints.

Transportation Supervisors.¹ Each authorized charter school that provides or contracts for transportation services shall appoint a transportation supervisor responsible for the monitoring and oversight of transportation services for the school. The school shall ensure that its transportation supervisor completes a student transportation management training program developed by the Tennessee Department of Safety (TDOS) and Tennessee Department of Education (TDOE) and shall thereafter ensure that the transportation supervisor completes a minimum of four (4) hours of annual training provided by those departments. For each school year thereafter, the name of the transportation supervisor and verification that the supervisor completed the required training must be reporting to the Commission and TDOE by July 31st. Reporting to the Commission shall be on the [Transportation Supervisor Form](#) included in these procedures.

Bus and Bus Driver Reporting. Each school's transportation supervisor shall be responsible for submitting to the TDOS via the Portal Admin Account Management System (PAAMS) the names of persons authorized to drive a school bus as well as school buses used to transport the school's students. If the school contracts for the provision of transportation services, the transportation supervisor shall either enter bus and bus driver information into the Department of Safety online system or ensure that the contractor has done so. If the school receives notification from the TDOS that a driver's license or driving privilege has been suspended or revoked, the school shall immediately suspend or revoke the person's authorization to drive a school bus or ensure that the contractor through which the school contracts for transportation services does so.

Additionally, the school's transportation supervisor shall perform periodic checks on buses to ensure they are current on all inspections by maintaining a roster of all buses with their local bus number, tag number, and state inspection sticker. This roster should be cross referenced with the information found through the TDOS's system. The transportation supervisor shall also perform weekly random checks to ensure the buses that have passed inspection are the same buses used to transport students. The transportation supervisor shall note the date of these random checks on the bus roster. Additionally, staff at each school should be trained and assigned to look for the sticker on the front of the school bus to confirm that any bus that delivers or picks up students has been inspected. Staff should also be trained on how to report a bus that they suspect is out of compliance. Inspected buses will have a TDOS sticker on the right front bumper. There should be one of two types of stickers on the right front bumper:

1. Yellow Sticker: The sticker will be yellow if the bus is under 15 years old, and the yellow sticker will have the month and year punched out to signify when it was inspected.
2. Red Sticker: The sticker will be red if the bus is 15 years old or older, and the red sticker will have the month and year punched out when the sticker expires.

A school that receives aid under T.C.A. § 49-10-113 shall operate in accordance with the Tennessee Children with Disabilities Transportation Act, including submittal of the name, address, and telephone

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number of the persons designated to check any motor vehicle or school bus utilized for the transportation of children with disabilities to ensure that all children have left the vehicle or bus. Such report shall be made by the authorized charter school to the Commission by September 15th of each year.³

Bus Driver Certificates. Any bus driver who the school (or the contractor through which the school contracts for transportation services) intends to hire who has not yet obtained an “S” endorsement on their CDL license to drive a school bus in the state of Tennessee shall be issued a certificate by the school outlining its intent to hire the person to drive a school bus and obtain an “S” endorsement. The school shall not issue a certificate authorizing a person to drive a school bus unless the transportation supervisor first ensures that the driver applicant has:

- Reached twenty-five (25) years of age and has at least five (5) consecutive years of unrestricted driving experience prior to the dates of hire;
- Successfully completed a background check including criminal history background checks, Department of Children’s Services (DCS) background checks, Department of Health Abuse Registry checks, Sex Offender Registry checks and fingerprinting of applicants;
 - No person shall be authorized to drive a school bus who within five (5) years of the request for a certificate from the charter school:
 - Has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:
 - Driving under the influence of an intoxicant as prohibited by T.C.A. § 55-10-401;
 - Vehicular assault as prohibited by T.C.A. § 39-13-106;
 - Vehicular homicide as prohibited by T.C.A. § 39-13-213(a)(2);
 - Aggravated vehicular homicide as prohibited by T.C.A. § 39-13-218;
 - Manufacture, delivery, sale or possession of a controlled substance as prohibited by T.C.A. § 39-17-417; or
 - Manufacture, delivery, sale or possession of a controlled substance analogue as prohibited by T.C.A. § 39-17-454.
 - If the request for a certificate to drive a school bus in this state occurs five (5) years or more after the date of any such conviction, the school, in its discretion, may issue the person a certificate, but shall first notify the Commission of its intent to do so.
 - Further, no person shall be authorized to drive a school bus who has:
 - Been convicted of any of the offenses listed in T.C.A. § 49-5-413(d)(3); or
 - Been placed on the state’s vulnerable persons registry or the state’s sex offender registry as required by T.C.A. § 49-5-413(e)(7).
- Successfully completed drug testing;
- Successfully completed the required [physical and mental examination](#); and

³ T.C.A. § 49-6-2114

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- Successfully completed the new school bus driver training program established by the TDOS and TDOE.

The school shall revoke the certificate of any school bus driver found to be physically, mentally, or morally unfit to operate a school bus, or who has been found guilty of operating a school bus while under the influence of intoxicating substances. The school (or the contractor through which the school contracts for transportation services) shall ensure that all bus drivers have successfully completed a drug test, annual physical and mental examination, and reference checks, and shall keep such information on file. The school shall also submit reports on forms prescribed by the Commission verifying that the school has copies of, or has access to, [certificates](#) verifying school bus drivers have passed the physical and mental examinations in accordance with state law, and the date of expiration of each driver's physical/mental examination certificate.

Bus Driver Background Checks. No person shall be authorized to drive a school bus unless they have successfully completed the following:

- Background check including criminal history background checks, Department of Children's Services (DCS) background checks, Department of Health Abuse Registry checks, Sex Offender Registry checks and fingerprinting of applicants;
 - No person shall be authorized to drive a school bus who within five (5) years of the request for a certificate from the charter school:
 - Has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:
 - Driving under the influence of an intoxicant as prohibited by T.C.A. § 55-10-401;
 - Vehicular assault as prohibited by T.C.A. § 39-13-106;
 - Vehicular homicide as prohibited by T.C.A. § 39-13-213(a)(2);
 - Aggravated vehicular homicide as prohibited by T.C.A. § 39-13-218;
 - Manufacture, delivery, sale or possession of a controlled substance as prohibited by T.C.A. § 39-17-417; or
 - Manufacture, delivery, sale or possession of a controlled substance analogue as prohibited by T.C.A. § 39-17-454.
 - Further, no person shall be authorized to drive a school bus who has:
 - Been convicted of any of the offenses listed in T.C.A. § 49-5-413(d)(3); or
 - Been placed on the state's vulnerable persons registry or the state's sex offender registry as required by T.C.A. § 49-5-413(e)(7).
- Drug test;
- Annual physical and mental examination;
- Successfully completed the new school bus driver training program established by the TDOS and TDOE; and
- Reached twenty five (25) years of age and has at least five (5) consecutive years of unrestricted driving experience prior to the dates of hire.

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The authorized charter school shall run criminal history background checks for all bus drivers for authorized charter schools. Background checks shall be required upon initial employment and at least every five (5) years thereafter.⁴ The same processes as set forth in the Commission's Personnel/Hiring Procedures shall be followed for bus driver background checks, with the exception that the school (or contractor) shall perform checks on bus driver driving records and licenses. Schools shall maintain these records as set forth in their policy or procedure regarding maintenance of records.

In addition, the school transportation supervisor shall notify the Commission of the intent to contract with a company for transportation of students on long-distance field trips or other events where a motor coach will be used to transport students instead of a school bus. In such case, the school shall obtain the proper information of the motor coach driver(s) and ensure a criminal history background check prior to allowing the driver proximity to students. The school shall also ensure the driver has successfully completed a drug test. In the alternative, the motor coach company may supply proof of completion of a successful criminal history background check, including drug test to the school in lieu of the school running its own background check.

Transportation Contracts. When an authorized charter school intends to contract for the provision of transportation services it shall review such transportation contracts to ensure the following:

- Terms of the contract cover home to school, school to home, as well as extracurricular activities;
- Terms of the contract do not allow use of unapproved vans or vehicles (ex: Fifteen (15) passenger vans). All school buses purchased by a school or contractor shall meet the Tennessee Minimum School Bus Standards approved by the Department of Safety and all applicable federal motor vehicle safety standards. NOTE: Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the Department of Safety but, because of special equipment, appropriate modifications shall be made for children with disabilities;
- Transportation to and from school must be in an approved school bus;
- No school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage according to State Board of Education rules and regulations;
- All school buses utilized by the contractor to transport students shall be inspected, maintained, serviced, and operated in accordance with state law and Commission rules and regulations; and
- Employment of successfully trained and background checked bus drivers (including drug test, physical and mental examinations, and reference checks) with proper licensure, in accordance with state law.

For additional information on approved school bus and van requirements, see State Board Rules on pupil transportation. Copies of any transportation contract shall be provided by the school to the Commission

⁴ T.C.A. § 49-5-413

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as part of the pre-opening process. The Commission shall also be provided with copies of any contract amendments, or any new contract with a different transportation provider should the school terminate its current contract or choose to select a new contractor for any reason within one (1) week of the execution of such contract or contract amendment.

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Forms and Appendices

- [Transportation Supervisor Form](#) – *required*
- [Bus Safety Complaint Form](#) – *template*
- Student Transportation Compliance Monitoring Instruction – *required if monitored by the Commission or the Tennessee Department of Education*

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Authorized Charter School Transportation Supervisor Form

Information is due to the Tennessee Department of Education and the Commission by July 31st of each year

School Name: _____

Date: _____

Name of Transportation Supervisor: _____

Phone Number: _____

Email: _____

Address (School or Office Location): _____

Submitter's Name (print)

Submitter's Signature

Date

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Authorized Charter School Driver Safety Violation/Concern Complaint Report

FIRST REPORTED ON Date: ____ / ____ / ____ Time: _____

Name of person receiving complaint: _____

Name of person reporting the complaint: _____

Phone number of person reporting: _____

Type of Report: ____ Phone call ____ In Person Request follow up? ____ Y ____ N

Complaint about Bus # _____ **Driver:** _____

Summary notes/details about the complaint: _____

ALL prior complaints about this driver: _____

ALL prior disciplinary actions taken against this driver: _____

WITHIN 48 - hours of complaint being filed - -

Preliminary Report Issued to Director of Schools by: _____

Date: ____ / ____ / ____ **Time:** _____ (Email to Tess.Stovall@tn.gov and CC Melanie.Harrell@tn.gov)

Investigative Findings: _____

Action Taken: _____

Call returned: ____ Yes ____ No ____ Voicemail **Date call returned:** _____

Response of complainant: _____

WITHIN 60 school days of receipt of complaint -

Final report issued to Director of Schools by: _____

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Date: ____/____/____ Time: _____ (Email to Tess.Stovall@tn.gov and CC Melanie.Harrell@tn.gov)

Transportation Supervisor signature/date: _____