



COLORADO

Department of Education

School Finance and
Operations Division

Resource Guide for the Colorado Rules for the Operation, Maintenance and Inspection of School Transportation Vehicles 1CCR 301-26

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SCHOOL TRANSPORTATION UNIT
201 East Colfax Avenue, Room 209, Denver, CO 80203
<http://www.cde.state.co.us/transportation>

Introduction

The Colorado Department of Education (CDE) School Transportation Unit issued these guidelines to assist public school districts and Boards of Cooperative Educational Services (BOCES) with developing policies and procedures for the safe transportation of students. These guidelines provide interpretations, suggestions, options, industry standards, best practices and ideas that are consistent with the Colorado Minimum Standards Governing School Transportation Vehicles, 1 CCR 301-25; the Colorado Rules for the Operation, Maintenance and Inspection of School Transportation Vehicles 1 CCR 301-26, which promote safe transportation integrity in school transportation departments. It is hoped that this publication will serve as a resource to assist transportation providers as they work toward compliance with legislation and regulations.

Acknowledgements

Colorado Department of Education School Transportation Unit

Jennifer Okes

Director School Finance Division

Okes_j@cde.state.co.us

Susan M. Miller

Lead Transportation Consultant

Miller_s@cde.state.co.us

Brian P. Vasina

Transportation Analyst

Vasina_b@cde.state.co.us

<http://www.cde.state.co.us/transportation>

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Annual Inspection/Operation Rules Resource Guide

Definitions

The definitions listed within this document are provided to give guidance as a district determines a direction or a course of action as they apply to 1 CCR301-26.

Accident Alert/Cold Reporting - is defined as those times when weather conditions are so severe that State Troopers and Police Officers are unable to respond to the large volume of motor vehicle crashes. Accident Alert is initiated on a jurisdictional and geographical basis; in other words, some cities may be on accident alert whereas others may not be depending on how the weather conditions are affecting their area.

While accident alert is in effect, Troopers and or Police Officers will only respond if the following circumstances exist:

- Vehicles are disabled due to damage.
- Accident involves a fatality or an injury requiring medical attention.
- Alcohol or drugs are involved.
- Accident is an alleged hit and run.
- There is damage to public property other than wildlife, i.e. a highway stop sign.
- Any property damage accident in which the reporting party is not or has no contact with the driver(s).

Most car radio stations report which areas are on accident alert. If you are involved in an accident and are not sure if your area is on accident alert, call the police.

If the accident does not meet the criteria for a police response, do the following:

- The drivers involved are required to exchange information.
- File your accident report as soon as possible.
- A report can be filed either on-line or at the troop office or police station having jurisdiction where the accident occurred.

How long do I have to Report a crash?

Crashes are required by law, under CRS 42-4-1601 to be reported to the agency having jurisdiction immediately.

<https://www.colorado.gov/pacific/csp/crash-information>

ADA - American's with Disabilities Act prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services. Adverse Weather Conditions - means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic con; <https://adata.org/learn-about-ada> none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun. 49 CFR 395.2

Agreement - is a payment to a service provider furnishing a scheduled service transporting students at least once per week.

Air brake system - A system, including an air-over-hydraulic brake subsystem that uses air as a medium for transmitting pressure or force from the driver control to the service brake, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

Air-over-hydraulic brake subsystem - A subsystem of the air brake system that uses compressed air to transmit a force from the driver control to a hydraulic brake system to actuate the service brakes.

Annual - of, for, or pertaining to a year; yearly:

Annual Inspector - The technician that has met the requirements of Rule # 4204-R-8.00 to perform annual inspections on school transportation vehicles and has received a CDE Inspector Qualification Certificate and certifies the annual inspection of a school transportation vehicle.

Annual Inspector verifiable experience - 2 years of automotive or diesel trade school equals 1 year of industry experience.

Annual Inspector Hands On Tester - The technician that has met the requirement of Rule #4204-R-9.00 to be qualified to proctor the CDE Hands- On Test to Annual Inspector candidates.

Annual Inspector Qualification File (IQF) - Refers to a collection of the CDE required documentation for Annual Inspectors.

Annually - once every 12 months through the last day of the twelfth month.

Appropriate - describes what would be suitable or proper in the circumstances for a specific type of vehicle, for example; suitable driver training for a small multifunction bus as compared to a small vehicle may be based on the specific features of that vehicle.

Authorized Personnel - The person(s) in responsible for school transportation operations and/or their designee.

Backing - See current Colorado CDL Manual.

Barrier - Something (such as a fence or natural obstacle) that prevents or blocks movement from one place to another: a law, rule, problem, etc., that makes something difficult or impossible (Webster).

Blood borne Pathogen - See Universal Precautions

Bonafide - Genuine, Real

BOCES - Board of Cooperative Services Regional Educational Service Unit designed to provide supporting, instructional, administrative, facility, community, or any other services contracted by participating members. C.R.S. 22-5-103

Brake Power Assist Unit - A device installed in a hydraulic brake system that reduces the operator effort required to actuate the system, but which if inoperative does not prevent the operator from braking the vehicle by a continued application of muscular force on the service brake control.

Brakes - refers to all types of OEM foundation brake systems unless specified.

Breakdown Procedures - Ref. to CRS 42-4-230

Capacity - is the number of designated seating positions provided in a new bus per manufacturer's body/seating plan. This is also known as Equipped Seating Capacity. When used in reference to a school or multifunction bus, the term Capacity refers to passenger count only. When used in reference to a small vehicle the term Capacity refers to both passenger and driver count. For example: a 15 capacity van has 14 passenger seats and the driver for 15.

CCR - Colorado Code of Regulations - <http://www.sos.state.co.us/CCR/Welcome.do>

CDE - Colorado Department of Education - School Transportation Unit <http://www.cde.state.co.us/transportation>

CDE Affidavit of Annual Inspection Form - (STU-25) - Indicates a specific vehicle complies with the Minimum Annual Inspection Criteria of a School Transportation Vehicle Rules # 4204-R-26.00. A copy of this form must be located inside of each school transportation vehicle and a copy on file with the district.

CDE Colorado School Bus Driver Trainers Manual - ADD Link

CDL - Commercial Driver License <https://www.colorado.gov/pacific/sites/default/files/DR2251.pdf>

CFR - Code of Federal Regulations_ <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>

Character - The mental and moral qualities distinctive to an individual: synonyms: personality - nature-disposition-temperament-temper, etc.

Charter School - means a public school that enters into a charter contract pursuant to the provisions of this part 1 (Section 22-30.5-103(2) of the Colorado Revised Statutes

Child Safety Restraint Systems (CSRS) - <http://www.nhtsa.gov/Driving+Safety/School+Buses/SCRS/CSRS+on+School+Buses+Training+Videos>

Colorado Commercial Driver License (CDL) Manual - <https://www.colorado.gov/pacific/sites/default/files/DR%202251.pdf>

Colorado Minimum Standards Governing School Transportation Vehicles, 1 CCR 201-25 - The statutory authority for the Amendments to the Colorado Minimum Standards Governing School Transportation Vehicles (hereinafter "these rules"), adopted by the State Board of Education on May 10, 2007, is found in sections 22-51-108 and 42-4-1903 (1) (2) (3), C.R.S. The purpose of these amendments is to upgrade the rules for Colorado minimum standards governing school transportation vehicles. The amendments will improve the safety of the students riding the school bus and the mechanical efficiency of the school bus. They are designed to meet or exceed changing needs of operation, the national recommended minimum standards, new federal safety and emission standards and utilize state-of-the-art industry advances.

<http://www.cde.state.co.us/sites/default/files/documents/cdenutritran/download/pdf/trans/minstds-301-25%2807%29.pdf>

Colorado Open Records Act (CORA) **C.R.S. 24-72-201** (copy and paste then search by clicking on browse)

Commercial Vehicle - means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or

commercial enterprise. <https://www.colorado.gov/pacific/sites/default/files/DR%202251.pdf>

Common Carrier - is a person or company that transports goods or people for any person or company and that is responsible for any possible loss of the goods during transport.^[2] A common carrier offers its services to the general public under license or authority provided by a regulatory body. The regulatory body has usually been granted "ministerial authority" by the legislation that created it. The regulatory body may create, interpret, and enforce its regulations upon the common carrier (subject to judicial review) with independence and finality, as long as it acts within the bounds of the enabling legislation. A common carrier holds itself out to provide service to the general public without discrimination (to meet the needs of the regulator's quasi-judicial role of impartiality toward the public's interest) for the "public convenience and necessity". A common carrier must further demonstrate to the regulator that it is "fit, willing, and able" to provide those services for which it is granted authority. Common carriers typically transport persons or goods according to defined and published routes, time schedules, and rate tables upon the approval of regulators. Public airlines, railroads, bus lines, taxicab companies, cruise ships, motor carriers (i.e., trucking companies), and other freight companies generally operate as common carriers. Under US law, an ocean freight forwarder cannot act as a common carrier. (Wikipedia)

Compartmentalization - Compartmentalization ensures that passengers are cushioned and contained by the seats in the event of a school bus crash by requiring school bus seats to be positioned in a manner that provides a compact, protected area surrounding each seat. If a seat is not compartmentalized by a seat back in front of it, compartmentalization must be provided by a padded and protective restraining barrier. Ref NHTSA 49 CFR Part 571

Confidentiality - is a set of rules or a promise that limits access or places restrictions on certain types of information.

Contract Carrier - A commercial individual or organization carrying persons or property of certain customers only, rather than the goods of or the public in general. Unlike a common carrier, a contract carrier has a right to choose or refuses to convey passengers or freight for payment is a carrier that transports goods for only a certain number of clients and that can refuse to transport goods for anyone else, and from a private carrier.

Corporal Punishment/Child Abuse - The use of physical force upon another person

(a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child. 18-6-401 CRS (1) (a)

Convoy Distance - See Colorado Commercial Vehicle Manual

Controlled Substances and Alcohol use and Testing - To establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or used of controlled substances by drivers of commercial motor vehicles. (49 CFR Part 382 - 382.601)

<https://www.fmcsa.dot.gov/regulations/title49/part/382>

CPR - Cardio Pulmonary Resuscitation

C.R.S. - Colorado Revised Statutes <http://www.lexisnexis.com/hottopics/Colorado/>

District Authorized Driver - Refers to a person that the school district has authorized to operate a district vehicle without that person being an employee of the district. The district must verify that this person meets the applicable Rules for the Operation of School Transportation Vehicles per 301-26.

District Charter School - A charter school authorized by a school district board of education pursuant to part 1 of Article 30.5 CRS 22-5-103(2014)

Divided Highway - means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

Driver/Operator - means any person who drives any motor vehicle.

Driver Qualification File (DQF) - Refers to a collection of the CDE required documentation for drivers of school transportation vehicles.

Driving Performance Test - The purpose of this test is to evaluate the driver's ability to drive safely in most on-the-road situations. It provides instructional reinforcement and counseling. Driving weaknesses that surface as a result of the test should be called to the attention of the examinee so that specific steps can be taken to eliminate these weaknesses. <http://www.cde.state.co.us/transportation/transform.htm>

Driving Time - means all time spent at the driving controls of a commercial motor vehicle in operation. 49 CFR 395.2

Drug and Alcohol Testing - 49 CFR Part 40 http://www.transportation.gov/sites/dot.dev/files/docs/PART40_2012.pdf

Dress Code - 22-32-109(1) (cc) - [http://www.lpdirect.net/casb/crs/22-32-109.\(II\) \(cc\) html](http://www.lpdirect.net/casb/crs/22-32-109.(II) (cc) html)

Electronic Communication - See Public records open to inspection

Electronic Device - includes, but is not limited to, a cellular telephone; personal digital assistant; pager; computer; or any other device used to enter, write, send, receive, or read text. (Per CDL)

Emergency Brake System - A mechanism designed to stop a vehicle after a single failure occurs in the service brake system of a part designed to contain compressed air or brake fluid or vacuum (except failure of a common valve, manifold brake fluid housing or brake chamber housing).

Emergency Evacuation Drills - Practicing the sudden organized evacuation of all students from the school transportation vehicle using emergency exits.

FERPA - Family Educational Rights and Privacy Act Regulations <http://www2.ed.gov/policy/gen/reg/ferpa/index.html>

First Aid/CPR Training - For purpose of these rules, First Aid/CPR Training is not to be misunderstood as requiring certification. Training requirements may be met via the use of video presentations, hands-on participation, classroom sessions, etc.

FMCSA - Federal Motor Carrier Safety Administration <http://www.fmcsa.dot.gov/>

FMCSA Certified Medical Examiner - take from FMCSA <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>

FMCSA Medical Examination for Commercial Driver Fitness Determination Form - <http://www.fmcsa.dot.gov/regulations/medical/medical-examination-report-commercial-driver-fitness-determination>

FMCSA Mobile Phone Restriction Rule for Commercial Motor Vehicle Drivers - <http://www.fmcsa.dot.gov/regulations/title49/section/392.82>

FMCSA Prohibition against texting for commercial vehicles- <http://www.fmcsa.dot.gov/regulations/title49/section/392.80>

FMCSR - Federal Motor Carrier Regulations - <https://www.fmcsa.dot.gov/regulations/title49/b/5/3>

FMVSS - Federal Motor Vehicle Safety Standards (FMVSS) are U.S. federal regulations specifying design, construction, performance, and durability requirements for motor vehicles and regulated Automobile safety-related components, systems, and design features.
49 C.F.R. Part 571, Current Revision <http://www.fmvss.com/>

FMVSS mini guide and related regulations - <http://www.nasdpts.org/SBMTC/documents/PubSBMTCMiniGuide2010.pdf>

Ground - The flat horizontal surface on which the tires of a motor vehicle rest

Hand-held mobile telephones - means “using at least one hand to hold a mobile telephone to conduct a voice communication; “dialing a mobile telephone by pressing more than a single button”; or “moving from a seated driving position while restrained by a seat belt to reach for a mobile telephone”. (CDL Manual)

Hands-On Tester - The CDE Annual Inspector that has met the requirement of Rule #4204-R-9.00 to proctor the CDE Hands-On Tet to Annual Inspector candidates and has received a CDE Hands-On Tester Certificate.

Hazard - Any road condition or other road user (driver, bicyclist, pedestrian) that is a possible danger.

Hours of Service - For school bus operations conducted by the school districts or for-hire carriers operating under a contract with the school district, there is a regulatory exception for transporting children from home to school and from school to home because transportation performed by state and local government entities are statutorily exempt from FMCSA safety rules concerning driver qualifications, hours-of-service and vehicle maintenance rules. This exception even covers transportation across state lines when the students are traveling between home and school.

An example of a school bus operation that is subject to FMCSA safety regulations in addition to the CDL and drug and alcohol testing regulations - is a for-hire school bus contractor transporting school children across a state line for a class trip, athletic event, band competition, or other special event. The contractor is not a government entity and the trip is in interstate commerce, so the contractor must comply fully with our regulations. These include rules on driver hours of service, vehicle maintenance and repair, insurance and registration and vehicle operation.

<http://www.fmcsa.dot.gov/safety/passenger-safety/guidelines-and-driver-qualifications-motor-carriers-passengers-parts-390-391>

Highway or Street - means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state.

[http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20(2013).pdf)

Homeless Youth - Any displaced child or youth who is living in a shelter, motel, inadequate trailer or house, is staying temporarily with relatives or friends due to economic hardship or loss of housing, or is living in any other homeless situation has educational rights under the McKinney-Vento Act. CDE Homeless Education

Hydraulic Brake System - A system that uses hydraulic fluid as a medium for transmitting force from a service brake control to the service brake, and that may incorporate a brake power assist unit, or a brake power unit.

IDEA - IDEA was originally enacted by Congress in 1975 to ensure that children with disabilities have the opportunity to receive a free appropriate public education, just like other children. <http://www2.ed.gov/policy/speced/guid/idea/idea2004.html>

Individualized Education Programs (IEP) - <http://www.specialed.us/discoveridea/searchregs/300subpartC/Csec300.342.htm>
<http://www.nasdpts.org/Documents/Information%20Report-Student%20Health%20and%20Medical%20Information=Burns-NASDPTS-Oct14-FINAL.pdf>

Intersection - means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection. [http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20(2013).pdf)

In-service - taking place while one is employed: Any training provided to a group of employee's associated with the Transportation Department. This training shall be documented to include date, topic(s) and duration.

Inspecting Site - The garage/facility or site/location where the school transportation vehicles are annually inspected that meets the criteria for the CDE Inspecting Site Certification. Rule #4204-R-10.00. This site may be owned and operated by the district or an outside facility.

Inspector - refers to a person that has met the requirements to be a CDE certified annual Inspector and certifies the annual inspection on a school transportation vehicle.

Institute Charter School - a Charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of CRS 22-5-103 (2014)

Interstate - Interstate Commerce is trade, traffic, or transportation involving the crossing of a State boundary. Either the vehicle, its passengers, or cargo must cross a State boundary, or there must be the intent to cross a State boundary to be considered an interstate carrier.

Intrastate - Intrastate commerce is trade, traffic, or transportation within a single State.

Interstate Medical Waivers - Administered by the Federal Motor Carrier Safety Administration (FMCSA)
<http://www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-exemption-programs>

Intrastate Medical Waiver - Administered by the Colorado State Patrol <https://www.colorado.gov/pacific/csp/medical-waivers>
<https://www.colorado.gov/pacific/sites/default/files/CSP%2036C%20Waiver%20Application%20rev0515.pdf>

In-Use Capacity - Due to variations in sizes of children of different ages, the number of students that can safely occupy a school bus seat. (NCST)

Lane - means the portion of a roadway for the movement of a single line of vehicles
[http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20(2013).pdf)

Limited Visibility - cannot easily see anything around you - in front, behind or beside the School bus.

Local Board of Education - means the board of education of a school district or the governing board of a BOCES.

Major Thoroughfare - means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a

highway or road with a median separating multiple lanes of traffic. Colorado Revised Statutes 42-4-1904 <http://www.lexisnexis.com/hottopics/colorado/>

McKinney Vento Homeless Assistance Act as amended by the No child Left Behind Act of 2001, July 2004
https://www.cde.state.co.us/sites/default/files/documents/dropoutprevention/download/pdf/guidance_july_2004.pdf

Medical Waivers - See Intrastate and/or Interstate medical waivers

Model Traffic Code for Colorado - <https://www.codot.gov/library/traffic/traffic-manuals-guidelines/fed-state-co-traffic-manuals/model-traffic-code>

Motor Coach - Motor coach means a bus with a gross vehicle weight rating (GVWR) of 11,793 kilograms (26,000 pounds) or greater, 16 or more designated seating positions (including the driver), and at least 2 rows of passenger seats, rearward of the driver's seating position, that are forward-facing or can convert to forward-facing without the use of tools. Motor coach includes buses sold for intercity, tour, and commuter bus service, but does not include a school bus, or an urban transit bus sold for operation as a common carrier in urban transportation along a fixed route with frequent stops
49 CFR Part 571.3

Motor Vehicle Record (MVR) - The Colorado Division of Motor Vehicles maintains driving records that reflect activity posted to the driver's record for the past seven years. (The record cannot be limited to show periods of less than seven years.) Motor vehicle records are maintained in accordance with State and Federal laws including the Fair Credit Reporting Act and the requirements of the Federal Trade Commission.

Multifunction Bus - per CDE Minimum Standards 1 CCR 301-25, 5.07
<http://www.cde.state.co.us/sites/default/files/documents/cdenutritran/download/pdf/trans/minstds-301-25%2807%29.pdf>

Multifunction bus shall be a motor vehicle with motive power, built to federal multifunctional school activity bus standards, designed for carrying students. These buses may be used to carry students on activity trips. Multifunction buses of 15 or less capacity may also be used on route. 5.04 (a) Multifunction buses shall also meet the standards contained herein with the exception of:

- 16.00 Color: chassis
- 54.00 Color: body
- 63.01 Lettering "SCHOOL BUS"
- 63.06 Lettering "STOP ON FLASHING RED"
- 67.07 Alternately flashing warning signal lamps
- 77.00 Stop signal arm

Multi-Function Vehicle Operator - Multi-function Vehicle Operators transport students home to school, school to school, school to home and school related events in vehicles which may or may not require a CDL license.

National Congress of School Transportation (NCST) - Since 1939 the National Congresses (formerly Conferences) on School Transportation have been held periodically with the primary objective of ensuring safe, efficient transportation for school children. Since 1980, the 300-plus delegates from around the country who comprise the NCST have convened each five years. The delegates will deliberate and adopt proposed updates to the 2010 National School Transportation Specifications and Procedures (NSTSP). The Specifications and Procedures are the primary purpose and product of the Congresses, comprising the delegates' formal recommendations for vehicles, equipment, and operational practices that contribute to the objectives of safety and efficiency. As stated within the introduction to the NSTSP, its intended use is that "the specifications for school buses and procedures for operation are available for states to consider when establishing their standards, specifications, recommendations, and guidelines." <http://www.ncstonline.org/>

National Highway Transportation Safety Administration (NHTSA) - <http://www.nhtsa.gov/>

National School Transportation Specifications and Procedures - <http://ok.gov/sde/sites/ok.gov.sde/files/documents/files/SpecsProcedures.pdf>

OEM - original equipment manufacturer

Off duty time - means that the driver is not on duty, is not required to be in readiness to work, or is not under any responsibility for performing work, or resting in a parked school transportation vehicle.

49 CFR 395.8

On-duty time - means all time from the time a driver begins to work as a driver or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. *On-duty time* shall include:

- (1) All time at a terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by Supervision.
- (2) All time inspecting, servicing, or conditioning any vehicle at any time;
- (3) All driving time as defined in the term *driving time*;
- (4) All time in a school transportation vehicle, other than time spent resting in a parked vehicle
- (5) All time repairing, obtaining assistance, or remaining in attendance upon a disabled school transportation vehicle;
- (6) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by part 382 of this 49 CFR when directed by a supervisor;

OOS - Out of Service Criteria

Operating RPM's - per the Colorado Department of Revenue Driver Testing and Education DECS/CDL is idle to around 1500.

Para-professional (Bus Assistant, Bus Monitor, Bus Aide) - Is a person assigned to the transportation department that may or may not be required via an IEP for a specific student, or to assist with discipline, or other assigned duties.

Para-professional (Bus Assistant, Bus Monitor, and Bus Aide) Qualification File - Refers to a collection of the CDE required documentation for para-professionals.

Passenger Capacity - may be used to clarify that the number is passenger count only

Play - Any free movement of components.

Political subdivision - A municipality, public agency or other instrumentality of one or more States, or a public corporation, board, or commission established under the laws of one or more States.

Post Trip - At the completion of operation, the driver shall inspect each school transportation vehicle to ascertain that it is in safe condition that it is equipped as required by all provisions of law and that all equipment is in good working order. Ref NCST

Pre-Service Training - of or relating to the period before a person takes a job that requires training.

Pre-Trip - Prior to operation, the driver shall inspect each school transportation vehicle to ascertain that it is in safe condition that it is equipped as required by all provisions of law and that all equipment is in good working order. Ref. NCST

Preventative Maintenance- Scheduled regular maintenance and inspection performed on a school transportation vehicle.

Private Driveway/Road - means every road or driveway not open to the use of the public for purposes of vehicular travel, that is not state or county maintained.

Public records open to inspection - Districts must have policies regarding the retention, archiving and destruction of public records including digital magnetic optical disks, tapes, microfilm, and microfiche. <http://www.lpdirect.net/casb/crs/24-72-203.html>

Public Transportation - any form of transportation that charge set fares, run fixed routes, and are available to the public such as buses, subways, ferries, and trains.

Registered Used Bus Dealers - A list of used bus dealers that have registered with the CDE School Transportation Unit verifying that buses sold for use in Colorado will meet or exceed 1 CCR 301-25. <http://www.cde.state.co.us/transportation/guidelinesandregulations>

Retarder - is a system that meets CDE Minimum Standards 301-25 Section 33 that is used to supplement the primary brake system.

Road - means any street or highway

Roadway - Means that portion of a highway improved, designed, or ordinarily used for Vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadway, "roadway" refers to any such roadway separately by not to all such roadways collectively. [http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20(2013).pdf)

Route - is one or more runs assembled as a package. A route is normally operated by the same school transportation vehicle and driver.

Route Operator - Route operators regularly transport students' home to school, school to school, school to home and school related events.

Samaritan Act - 13-21-108 CRS. Persons rendering emergency assistance exempt from civil liability <http://www.lexisnexis.com/hottopics/Colorado/>

School - means the public schools of the state.

School Bus - Per Colorado Minimum Standards 1CCR 301-25 - shall be a motor vehicle, built to FMVSS and school bus standards contained herein, designed for transporting students either to and from school, from school to school, or to school related events.

School Bus - Per FMCSA - means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting preprimary, primary, or secondary school students to such schools from home or from such schools to home. <http://www.fmcsa.dot.gov/regulations/title49/section/390.5>

School Bus - Per Colorado Vehicle Code - (92) "School bus" means every motor vehicle which is owned by or under contract to a public or governmental agency and operated for the transportation of children to or from school or any school-sponsored activities, or which is privately owned and operated for compensation

but it does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of children to or from school or any school-sponsored activities. Model Vehicle Code

(88) "School bus" - per CRS 42-1-102 - means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.

School Bus Certified Model List - School Bus manufactures have certified to CDE that school bus models on this list meet the Colorado Minimum Standards 301-25. <http://www.cde.state.co.us/transportation/guidelinesandregulations>

School Bus Certified Retarder List - Manufactures have certified to CDE that secondary braking systems on this list meet the requirements of 1 CCR 301-25, 2251-R-33.01

School Bus Manufacturers Technical Counsel (SBMTC) - The School Bus Manufacturers Technical Council (SBMTC), an organization within the National Association of State Directors of Pupil Transportation Services, was established in 1995 as a subsidiary of the NASDPTS Supplier Council. SBMTC operates and functions as the industry's technical advisor. The school transportation industry requires a method of technical communication, and SBMTC is the tool to accomplish this purpose. The council provides a forum in which council members can address technical and government-related issues concerning the manufacture and acceptability of school bus chassis and school bus bodies.

School Bus Technical Reference Guide - <http://www.nasdpts.org/SBMTC/documents/PubSBMTC-002TechRef-Aug05.pdf>

School Bus Operation - means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home. <http://www.fmcsa.dot.gov/regulations/title49/section/390.5>

School District - means any public school district organized pursuant to law. (Article 30 of title 22 of Colorado Revised Statutes) or a board of cooperative services (BOCES) organized pursuant to Article 5 of Title 22 of Colorado Revised Statutes.

School Transportation Vehicle - means every motor vehicle which is owned by a **school district** public or governmental agency and operated for the transportation of students to and from school, from school to school, or to school related events or which is privately owned and operated for compensation provided that such transportation service is sponsored and approved by the local board of education or school's governing **board**/agency.

This does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool.

Exemption: Vehicles that carry students as part of their operation as a common carrier under the jurisdiction of United States Department of Transportation or Public Utilities Commission are not included within the definition of school transportation vehicle.

<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6221&fileName=1%20CCR%20301-25>

Secondary Braking System - refers to a system that is used to supplement the primary brake system that meets CDE Minimum Standards, 301-25, section 33 (See Retarder) <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6221&fileName=1%20CCR%20301-25>

Service brake system - A primary brake system used for slowing and stopping a vehicle.

Seven consecutive days - means the period of 7 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

Small Vehicle Medical History Form (STU-17) - <http://www.cde.state.co.us/transportation/transform.htm>

State Patrol Senate Bill 3 - [http://www.leg.state.co.us/2001/inetcbill.nsf/billcontainers/B2C35F31AB129BC6872569540051D8EF/\\$FILE/003_enr.pdf](http://www.leg.state.co.us/2001/inetcbill.nsf/billcontainers/B2C35F31AB129BC6872569540051D8EF/$FILE/003_enr.pdf)

Strobe Lamps - Refer to CDL Manual. Statute 42-4-2133 also applies to construction vehicles, wreckers, and tow trucks. Under this statute, these non-emergency vehicles are required to use yellow/amber flashing, rotating, or oscillating yellow/amber lights.

<https://www.colorado.gov/pacific/sites/default/files/DR2251.pdf>

Student Medical Information - See FERPA and IDEA <http://www.specialed.us/discoveridea/searchregs/300subpartC/Csec300.342.htm>
<http://www.nasdpts.org/Documents/Information%20Report-Student%20Health%20and%20Medical%20Information=Burns-NASDPTS-Oct14-FINAL.pdf>

Surveillance - definition continuous observation of a place, person, group, or ongoing activity in order to gather information

Technician Qualification File - Refers to a collection of the CDE required documentation for Technicians/mechanics.

Texting - means manually entering text into, or reading text from, an electronic device. This includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. (Per CDL)

Twenty-four-hour period - means any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

United States Department of Transportation (USDOT) - <https://www.transportation.gov/>

Universal Precautions - is an approach to infection control to treat all human blood and certain human body fluids as if they were known to be infectious for HIV, HBV and other blood borne pathogens, (Blood borne Pathogens Standard 29 CFR 1910.1030(b) definitions).

Vehicle Designed Capacity - the manufacturers' original rated capacity of the vehicle. <http://www.nasdpts.org/Documents/Paper-SeatingCapacity.pdf>

Colorado Department of Education School Transportation Unit Forms

<http://www.cde.state.co.us/transportation/transform.htm>

STAR 2 District Survey Question Form -

This form is sent out to the school district Superintendents of the districts that the School Transportation Unit will be performing STAR Reviews in the upcoming school year. It is to be completed and returned to CDE prior to the STAR review scheduling.

STU 7 - CDE Used School Bus Dealer Registration -

This form must be on file with the School Transportation Unit in order to sell used school buses to any Colorado school district (per Colorado Minimum Standards for School Transportation Vehicles, (1 CCR 301-25, 6.04). There is no fee for registering. Colorado school districts will be notified of the registered dealerships.

STU 8 - CDE Small Vehicle Pre-Trip/Post Trip Vehicle Inspection Form - This form must be completed "Per 42-R-20.03 Pre-Trip and Post Inspection requirements for small vehicles as determined in 301-25- 5.06 shall include at a minimum ALL items listed on this form. This form shall be maintained in the transportation department for a minimum of 6 months.

STU 9 - CDE Pre-Trip/Post Trip Vehicle Inspection Form - This form must be completed "Per 42-R-20.02 Pre-Trip and Post Inspection requirements for multifunction vehicles, school bus as determined in 301-25 5.05 and 5.07 shall include at a minimum ALL items listed on this form. This form shall be maintained in the transportation department for a minimum of 6 months.

STU 12 - CDE Type A, Multifunction, Small Vehicle Route Operator Written Test Answer Sheet -

This answer sheet is to be used when an operator is completing the annual Type A, Multifunction, Small Vehicle Route Operator Test

STU 13 - CDE Annual Inspector Qualification & Recertification Test Answer Sheet - This form is to be used when a Technician/Mechanic is taking the Annual Inspector Qualification and/or Recertification Test. The completed form must be maintained in the Annual Inspector file until the inspector resigns, is terminated or retires

STU 15 - CDE School Bus, Multifunction Bus and Motor Coach Bus Operator Written Test Answer Sheet -

This form is to be used when an operator is completing the annual School Bus, Multifunction Bus and Motor Coach Bus Operator Written test.

STU 16 - CDE Type A Multifunction, Small Vehicle Operator Written Test Answer Sheet -

This answer sheet is to be used when an operator is completing the annual Type A, Multifunction, Small Vehicle Operator Test.

STU 17 - CDE Medical Information Form for Small Vehicle/Multi-function Vehicle Operators - This form is to be completed by all Multifunction Vehicle Operator and Small Vehicle Operators operating vehicles with the capacity of 15 or fewer passengers (including driver) and maintained in each individual operator file in the transportation department for a minimum of 6 years.

STU 18 - CDE Guide to the Hands-On Test - This guide should be used by the Annual Inspector applicant to study for the Hands-On test.

STU 19 - Hands-On Test Checklist - This checklist is to be used by the Hands-On testing when scoring the applicant during the Hands-On test. This form shall be maintained by the Hands-On tester.

STU 20 - Application for CDE Annual Inspector Qualification/Recertification - This form must be completed by the Inspection site and submitted to the CDE School Transportation Unit. A copy of this form shall be maintained in the Annual Inspector Qualification File (IQF) until the inspector resigns, is terminated or retires.

STU 21 - Annual Inspector Hands-On Performance Test Score Sheet - This form is used by the Hands-On Tester to score an Annual Inspector Hands-On Test. A copy of this form shall be maintained by the Hands-On tester and the original maintained in the Annual Inspector Qualification File (IQF).

STU 22 - Application for Inspecting Site Certification - This form is a request to be affirmed as an inspecting site to conduct the CDE annual inspection. This site meets the requirements for facilities and equipment as stipulated in the Rules for the Annual Inspection and Preventative Maintenance of School Transportation Vehicles 1 CCR 301-29, 2251-R-10.00. This form is to be submitted to the CDE School Transportation Unit.

STU 24 - CDE Brake Inspector Qualification Certificate - This form is to be completed by the Annual Inspector and maintained in the Annual Inspector Qualification File (IQF) until the Annual Inspector resigns, is terminated or retires.

STU 25 - Affidavit of Annual Inspection for School Transportation Vehicles - This form is to be completed by the Annual Inspector documenting that the annual inspection of a school transportation vehicle complies with 1 CCR 301-26, and 49 CFR 396.17 and Appendix G. The current Affidavit is maintained inside the vehicle and a copy in the school transportation department vehicle file.

STU 26 - CDE Annual Inspection/Preventive Maintenance Checklist - This form is to be completed by the Annual Inspector documenting that the vehicle is in compliance the 1 CCR 301-26, 4204-R-26.00 The original copy shall be maintained at the inspecting site in the individual vehicle file.

STU 27 - CDE VO-AG Trailer Annual Inspection/Preventive Maintenance Checklist - This form is to be completed by the Annual Inspector documenting that the vehicle is in compliance the 1 CCR 301-26, 4204-R-26.00 The original copy shall be maintained at the inspecting site in the individual vehicle file.

STU 30 - Application for Qualification/Recertification of CDE Annual Inspector Hands-On Tester - This form is to be completed for qualification/recertification as a CDE Annual Inspector Hand-On Tester in compliance with 1 CCR 301-26 4204-R-9.00 and submitted to the CDE School Transportation Unit and a copy is placed in the Annual Inspector Qualification file.

Records Management Manual School District

Schedule 8

TRANSPORTATION RECORDS

<https://www.colorado.gov/pacific/sites/default/files/SchoolsRMManual.pdf>

General Description: Records generally relating to the operation and maintenance of the school district's transportation program. The specified retention period applies to the information contained within the record, regardless of the physical format of the record (paper, microfilm, computer disk or tape, optical disk, etc.).

Duplicate Copies: Provided that no retention period is specified for duplicate copies, retain those that are created for administrative purposes for 1 year, and retain those created for convenience or reference purposes until no longer needed or for 1 year, whichever is first. Duplicate copies should not be retained longer than the record copy.

1. Driver Qualification File - to include but not limited to:

- a. CDE school bus driver annual written test
- b. CDE small vehicle driver annual written test
- c. Driving performance test
- d. DOT medical report
- e. Motor vehicle record check
- f. First aid certificate
- g. Commercial driving license (CDL) copy.

Retention 6 years

2. Driver Qualification File Continued - new hires:

- a. Pre-service training record outline
- b. Mountain driving written test
- c. Adverse weather driving written test
- d. CDL skills test

Retention Until driver resigns, is terminated or retires

3. Vehicle Maintenance File - to include but not limited to:

- a. Annual inspection form
- b. Vehicle repair form

c. Preventive maintenance inspection form

Retention Life of the vehicle or 10 years

4. Daily Pre-Trip Inspection Sheets that verify the driver has completed the required inspections.

Retention 6 months

5. Emergency Evacuation Drills that document the driver's knowledge and application of evacuation procedures.

Retention 3 years

6. Emergency Evacuation Talk Checklist that spell out the correct and proper procedures for students and teachers to follow in the event of an emergency.

Retention: 6 months

7. Transportation Service Hours that detail the schedule of service for the district's vehicles.

Retention 6 months

8. Drug and Alcohol Test Results that are required of transportation section employees.

Retention 5 years

9. In-Service Training Record that documents the annual training provided to each driver and maintenance person.

Retention 6 years

10. Fingerprint Reports from the Colorado Bureau of Investigation and FBI

Retention Until driver resigns, is terminated or retires

11. Annual Inspector Files that verify an inspector's competence in certain areas.

- a. Initial certification
- b. Hands on score sheets
- c. Inspector written test
- d. Re-certification sticker
- e. Brake inspector qualifications

Retention Until inspector resigns, is terminated or retires

Laws and Regulation Pertaining to Colorado School Transportation

Colorado Commercial Driver License Manual

USE OF MIRRORS

CORRECT MIRROR ADJUSTMENT Proper adjustment and use of all mirrors is vital to the safe operation of the school bus in order to observe the danger zone around the bus and look for students, traffic, and other objects in this area. You should always check each mirror before operating the school bus to obtain maximum viewing area. If necessary, have the mirrors

OUTSIDE LEFT AND RIGHT SIDE FLAT MIRRORS

These mirrors are mounted at the left and right front corners of the bus at the side or front of the windshield. They are used to monitor traffic, check clearances and students on the sides and to the rear of the bus. There is a blind spot immediately below and in front of each mirror and directly in back of the rear bumper. The blind spot behind the bus could extend 50 to 150 feet and could extend up to 400 feet depending on the width of the bus. Ensure that the mirrors are properly adjusted so you can see:

- 200 feet or 4 bus lengths behind the bus.
- Along the sides of the bus.
- The rear tires touching the ground.

OUTSIDE LEFT AND RIGHT SIDE CONVEX MIRRORS

The convex mirrors are located below the outside flat mirrors. They are used to monitor the left and right sides at a wide angle. They provide a view of traffic, clearances, and students at the side of the bus. These mirrors present a view of people and objects that does not accurately reflect their size and distance from the bus. You should position these mirrors to see:

- The entire side of the bus up to the mirror mounts.
- Front of the rear tires touching the ground.
- At least one traffic lane on either side of the bus.

OUTSIDE LEFT AND RIGHT SIDE CROSSOVER MIRRORS

These mirrors are mounted on both left and right front corners of the bus. They are used to see the front bumper “danger zone” area directly in front of the bus that is not visible by direct vision, and to view the “danger zone” area to the left side and right side of the bus, including the service door and front wheel area. The mirror presents a view of people and objects that does not accurately reflect their size and distance from the bus. The driver must ensure that these mirrors are properly adjusted. These mirrors are used to load and unload passengers/students. Ensure that the mirrors are properly adjusted so you can see:

- The entire area in front of the bus from the front bumper at ground level to a point where direct vision is possible. Direct vision and mirror view vision should overlap.
- The right and left front tires touching the ground.
- The area from the front of the bus to the service door.
- These mirrors, along with the convex and flat mirrors, should be viewed in a logical sequence to ensure that a child or object is not in any of the danger zones.

OVERHEAD INSIDE STUDENT (REARVIEW) MIRROR

This mirror is mounted directly above the wind-shield on the driver’s side area of the bus. This mirror is used to monitor passenger activity inside the bus. It may provide limited visibility directly in back of the bus if the bus is equipped with a glass-bottomed rear emergency door. There is a blind spot area directly behind the driver’s seat as well as a large blind spot area that begins at the rear bumper and could extend up to 400 feet or more behind the bus. You must use the exterior side mirrors to monitor traffic that approaches and enters this area. You should position the mirror to see:

The top of the rear window in the top of the mirror.

- All of the students, including the heads of the students right behind you.

LOADING/UNLOADING PROCEDURES

More students are killed while getting on or off a school bus each year than are killed as passengers inside of a school bus. As a result, knowing what to do before, during, and after loading or unloading students is critical. This section will give you specific procedures to help you avoid unsafe conditions which could result in injuries and fatalities during and after loading and unloading students. The information in this section will provide a definitive set of procedures authored by the Colorado Department of Education and the American Association of Motor Vehicle Administrators for the safe loading and unloading of students and will help prevent crashes or injury. By Colorado State Statute, each school district establishes official routes and official school bus stops. The location of the student stops should consider factors that include visibility, lateral clearance, student access and control of other motorists. The route operator should never relocate the student stop without supervisor approval. The supervisor will specify the procedures to be followed by the route operator to relocate a student stop in an emergency.

Approaching the Stop

You must use extreme caution when approaching a school bus stop. This would involve the proper use of mirrors, alternating flashing lights, and when equipped, the moveable stop signal arm and crossing control arm. When approaching the stop, you should:

Approach cautiously at a slow rate of speed.

Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.

Continuously check all mirrors.

Activate the amber lights of the 8-way warning light system not less than 500 feet from the bus stop in rural areas and at least 200 feet or the length of one city block from the bus stop within the corporate limits of a town or city.

Every school bus shall stop as far to the right of the roadway as possible before discharging or loading students: except that the school bus may stop in the traffic lane when a student must cross the road.

Continuously check mirrors to monitor the danger zones for students, traffic, and other objects.

When stopping you should: Bring school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop.

Stop the bus close enough to the right to prevent traffic from passing on the right so students may clear the school bus safely while in sight of the operator.

When stopped, the parking/emergency brake shall be set and the transmission placed in neutral or in park, prior to loading and unloading.

The red lights of the 8-way warning light system shall be activated whenever the bus is stopped for the purpose of loading or unloading.

Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.

Loading Procedures

Perform the safe stop following the procedure stated above.

Students should wait in a designated location for the school bus, facing the bus as it approaches.

Students should board the bus only when signaled by the driver.

Monitor all mirrors continuously.

Count the number of students at the bus stop and be sure all board the bus. If possible, know names of students at each stop. If there is a student missing, ask the other students where the student is.

Have the students board the school bus slowly, in single file, and use the handrail. The dome light should be on while loading in the dark.

Wait until students are seated and facing forward before moving the bus.

Check all mirrors. Make certain no one is running to catch the bus.

If you cannot account for a student outside, secure the bus, take the key, and check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.

- Engaging the transmission.

- Releasing the parking brake.

- Turning off alternating flashing red lights.

- Checking all mirrors again.

- Allowing congested traffic to disperse.

- When it is safe, move the bus to enter traffic flow and continue the route.

Student Loading at a Campus

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

- Turn off the ignition switch.

- Remove key if leaving driver's compartment.

- Position yourself to supervise loading as required or recommended by your state or local regulations

Unloading Procedures on the Route

Have the students remain seated until told to exit. Check all mirrors.

Tell students to exit the bus and walk at least 10 feet away from the bus to a position where the driver can plainly see all students.

Count the number of students while unloading to confirm the location of all students before pulling away from the stop. Check all mirrors again. Make sure no students are around or returning to the bus.

If you cannot account for a student outside the bus, secure the bus, and check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.

- Engaging transmission.

Releasing parking brake.
Turning off alternating flashing red lights.
Checking all mirrors again.
Allowing congested traffic to disperse.
When it is safe, move the bus, enter the traffic flow and continue the route.

Note. If you have missed a student's unloading stop, do not back up. Be sure to follow local procedures.

Additional Procedures for Students That Must Cross the Roadway.

You should understand what students should do when exiting a school bus and crossing the street in front of the bus. In addition, the school bus driver should understand that students might not always do what they are supposed to do. If a student or students must cross the roadway, they should follow these procedures:

Walk approximately 10 feet away from the side of the school bus to a position where you can see them.

Walk to a location at least 10 feet in front of the right corner of the bumper, but still remaining away from the front of the school bus.

Stop at the right edge of the roadway. You should be able to see the student's feet.

When students reach the edge of the roadway, they should:

- Stop and look in all directions, making sure the roadway is clear and is safe.
- Check to see if the red flashing lights on the bus are still flashing.
- Wait for your signal before crossing the roadway. Upon your signal, the students should:
- Cross far enough in front of the school bus to be in your view.
- Stop at the left edge of the school bus, stop, and look again for your signal to continue to cross the roadway.
- Look for traffic in both directions, making sure roadway is clear.
- Proceed across the roadway, continuing to look in all directions.

Note: The school bus driver should enforce any School District regulations or recommendations concerning student actions outside the school bus.

Unloading Procedures at School

When unloading at the school you should follow these procedures:

Perform a safe stop at designated unloading areas as described

Secure the bus by:

- Turning off the ignition switch.
- Removing key if leaving driver's compartment.
- Have the students remain seated until told to exit.

- Position yourself to supervise unloading as required by your School District requirements.
 - Have students exit in orderly fashion.
 - Observe students as they step from bus to see that all move promptly away from the unloading area.
 - Walk through the bus and check for hiding/sleeping students and items left by students.
 - Check all mirrors. Make certain no students are returning to the bus. • If you cannot account for a student outside the bus and the bus is secure, check around and underneath the bus. When all students are accounted for, prepare to leave by:
 - Closing the door.
 - Fastening safety belt.
 - Starting engine.
 - Engaging the transmission.
 - Releasing the parking brake.
 - Turning off alternating flashing red lights.
 - Checking all mirrors again.
 - Allowing congested traffic to disperse.
 - When it is safe, pull away from the unloading area.
- ☐ When all students are accounted for, prepare to leave by:
- ☐ Closing the door, which would cancel the red lights of the 8-way warning light system, if activated.
 - ☐ Fastening the driver safety belt.
 - ☐ Starting the engine.
 - ☐ Engaging the transmission.
 - ☐ Releasing the parking brake.
 - ☐ Turning on the left turn signal.
 - ☐ Checking all the mirrors again.
 - ☐ Allowing congested traffic to disperse.

SPECIAL DANGERS OF LOADING AND UNLOADING

Dropped or Forgotten Objects.

Always focus on students as they approach the bus and watch for any who disappear from sight.

Students may drop an object near the bus during loading and unloading. Stopping to pick up the object or returning to pick up the object may cause the student to disappear from the driver's sight at a very dangerous moment.

Students should be told to leave any dropped object and move to a point of safety out of the danger zones and attempt to get the driver's attention to retrieve the object.

Handrail Hang-ups. Students have been injured or killed when clothing, accessories, or even parts of their body get caught in the handrail or door as they exited the bus. You should closely observe all students exiting the bus to confirm that they are in a safe location prior to moving the bus.

POST-TRIP INSPECTION

When your route or school activity trip is finished, you should conduct a post-trip inspection of the bus. You should walk through the bus and around the bus looking for the following:

- Articles left on the bus.
- Sleeping students.
- Open windows and doors.
- Mechanical/operational problems with the bus, with special attention to items that are unique to school buses—mirror systems, flashing warning lamps and stop signal arms.
- Damage or vandalism. Any problems or special situations should be re-reported immediately to your supervisor or school authorities

PLANNING FOR EMERGENCIES

An emergency situation can happen to anyone, anytime, anywhere. It could be a crash, a stalled school bus on a railroad-highway crossing or in a high-speed intersection, an electrical fire in the engine compartment, a medical emergency to a student on the school bus, etc. Knowing what to do in an emergency—before, during and after an evacuation—can mean the difference between life and death.

EMERGENCY EXIT AND EVACUATION

The first and most important consideration is for you to recognize the hazard. If time permits, school bus drivers should contact their dispatcher to explain the situation before making a decision to evacuate the school bus.

As a general rule, student safety and control is best maintained by keeping students on the bus during an emergency and/or impending crisis situation, if so doing does not expose them to unnecessary risk or injury. Remember, the decision to evacuate the bus must be a timely one.

A decision to evacuate should include consideration of the following conditions:

- Is there a fire or danger of fire?
- Is there a smell of raw or leaking fuel?
- Is there a chance the bus could be hit by other vehicles?
- Is the bus in the path of a sighted tornado or rising waters?
- Are there downed power lines?
- Would removing students expose them to speeding traffic, severe weather, or dangerous environment?
- Would moving students complicate injuries such as neck and back injuries and fractures?
- Is there a hazardous spill involved? Sometimes, it may be safer to remain on the bus and not come in contact with the material.

Mandatory Evacuations.

The driver must evacuate the bus when:

The bus is on fire or there is a threat of a fire.

The bus is stalled on or adjacent to a railroad- highway crossing.

The position of the bus may change and increase the danger.

There is an imminent danger of collision.

There is a need to quickly evacuate because of a hazardous materials spill

EVACUATION PROCEDURES

Be Prepared and Plan Ahead. When possible, assign two responsible, older student assistants to each emergency exit. Teach them how to assist the other students off the bus. Assign another student assistant to lead the students to a “safe place” after evacuation. However, you must recognize that there may not be older, responsible students on the bus at the time of the emergency. Therefore, emergency evacuation procedures must be explained to all students. This includes knowing how to operate the various emergency exits and the importance of listening to and following all instructions given by you. Some tips to determine a safe place:

A safe place will be at least 100 feet off the road in the direction of oncoming traffic. This will keep the students from being hit by debris if another vehicle collides with the bus.

Lead students upwind of the bus if fire is present. Lead students as far away from railroad tracks as possible and in the direction of any oncoming train. Lead students upwind of the bus at least 300 feet if there is a risk from spilled hazardous materials.

If the bus is in the direct path of a sighted tornado and evacuation is ordered, escort students to a nearby ditch or culvert if shelter in a building is not readily available, and direct them to lie face down, hands covering their head. They should be far enough away so the bus cannot topple on them.

Avoid areas that are subject to flash floods.

General Procedures. Determine if evacuation is in the best interest of safety. Determine the best type of evacuation:

Front, rear or side door evacuation, or some combination of doors.

Roof or window evacuation.

Secure the bus by:

Placing transmission in Park, or if there is no shift point, in Neutral.

Setting parking brakes.

Shutting off the engine.

Removing ignition key.

Activating hazard-warning lights.

If time allows, notify dispatch office of evacuation location, conditions, and type of assistance needed.

Dangle radio microphone or telephone out of driver’s window for later use, if operable.

If no radio, or radio is inoperable, dispatch a passing motorist or area resident to call for help. As a last resort, dispatch two older, responsible students to go for help.

Order the evacuation.

Evacuate students from the bus.

Do not move a student you believe may have suffered a neck or spinal injury unless his or her life is in immediate danger.

Special procedures must be used to move neck spinal injury victims to prevent further injury.

Direct a student assistant to lead students to the nearest safe place.

Walk through the bus to ensure no students remain on the bus. Retrieve emergency equipment.

Join waiting students. Account for all students and check for their safety.
Protect the scene. Set out emergency warning devices as necessary and appropriate.
Prepare information for emergency responders

SPECIAL SAFETY CONSIDERATIONS

STROBE LIGHTS Some school buses are equipped with roof mounted white strobe lights. If your bus is so equipped, the overhead strobe light should be used when there is limited visibility. This means that you cannot easily see around you - in front, behind or beside the school bus. Your visibility could be only slightly limited or it could be so bad that you can see nothing at all. In all instances, understand and obey Colorado and local regulations concerning the use of these lights.

For Colorado school bus drivers, the use of the strobe lamp will only be permitted in the following instances: when the bus presents a hazard to other motorists, such as when loading or unloading students in inclement weather or to enhance visibility of the bus when barriers inhibit such visibility. The school bus driver may also use the strobe, in addition to the hazard lamps, to warn other motorists that the bus is not in motion or is being operated at a speed of twenty-five miles per hour or less.

CDE Clarification of 28.01- When a school transportation vehicle presents a hazard during the loading or unloading of students in inclement weather the strobe light shall not be used when the vehicle is in transit, but is permitted to be engaged at the first student stop on a route and disengaged after the last student stop on a route.

CDE Evacuation Procedures

Emergency Procedures for Specific Location Evacuations Front Door Evacuations

Announce: "Remain seated. Emergency evacuation, front door." Tell the students the location of the safe waiting area that is at least 100 feet or more from the bus and roadway. Again, a safe place will be at least 100 feet or as far as safely possible in the direction of oncoming traffic. This will keep students from being hit by debris if another vehicle collides with the bus. The students should be supervised if possible. Evacuate the bus by dismissing the students. The driver's position begins at the front of the bus. Give the first aid kit(s), fire extinguisher and emergency triangles to the first two students exiting the bus. Do not impede the flow of the students exiting. Begin at the front of the bus, starting at the right side; move toward the rear, alternate side-to-side, row-by-row until you reach the rear of the bus. Return to the front and check each seat to make sure all students have evacuated. Render first aid if necessary. Account for all students. Notify the proper authorities and school administrators.

Rear Door Evacuations This location is to be used when the front door evacuation is impossible or unsafe to use or when it is imperative to evacuate as quickly as possible by using all exits. Announce, "Remain seated. Emergency evacuation, rear door." Tell students the location of the safe waiting area. Assign two 'helpers' to assist students. Have them 'sit' on the floor at the emergency door and 'scoot' out of the door onto the ground. One helper is positioned so that the emergency door will not swing against the students. The other helper is positioned on the other side of the door area. Helpers are very important in preventing injuries when exiting the bus from the rear door. Helpers need to hold a hand open, palm upward and extended for the student exiting the bus to place his/her hand on it. The other hand will support the upper part of the arm of the student exiting the bus to minimize the possibility of the student falling forward. The students exiting the bus should sit at the rear door then scoot through the door onto the ground. The students should then walk to the designated safe area. Evacuate the bus by dismissing the students. The driver's position begins at the rear of the bus. Begin at the back row of the bus and continue to the front; move toward the front, alternate side-to-side, row-by-row until you reach the front of the bus. Give the first aid kit(s), fire extinguisher and emergency triangles to the last two students when they are out of the bus. Return to the rear and check each seat to make sure all students have evacuated. Have the

helpers “assist” you out the rear of the bus. Render first aid as necessary. Account for all students. Notify the proper authorities and school administrators as soon as possible

Front and Rear Door (Combined) Evacuations Follow the procedures outlined in the previous sections for both the front door and rear door evacuations. Refer to the illustrations to determine which seats go out which exit. The fastest method for a school bus evacuation is the rear and front door combination.

Emergency Evacuation Procedures for Students with Special Needs

The Colorado Department of Education Guidelines for Transporting Students with Disabilities lists guidelines for preparing an evacuation plan. Care should be taken to plan for students with special needs who are riding on the bus. Know the procedures to be followed in order to safely evacuate each student. It is advisable to talk to parents or guardians of the students with disabilities to properly plan for an emergency evacuation. Teachers and school staff that work with your students can also help you understand the individual needs of each child. As a driver, you have the right to this information on each student, but you must keep it confidential. Responsible students may be assigned to help a student with special needs get to a safe waiting area away from the bus, traffic and other possible dangers

Colorado Revised Statutes

Title 13 - Courts and Court Procedure damages and limitation on actions

[http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2013%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2013%20(2013).pdf)

Section 13-21-108 Persons rendering emergency Assistance exempt from civil liability

(1) Any person licensed as a physician and surgeon under the laws of the state of Colorado, or any other person, who in good faith renders emergency care or emergency assistance to a person not presently his patient without compensation at the place of an emergency or accident, including a health care institution as defined in section 13-64-202 (3), shall not be liable for any civil damages for acts or omissions made in good faith as a result of the rendering of such emergency care or emergency assistance during the emergency, unless the acts or omissions were grossly negligent or willful and wanton. This section shall not apply to any person who renders such emergency care or emergency assistance to a patient he is otherwise obligated to cover.

(2) Any person while acting as a volunteer member of a rescue unit, as defined in section 25-3.5-103 (11), C.R.S., notwithstanding the fact that such organization may recover actual costs incurred in the rendering of emergency care or assistance to a person, who in good faith renders emergency care or assistance without compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.

(3) Any person, including a licensed physician, surgeon, or other medical personnel, while acting as a volunteer member of a ski patrol or ski area rescue unit, notwithstanding the fact that such person may receive free skiing privileges or other benefits as a result of his volunteer status, who in good faith renders emergency care or assistance without other compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.

(4) (a) Notwithstanding the fact that the person may be reimbursed for the person's costs or that the nonprofit organization may receive a grant or other funding, any person who, while acting as a volunteer for any nonprofit organization operating a telephone hotline, answers questions of or provides counseling to members of the public in crisis situations shall not be liable for any civil damages for acts or omissions made in good faith as a result of discussions or counseling provided on the hotline.

(b) As used in this subsection (4), unless the context otherwise requires, "hotline" means a telephone line staffed by individuals who provide immediate assistance to callers in emergency or crisis situations.

(5) An employer shall not be liable for any civil damages for acts or omissions made by an employee while rendering emergency care or emergency assistance if the employee:

(a) Renders the emergency care or emergency assistance in the course of his or her employment for the employer; and

(b) Is personally exempt from liability for civil damages for the acts or omissions under subsection (1) of this section.

13-21-115.6. Immunity from civil liability for school crossing guards and sponsors

(1) As used in this section:

(a) "School crossing guard" means any person eighteen years of age and older acting with or without compensation who supervises, directs, monitors, or otherwise assists school children at a street or intersection.

(b) "School crossing guard sponsor" means any governmental agency or subdivision, including but not limited to any county, city, city and county, town, or school district, and any individual, volunteer group, club, or nonprofit corporation that sponsors, organizes, or provides for school crossing guards.

(2) Any school crossing guard and any school crossing guard sponsor shall be immune from civil liability for any act or omission that results in damage or injury if the school crossing guard was acting within the scope of such person's official functions and duties as a school crossing guard unless the damage or injury was caused by a willful and wanton act or omission of the school crossing guard.

(3) Nothing in this section shall be construed to abrogate or limit the sovereign immunity granted to public entities pursuant to the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

Colorado Revised Statutes

Title 18 - Education

[http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2018%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2018%20(2013).pdf)

Section 18-1-703. Use of physical force - special relationships.

The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances: (a) A parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person, and a teacher or other person entrusted with the care and supervision of a minor, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent it is reasonably necessary and appropriate to maintain discipline or promote the welfare of the minor or incompetent person. (b) A superintendent or other authorized official of a jail, prison, or correctional institution may, in order to maintain order and discipline, use reasonable and appropriate physical force when and to the extent that he reasonably believes it necessary to maintain order and discipline, but he may use deadly physical force only when he reasonably believes it necessary to prevent death or serious bodily injury. (c) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable and appropriate physical force when and to the extent that it is necessary to maintain order and discipline, but he may use deadly physical force only when it is reasonably necessary to prevent death or serious bodily injury. (d) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon himself may use reasonable and appropriate physical force upon that person to the extent that it is reasonably necessary to thwart the result. (e) A duly licensed physician, advanced practice nurse, or a person acting under Colorado Revised Statutes 2013 27 Title 18 his or her direction, may use reasonable and appropriate physical force for the purpose of administering a recognized form of treatment that he or she reasonably believes to be adapted to promoting the physical or mental health of the patient if: (I) The treatment is administered with the consent of the patient, or if the patient is a minor or an incompetent person, with the consent of his parent, guardian, or other person entrusted with his care and supervision; or (II) The treatment is administered in an emergency when the physician or advanced practice nurse reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

Section 18-1-704. Use of physical force in defense of a person.

Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose. (2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and: (a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or (b) The other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary as defined in sections 18-4-202 to 18-4-204; or (c) The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 18- 4-301 or 18-4-302, sexual assault as set forth in section 18-3-402, or in section 18-3-403 as it existed prior to July 1, 2000, or assault as defined in sections 18-3-202 and 18-3-203. (3) Notwithstanding the provisions of subsection (1) of this section, a person is not justified in using physical force if: (a) With intent to cause bodily injury or

death to another person, he provokes the use of unlawful physical force by that other person; or (b) He is the initial aggressor; except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or (c) The physical force involved is the product of a combat by agreement not specifically authorized by law. Colorado Revised Statutes 2013 28 Title 18 (4) In a case in which the defendant is not entitled to a jury instruction regarding self-defense as an affirmative defense, the court shall allow the defendant to present evidence, when relevant, that he or she was acting in self-defense. If the defendant presents evidence of self-defense, the court shall instruct the jury with a self-defense law instruction. The court shall instruct the jury that it may consider the evidence of self-defense in determining whether the defendant acted recklessly, with extreme indifference, or in a criminally negligent manner. However, the self-defense law instruction shall not be an affirmative defense instruction and the prosecuting attorney shall not have the burden of disproving self-defense. This section shall not apply to strict liability crimes.

Section 18-6-401.4. Payment of treatment costs for the victim or victims of an act of child abuse.

In addition to any other penalty provided by law, the court may order any person who is convicted of an act of child abuse, as defined in section 18-6-401 (1), to meet all or any portion of the financial obligations of treatment prescribed for the victim or victims of his offense. (2) At the time of sentencing, the court may order that an offender described in subsection (1) of this section be put on a period of probation for the purpose of paying the treatment costs of the victim or victims.

Section 18-9-115. Endangering public transportation.

A person commits endangering public transportation if such person: (a) Tamper with a facility of public transportation with intent to cause any damage, malfunction, or nonfunction which would result in the creation of a substantial Colorado Revised Statutes 2013 415 Title 18 risk of death or serious bodily injury to anyone; or (b) Stops or boards a public conveyance with the intent of committing a crime thereon; or (c) On a public conveyance, knowingly threatens any operator, crew member, attendant, or passenger: (I) With death or imminent serious bodily injury; or (II) With a deadly weapon or with words or actions intended to induce belief that such person is armed with a deadly weapon; or (d) On a public conveyance: (I) Knowingly or recklessly causes bodily injury to another person; or (II) With criminal negligence causes bodily injury to another person by means of a deadly weapon. (2) "Public" means offered or available to the public generally, either free or upon payment of a fare, fee, rate, or tariff, or offered or made available by a school or school district to pupils regularly enrolled in public or nonpublic schools in preschool through grade twelve. (3) "Public conveyance" includes a train, airplane, bus, truck, car, boat, tramway, gondola, lift, elevator, escalator, or other device intended, designed, adapted, and used for the public carriage of persons or property. (4) "Facility of public transportation" includes a public conveyance and any area, structure, or device which is designed, adapted, and used to support, guide, control, permit, or facilitate the movement, starting, stopping, takeoff, landing, or servicing of a public conveyance or the loading or unloading of passengers or goods. (5) Endangering public transportation is a class 3 felony

Colorado Revised Statutes

Title 19 - Children's Code

[http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2019%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2019%20(2013).pdf)

Section 19-3-304 Persons required to report child abuse or neglect (Excerpt)

(1) (a) Except as otherwise provided by section 19-3-307, sections 25-1-122 (4) (d) and 25-4-1404 (1) (d), C.R.S., and paragraph (b) of this subsection (1), any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department, the local law enforcement agency, or through the child abuse reporting hotline system as set forth in section 26-5-111, C.R.S.

(b) The reporting requirement described in paragraph (a) of this subsection (1) shall not apply if the person who is otherwise required to report does not:

(I) Learn of the suspected abuse or neglect until after the alleged victim of the suspected abuse or neglect is eighteen years of age or older; and

(II) Have reasonable cause to know or suspect that the perpetrator of the suspected abuse or neglect:

(A) Has subjected any other child currently under eighteen years of age to abuse or neglect or to circumstances or conditions that would likely result in abuse or neglect; or

(B) Is currently in a position of trust, as defined in section 18-3-401 (3.5), C.R.S., with regard to any child currently under eighteen years of age.

(2) Persons required to report such abuse or neglect or circumstances or conditions include any:

(a) Physician or surgeon, including a physician in training;

(b) Child health associate;

(c) Medical examiner or coroner;

(d) Dentist;

(e) Osteopath;

(f) Optometrist;

- (g) Chiropractor;
- (h) Podiatrist;
- (i) Registered nurse or licensed practical nurse;
- (j) Hospital personnel engaged in the admission, care, or treatment of patients;
- (k) Christian science practitioner;
- (l) Public or private school official or employee;
- (m) Social worker or worker in any facility or agency that is licensed or certified pursuant to part 1 of article 6 of title 26, C.R.

Section 19-3-309 - Immunity from liability - persons reporting

Any person, other than the perpetrator, complicitor, coconspirator, or accessory, participating in good faith in the making of a report, in the facilitation of the investigation of such a report, or in a judicial proceeding held pursuant to this title, the taking of photographs or X rays, or the placing in temporary protective custody of a child pursuant to section 19-3-405 or otherwise performing his duties or acting pursuant to this part 3 shall be immune from any liability, civil or criminal, or termination of employment that otherwise might result by reason of such acts of participation, unless a court of competent jurisdiction determines that such person's behavior was willful, wanton, and malicious. For the purpose of any proceedings, civil or criminal, the good faith of any such person reporting child abuse, any such person taking photographs or X rays, and any such person who has legal authority to place a child in protective custody shall be presumed.

Colorado Revised Statutes

Title 22 - Education

[http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2022%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2022%20(2013).pdf)

Section 22-1-102 - Residence of child

(1) Every public school shall be open for the admission of all children, between the ages of five and twenty-one years, residing in that district without the payment of tuition. The board of education shall have power to admit adults and children not residing in the district if it sees fit to do so and to fix the terms of such admission.

(2) A child shall be deemed to reside in a school district if:

(a) Both his or her parents, or the survivor of them, or the one of them with whom such child resides a majority of the time pursuant to an order of any court of competent jurisdiction resides in the school district;

(b) The legally appointed guardian of his person resides in the school district; -32-

(c) After emancipation by his parents, or the survivor thereof, from their or his control, and he has no guardian, he lives within the school district;

(d) In the judgment of the board of education of the school district wherein the child lives, the child has been abandoned by his parents;

(e) The child has become permanently dependent for his maintenance and support on someone other than his nonresident parents, or upon any charitable organization, if the dependent child is actually to make his home and receive his support within the school district where he desires to attend;

(f) If one of the child's parents or the guardian of his person is a public officer or employee living temporarily for the performance of his duties in a school district other than that of his residence. Unless the parents of a child are permanently separated, the residence of the husband shall be deemed to be the residence of the child, but, if the parents have permanently separated, the residence of the child shall be that of the parent with whom the child actually lives.

(g) Regardless of the residence of the parents, if any, the child adopts a dwelling place within the district with the intent to remain there indefinitely and with the intent not to return to the dwelling place from which he came, and regularly eats or sleeps there, or both, during the entire school year as defined in section 22-1-112; but the child shall be deemed not to have the requisite intent if he regularly returns to another dwelling place during summer vacations or weekends;

(h) The child is found to be homeless pursuant to the provisions of section 22-1-102.5 and the child presently seeks shelter or is located in the school district; except that a homeless child shall be deemed to reside in another school district if the child attended school in such school district at the time the child

became homeless, the child remains homeless, the affected school districts find that attendance in such other school district is in the best interests of the child pursuant to section 22-33-103.5, and the child chooses to continue attendance in such other school district;

(i) The child is found to have become homeless pursuant to the provisions of section 22-1-102.5 during a period that school is not in session, the child remains homeless, and the child presently seeks shelter or is located in the school district; except that the child shall be deemed to reside in another school district if the child attended school in such school district immediately prior to the time the child became homeless, the child remains homeless, the affected school districts find that attendance in such other school district is in the best interests of the child pursuant to section 22-33-103.5, and the child chooses to continue attendance in such other school district.

(3) School districts shall follow the procedures specified in section 22-33-103.5 in determining where a homeless child shall attend school and the educational services provided to homeless children.

Section 22-1-102.5 - Definition of homeless child

(1) The general assembly hereby finds and declares that, because of the growing number of children and families who are homeless in Colorado, there is a need to ensure that all homeless children receive a proper education. It is the intent of the general assembly that no child shall be denied the benefits of a free education in the public schools because the child is homeless.

(2) (a) As used in this article, unless the context otherwise requires, "homeless child" means:

(I) A school-aged child who lacks a fixed, regular, and adequate nighttime residence, including but not limited to:

(A) A child who is living in a motel, hotel, or camping ground due to a lack of alternative adequate accommodations;

(B) A child who is living in an emergency or transitional shelter;

(C) A child who is abandoned in a hospital; and

(D) A child awaiting foster care placement; or

(II) A school-aged child who has a primary nighttime residence that is:

(A) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for persons with mental illness;

(B) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) A public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings, including but not limited to an automobile, a park, an abandoned building, a bus or train station, or a similar setting.

(b) "Homeless child" shall not include any individual imprisoned or otherwise detained pursuant to an act of congress or a state law.

(c) "Homeless child" shall include a migrant school-aged child who meets the requirements of this subsection (2).

(d) "Homeless child" shall include a school-aged child who meets the requirements of this subsection (2) who is not in the physical custody of a parent or legal guardian.

Section 22-2-107 (1) (C) State Board Powers

(c) To promulgate and adopt policies, rules, and regulations concerning general supervision of the public schools, the department, and the educational programs maintained and operated by all state governmental agencies for persons who have not completed the twelfth-grade level of instruction;

Section 22-1-122 - Transportation token program - legislative declaration-eligibility-fund

<http://www.lpdirect.net/casb/crs/22-1-122.html>

Section 22-2-106 - State board - duties

<http://www.lexisnexis.com/hottopics/Colorado/>

Section 22-2-107 - State board - power

<http://www.lexisnexis.com/hottopics/Colorado/>

Section 22-5-103. Definitions.

As used in this article, unless the context otherwise requires: (1) "Board" means the board of education of a school district or the governing board or governing agency of a postsecondary institution. (2) "Board of cooperative services" or "BOCES" means a regional educational service unit designed to provide supporting, instructional, administrative, facility, community, or any other services contracted by participating members. (2.3) "District charter school" means a charter school authorized by a school district board of education pursuant to part 1 of article 30.5 of this title. (2.5) Repealed. Colorado Revised Statutes 2013 100 Title 22 (2.7) "Institute charter school" means a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title. (3) "Postsecondary institution" means a community or technical college, a junior college, or a state-supported institution of higher education. (4) "School district" means any public school district existing pursuant to law. (5) "State board" means the state board of education.

Section 22-12-102 - Teacher and School Administrator Protection Act - Legislative declaration

(1) The general assembly hereby finds that:

(a) Promoting the quality of primary and secondary public education is a compelling state interest;

(b) Maintaining a safe environment is an important component of learning. At times, educators may feel they lack the authority to maintain safety and discipline in the public school classroom or they may hesitate to exercise this authority because of the threat of a lawsuit resulting from their actions.

(c) The filing of meritless lawsuits against school districts, teachers, administrators, and other school district employees interferes with attempts to ensure the quality of public education, particularly where the lawsuits arise out of the good-faith efforts of educators to maintain classroom discipline or address threats to student safety;

(d) Meritless litigation also diverts financial and personnel resources to litigation defense activities and reduces the availability of these resources for educational opportunities for students.

(2) The general assembly finds that legislation to deter meritless lawsuits and sanction deliberately false reports against educators is a rational and appropriate method to address the compelling public interest in protecting school districts and school district employees from unnecessary and harmful litigation.

(3) It is the intent of the general assembly that the provisions of this article and those of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., be read together and harmonized to give the greatest protection from liability in tort possible for educational entities and their employees. If the provisions of this article and those of the "Colorado Governmental Immunity Act" are interpreted as being in conflict, the provision that grants the greatest immunity and protection to an educational entity and its employees shall prevail.

Section 22-23-105 - Education of migrant children

(1) The following standards shall apply during the regular terms of school and shall be applicable equally in every school district:

- (a) The residence of a migrant child, for purposes of education, shall be the school district where the migrant child is receiving shelter and the necessities of life, and the provisions of section 22-32-116 shall not apply to this section.
- (b) A migrant child shall attend school while residing in any school district in the state when the regular terms of school are in session, unless excused in compliance with the provisions of the "School Attendance Law of 1963", article 33 of this title; and the board of education of a school district shall enforce the attendance in a school of the district of any such migrant child residing in said district.
- (c) The payment of additional necessary costs in administering and maintaining the program authorized by this section shall be paid jointly by the state and the participating school district. The per capita additional cost of educating a migrant child in a school district participating in said program may include the following expenses, under rules and regulations prescribed by the state board:
 - (I) Salaries of personnel, assistants to teachers, and clerical, health, and custodial employees and specialized instructional services as needed;
 - (II) Necessary additional textbooks, educational supplies, and equipment;
 - (III) School lunch operation;
 - (IV) School bus transportation;
 - (V) Provision of and physical plant operation, including rent, heat, light, water, repairs, adjustments, and maintenance, if regular school facilities are not used; except that provision of and operation of the school plant shall be a contribution of the school district if regular school facilities are used.
- (2) Upon submission and approval by the state board of itemized statements from the boards of education of the participating school districts for additional moneys to cover expenses incurred by them in conducting said programs, such school districts shall be reimbursed for such additional expenses as specified in subsection (1) (c) of this section. Applications by participating school districts for reimbursement shall be made on forms prescribed by the state board at such time or times during the year as determined by the state board.

Section 22-23-106 - Summer School

- (1) The program established by this section shall be under the general supervision of the state board. An educational program for migrant children may be operated within the period from the termination of the regular school term in the spring until the regular school term convenes in the fall.
- (2) Any school district wherein there are migrant children in the summer period may make application to the state board to participate in the summer school program authorized by this section. From such applications the state board shall select school districts to operate summer schools for migrant children in accordance with the amount of funds available, the number of migrant children in the school districts, and other criteria specified by the state board.
- (3) Residence requirements for migrant children under the summer school program shall be the same as set forth in section 22-23-105.

(4) For the purpose of the summer school program, in addition to "migrant child" defined in section 22-23-103, a child of school age shall be considered a migrant child if he was not able to attend the full number of days prescribed by law during the previous school year as a direct result of being in the custody of a migrant agricultural worker.

(5) The board of education of a school district has the authority to determine whether attendance at summer school shall be voluntary or compulsory. If attendance is compulsory, migrant children shall attend unless excused in compliance with the "School Attendance Law of 1963", article 33 of this title.

(6) Each school district participating in the summer school program shall be reimbursed from state funds for actual costs incurred in the operation of the program, including allotments for classroom units and supervisory units based upon the formulas set forth in section 22-23-107. The school district shall also receive reimbursement, under rules of the state board, for the net cost of its school lunch operation and for school vehicle operations at rates fixed by the state board. School districts shall report all such costs on forms prescribed by the state board.

Section 22-30.5-104(1) - Colorado Charter Schools Act

<http://www.cde.state.co.us/cdechart/chact>

Section 22-32-109 Board of education - specific duties

<http://www.lpdirect.net/casb/crs/22-32-109.html>

Section 22-32-103 - Board of education - general powers and duties

(1) Each school district shall be governed by a board of education consisting of the number of school directors prescribed by law. Such board of education shall possess all powers delegated to a board of education or to a school district by law, and shall perform all duties required by law.

(2) Each school director shall have access to all school records at all times.

Section 22-32-109.1

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims advocacy organizations, school psychologists, local law enforcement agencies, and community partners. The plan, at a minimum, shall include the following:
http://www.lpdirect.net/casb/crs/22-32-109_1.html

Section 22-32-109.1(2) (a)

Conduct and discipline code. (1) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code.

Section 22-32-109.1(2) (a) (D)

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in [section 18-6-401 \(1\), C.R.S.](#), and [section 19-1-103 \(1\), C.R.S.](#);

Section 22-32-110 (1) (w) - Board of education - specific powers

To contract for the transportation of pupils enrolled in the public schools of the district and to require any such contractor operating a bus or motor vehicle for such purpose to procure liability and property damage insurance on such bus or motor vehicle and pay all premiums for such insurance, without the right of contribution from the school district to the insurer;

Section 22-32-113(1) (c) and (d) Transportation of pupils - when

The board of education of a school district may furnish transportation:

(c) To and from public schools for any reasonable classification of pupils enrolled in the schools of the district who are resident of any other school district, if the district of residence is adjacent to the district of attendance, and if the board or other governing body of the district of residence shall consent to such transportation;

(d) To and from any school-sponsored activity, or for any emergency, for any reasonable classification of resident pupils enrolled in the schools of the district, whether said activity or emergency be within or without the territorial limits of the district, and whether or not occurring during school hours.

Section 22-32-113(2)

A board may determine the points at which pupils shall be received and delivered and the routes of transportation pursuant to subsection (1) of this section.

Section 22-32-113(3)

If it is impractical, as determined by the board, to furnish transportation to and from school for any resident pupil enrolled or eligible to be enrolled in the schools of the district pursuant to subsection (1) (a), (1) (b), or (1) (c) of this section, the board may pay the cost, or any portion thereof, of room and board for the pupil to reside at a point near a school of the district of residence or a school of a district to which the district of residence is authorized to pay tuition.

Section 22-32-113(4)

A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or designated school vehicle stop for his or her child or children and for other pupils enrolled in the schools of the district; but the board may not reimburse any person for transportation furnished to a pupil resident in another school district without the consent of the board or other governing body of the district of residence. The amount and payment of such expenses shall be as determined by the board paying such expenses.

Section 22-32-114 - Transportation by parents of own children

Notwithstanding the provisions of section 42-4-1904, C.R.S. the board of a school district shall not require a parent or guardian to comply with said statutes and school bus regulations when such parent or guardian shall transport only his or her own child or children, even though the board may reimburse such parent or guardian for expenses incurred in furnishing such transportation.

Section 22-32-128 - Use of school vehicles by residents of district

Use of school vehicles by residents of district at times to be specified by the board of education of each school district vehicles used for the transportation of pupils pursuant to the provisions of section 22-32-113 shall be available to groups of five or more residents of the district who are sixty-five years of age or older for use within or without the district. The board of education of each school district of the state shall adopt policies regarding the reasonable use of such vehicles by groups of persons with special consideration being given those residents who are sixty-five years of age or older. Such school vehicles shall be covered by an insurance policy similar to, with limits not less than, the insurance coverage that is in effect while said school vehicles are used for the transportation of pupils. To the extent that such policies provide for the reimbursement to the school district of all the expenses of the operation of such school vehicles as determined by the school district auditor, no such reimbursement shall constitute compensation, and it shall not subject the school district to the provisions of article 10.1 of title 40 C.R.S. The miles traveled and the costs expended under this article shall not be allowable for the computation of benefits accruing to a school district under the provisions of article 51 of this title.

Section 22-33-103.5 (6) - Free education - tuition may be charged, when

(6) Transportation. (a) If it is determined pursuant to subsection (2) of this section that the best interest of a homeless child is to continue his or her education at the school of origin and the homeless child presently seeks shelter or is located in another school district, and the homeless child's parent or legal guardian or the homeless child liaison, on behalf of an unaccompanied homeless child, requests transportation to and from school, the school district where the homeless child presently seeks shelter or is located and the school district in which the school of origin is located shall agree upon a method to apportion cost and responsibility for the transportation of the homeless child to the school district where the homeless child is attending, or, in the alternative, each school district shall share equally in the cost and responsibility for transportation.

(b) If a homeless child continues to reside in the school district in which the school of origin is located, such school district, upon request of the homeless child's parent or legal guardian or upon request of the homeless child liaison, on behalf of an unaccompanied homeless child, shall arrange or provide for transportation of the homeless child to and from school.

22-33-106. Grounds for suspension, expulsion, and denial of admission

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5) (I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV) (Deleted by amendment, L. 2000, p. 1971, 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

(e) Repeated interference with a school's ability to provide educational opportunities to other students.

(f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a non-school-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.

(g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

(a) The age of the student;

(b) The disciplinary history of the student;

(c) Whether the student has a disability;

(d) The seriousness of the violation committed by the student;

(e) Whether the violation committed by the student threatened the safety of any student or staff member; and

(f) Whether a lesser intervention would properly address the violation committed by the student.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7151, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

(2) Subject to the district's responsibilities under article 20 of this title, the following may be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:

(a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;

(b) Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other pupils.

(3) The following may constitute additional grounds for denial of admission to a public school:

(a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;

(b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;

(c) Having been expelled from any school district during the preceding twelve months;

(d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;

- (e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
- (f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.
- (4) (a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.
- (b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:
- (I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or
- (II) Design a schedule for the expelled student that, to the extent possible, avoids contact between the expelled student and the victim or a member of the victim's immediate family.
- (c) The provisions of this subsection (4) shall not apply to an offense that constitutes a crime against property.
- (d) The provisions of this subsection (4) shall apply only if the expelled student is convicted, is adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled. Prior to implementation of the provisions of this subsection (4), the school district shall contact the appropriate court to determine whether the provisions of this subsection (4) apply to an expelled student. The school district shall be authorized by the provisions of section 19-1-303 (1) (b), C.R.S., to obtain such information.
- (e) (I) Notwithstanding any other provision of law to the contrary, any county or district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order that enjoins the expelled student from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed.

Section 22-51-104(1) (c)

Not more than sixty percent of the costs of contracts entered into by a school district pursuant to section 22-32-110 (1) (w) or entered into by the state charter school institute or a facility school for the purpose of conserving fuel or reducing operating or capital expenditures, or both, for pupil transportation under public transportation programs which comply with the code of federal regulations, title 49, parts 390 to 397, or successor regulations thereto. Reimbursement entitlements under this paragraph (c) shall not be greater than those the school district, the institute, or the facility school would otherwise receive if it operated its own vehicles or contracted for the exclusive transportation of pupils.

Section 22-51-107 - Requirements for participation

Unless otherwise authorized by the commissioner of education, a school district, the state charter school institute, or a facility school shall not be entitled to any reimbursement under this article if the school district, the institute, or the facility school has not filed the certifications required by section 22-51-105 on or before the date provided in said section or has not complied with the rules promulgated by the state board of education pursuant to section 22-51-108.

Section 22-51-108 - Rules

The state board of education shall promulgate rules for the administration of this article. Such rules shall include reasonable and adequate standards of safety in the maintenance and operation of buses, the maintenance of records by school districts, the state charter school institute, and facility schools, the length of bus routes, the number of children to be transported in the various types of buses, and such other rules pertaining to pupil transportation as will promote the welfare of the students and afford reasonable protection to the public.

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Education Colorado Revised Statutes

Title 42 - Education

[http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%2042%20(2013).pdf)

42-1-102 - Definitions

(88) "School bus" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.

(88.5) (a) "School vehicle" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated Colorado Revised Statutes 2013 12 Title 42 for the transportation of school children to or from school or a school-related activity. (b) "School vehicle" does not include: (I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or (II) A motor vehicle that is owned by or under contract to a child care center, as defined in section 26-6-102 (1.5), C.R.S., and that is used for the transportation of children who are served by the child care center

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Colorado Revised Statutes

Vehicles and Traffic - Uniform Motor Vehicle Law

http://www.centennialco.gov/uploads/files/Public%20Works/Right-of-Way%20Permits/Part-5_Title-42_Colorado-revised-Statutes.pdf

42-4-201. Obstruction of view or driving mechanism - hazardous situation

(4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

42-4-235. Minimum standards for commercial vehicles - motor carrier safety fund - created - definition - rules

(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to section 42-4-1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle;

(II) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; and

(III) A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

(b) Repealed.

(c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).

(2) (a) No person shall operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless such vehicle is in compliance with the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. Any person who violates the rules, including any intrastate motor carrier, shall be subject to the civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such subpart existed on October 1, 2001. Persons who utilize an independent contractor shall not be liable for penalties imposed on the independent contractor for equipment, acts, and omissions

within the independent contractor's control or supervision. All civil penalties collected pursuant to this article by a state agency or by a court shall be transmitted to the state treasurer, who shall credit them to the highway users tax fund created in section 43-4-201, C.R.S., for allocation and expenditure as specified in section 43-4-205 (5.5) (a), C.R.S.

(b) Notwithstanding paragraph (a) of this subsection (2):

(I) Intrastate motor carriers shall not be subject to any provisions in 49 CFR, part 386, subpart G that relate the amount of a penalty to a violator's ability to pay, and such penalties shall be based upon the nature and gravity of the violation, the degree of culpability, and such other matters as justice and public safety may require;

(II) When determining the assessment of a civil penalty for safety violations, the period of a motor carrier's safety compliance history that a compliance review officer may consider shall not exceed three years;

(III) The intrastate operation of implements of husbandry shall not be subject to the civil penalties provided in 49 CFR, part 386, subpart G. Nothing in this subsection (2) shall be construed to repeal, preempt, or negate any existing regulatory exemption for agricultural operations, intrastate farm vehicle drivers, intrastate vehicles or combinations of vehicles with a gross vehicle weight rating of not more than twenty-six thousand pounds that do not require a commercial driver's license to operate, or any successor or analogous agricultural exemptions, whether based on federal or state law.

(IV) This section does not apply to a motor vehicle or motor vehicle and trailer combination:

(A) With a gross vehicle weight, gross vehicle weight rating, or gross combination rating of less than twenty-six thousand one pounds;

(B) Not operated in interstate commerce;

(C) Not transporting hazardous materials requiring placarding;

(D) Not transporting either sixteen or more passengers including the driver or eight or more passengers for compensation; and

(E) If the motor vehicle or combination is being used solely for agricultural purposes.

(c) The Colorado state patrol shall have exclusive enforcement authority to conduct safety compliance reviews, as defined in 49 CFR 385.3, as such section existed on October 1, 2001, and to impose civil penalties pursuant to such reviews. Nothing in this paragraph (c) shall expand or limit the ability of local governments to conduct roadside safety inspections.

(d) (I) Upon notice from the Colorado state patrol, the department shall, pursuant to section 42-3-120, cancel the registration of a motor carrier who fails to pay in full a civil penalty imposed pursuant to this subsection (2) within thirty days after notification of the penalty.

(II) Repealed.

(3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. The declaration of knowledge shall be in writing on a form provided by the Colorado state patrol. The form must be signed and returned by a motor carrier according to rules adopted by the chief.

(4) (a) The chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair

and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40, C.R.S. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the chief pursuant to this paragraph (a) shall be performed by an enforcement official, as defined in section 42-20-103 (2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(b) The Colorado public utilities commission may enforce safety rules of the chief of the Colorado state patrol governing commercial vehicles described in subparagraphs (I) and (II) of paragraph (a) of subsection (1) of this section pursuant to his or her authority to regulate motor carriers as defined in section 40-10.1-101, C.R.S., including the issuance of civil penalties for violations of the rules as provided in section 40-7-113, C.R.S.

(5) Any person who violates a rule promulgated by the chief of the Colorado state patrol pursuant to this section or fails to comply with subsection (3) of this section commits a class 2 misdemeanor traffic offense.

(6) The motor carrier safety fund is created in the state treasury. The fund consists of moneys transferred from the public utilities commission motor carrier fund pursuant to section 40-2-110.5 (9) (a), C.R.S. Moneys in the fund are subject to appropriation by the general assembly for the direct and indirect costs of the advancement of highway safety relating to commercial carrier operations pursuant to this section. All interest derived from the deposit and investment of moneys in the fund are credited to the fund, and any moneys not appropriated remain in the fund and do not transfer or revert to the general fund or any other fund.

Section 42-4-707 - Certain vehicles must stop at railroad grade crossings

- (1) Except as otherwise provided in this section, the driver of a school bus, as defined in paragraph (b) of subsection (5) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with regulations issued pursuant to section 42-20-108, or the driver of a commercial vehicle, as defined in section 42-4-235, that is transporting passengers, before crossing at grade any tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the driver can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the tracks. (2) This section shall not apply at street railway grade crossings within a business district. (3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic. (4) Subsection (1) of this section shall not apply at: (a) (Deleted by amendment, L. 2006, p. 42, § 1, effective July 1, 2006.) (b) Any railroad grade crossing at which traffic is regulated by a traffic control signal; (c) Any railroad grade crossing at which traffic is controlled by a police officer or human flag person; (d) Any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which shall give notice when so posted that such crossing is exempt from the stopping requirement provided for in this section. (5) For the purposes of this section: (a) The definition of hazardous materials shall be the definition contained in the rules adopted by the chief of the Colorado state patrol pursuant to section 42-20-108. (b) "School bus" means a school bus that is required to bear on the front and rear Colorado Revised Statutes 2013 431 Title 42 of such school bus the words "SCHOOL BUS" and display visual signal lights pursuant to section 42-4-1903 (2) (a). (6) Any person who violates any provision of this section commits a class a traffic infraction.

Section 42-4-1601. Accidents involving death or personal injuries - duties

(1) The driver of any vehicle directly involved in an accident resulting in injury to, serious bodily injury to, or death of any person shall immediately stop such vehicle at the scene of such accident or as close to the scene as possible or shall immediately return to the scene of the accident. The driver shall then remain at the scene of the accident until the driver has fulfilled the requirements of [section 42-4-1603 \(1\)](#). Every such stop shall be made without obstructing traffic more than is necessary.

(1.5) It shall not be an offense under this section if a driver, after fulfilling the requirements of subsection (1) of this section and of [section 42-4-1603 \(1\)](#), leaves the scene of the accident for the purpose of reporting the accident in accordance with the provisions of [sections 42-4-1603 \(2\)](#) and [42-4-1606](#).

(2) Any person who violates any provision of this section commits:

(a) A class 1 misdemeanor traffic offense if the accident resulted in injury to any person;

(b) A class 4 felony if the accident resulted in serious bodily injury to any person;

(c) A class 3 felony if the accident resulted in the death of any person.

(3) The department shall revoke the driver's license of the person so convicted.

(4) As used in this section and [sections 42-4-1603](#) and [42-4-1606](#):

(a) "Injury" means physical pain, illness, or any impairment of physical or mental condition.

(b) "Serious bodily injury" means injury that involves, either at the time of the actual injury or at a later time, a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

42-4-1602. Accident involving damage - duty

(1) The driver of any vehicle directly involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall immediately return to and in every event shall remain at the scene of such accident, except in the circumstances provided in subsection (2) of this section, until the driver has fulfilled the requirements of [section 42-4-1603](#). Every such stop shall be made without obstructing traffic more than is necessary. Any person who violates any provision of this subsection (1) commits a class 2 misdemeanor traffic offense. (2) When an accident occurs on the traveled portion, median, or ramp of a divided highway and each vehicle involved can be safely driven, each driver shall move such driver's vehicle as soon as practicable off the traveled portion, median, or ramp to a frontage road, the nearest suitable cross street, or other suitable location to fulfill the requirements of [section 42-4-1603](#).

42-4-1603. Duty to give notice, information, and aid

(1) The driver of any vehicle involved in an accident resulting in injury to, serious bodily injury to, or death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name, the driver's address, and the registration number of the vehicle he or she is driving and shall upon request exhibit his or her driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and where practical shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if the carrying is requested by the injured person.

(2) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (1) of this section and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection (1) of this section, insofar as possible on the driver's part to be performed, shall immediately report such accident to the nearest office of a duly authorized police authority as required in section 42-4-1606 and submit thereto the information specified in subsection (1) of this section.

42-4-1604. Duty upon striking unattended vehicle or other property

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and either locate and notify the operator or owner of such vehicle or other property of such fact, the driver's name and address, and the registration number of the vehicle he or she is driving or attach securely in a conspicuous place in or on such vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving. The driver shall also make report of such accident when and as required in [section 42-4-1606](#). Every stop shall be made without obstructing traffic more than is necessary. This section shall not apply to the striking of highway fixtures or traffic control devices which shall be governed by the provisions of [section 42-4-1605](#). Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-1605. Duty upon striking highway fixtures or traffic control devices

The driver of any vehicle involved in an accident resulting only in damage to fixtures or traffic control devices upon or adjacent to a highway shall notify the road authority in charge of such property of that fact and of the driver's name and address and of the registration number of the vehicle he or she is driving and shall make report of such accident when and as required in [section 42-4-1606](#). Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-1606. Duty to report accidents

(1) The driver of a vehicle involved in a traffic accident resulting in injury to, serious bodily injury to, or death of any person or any property damage shall, after fulfilling the requirements of section 42-4-1602 and 42-4-1603 (1), give immediate notice of the location of such accident and such other information as is specified in section 42-4-1603 (2) to the nearest office of the duly authorized police authority and, if so directed by the police authority, shall immediately return to and remain at the scene of the accident until said police have arrived at the scene and completed their investigation thereat.

(2) Repealed.

(3) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

(4) (a) (I) It is the duty of all law enforcement officers who receive notification of traffic accidents within their respective jurisdictions or who investigate such accidents either at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses to submit reports of all such accidents to

the department on the form provided, including insurance information received from any driver, within five days of the time they receive such information or complete their investigation. The law enforcement officer shall indicate in such report whether the inflatable restraint system in the vehicle, if any, inflated and deployed in the accident. For the purposes of this section, "inflatable restraint system" has the same meaning as set forth in 49 CFR sec. 507.208 S4.1.5.1 (b).

(II) Repealed.

(b) The law enforcement officer shall not be required to complete an investigation or file an accident report:

(I) In the case of a traffic accident involving a motor vehicle, if the law enforcement officer has a reasonable basis to believe that damage to the property of any one person does not exceed one thousand dollars and if the traffic accident does not involve injury to or death of any person; except that the officer shall complete an investigation and file a report if specifically requested to do so by one of the participants or if one of the participants cannot show proof of insurance; or

(II) In the case of a traffic accident not involving a motor vehicle, if the traffic accident does not involve serious bodily injury to or death of any person.

(5) The person in charge at any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of the duly authorized police authority within twenty-four hours after such motor vehicle is received, giving the vehicle identification number, registration number, and, if known, the name and address of the owner and operator of such vehicle together with any other discernible information.

(6) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-1607. When driver unable to give notice or make written report

(1) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in [section 42-4-1606 \(1\)](#) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

(2) Repealed.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-1901. School buses - equipped with supplementary brake retarders

(1) (a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this section, passengers of any school bus being used on mountainous terrain by any school district of the state shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus during the period of such use. (b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any road or street which the department of transportation has designated as being located on mountainous terrain.

(2) (a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:

(I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or

(II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.

(b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on or after April 17, 1991. The general assembly also encourages school

districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses.

(3) For purposes of this section and [section 42-4-1902](#):

(a) "Mountainous terrain" means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and side hill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

Section 42-4-1902 - School vehicle drivers - special training required

On and after July 1, 1992, the driver of any school vehicle as defined in section 42-1-102 (88.5) owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 42-4-1901 (3) (a), and driving in adverse weather conditions.

Section 42-4-1903 - School buses - stops-signs-passing

(1) (a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren.

(b) (I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.

(II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.

(2) (a) Every school bus as defined in section 42-1-102 (88), other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of schoolchildren shall:

(I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and

(II) Display eight visual signal lights meeting the requirements of 49 CFR 571.108 or its successor regulation.

(b) (I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

(II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

- (c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.
- (3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.
- (4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.
- (5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.
- (6) (a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.
- (b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.
- (7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104 (1) (c), C.R.S.

Section 42-4-1904 - Regulations for school buses - regulations on discharge of passengers - penalty - exception

- (1) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this article to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.
- (2) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be cancelled after notice and hearing by the responsible officers of such district.
- (3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.
- (4) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104 (1) (c), C.R.S.

CCR 301-14 Individuals with Disabilities Education Act (IDEA)

<http://www2.ed.gov/policy/speced/guid/idea/idea2004.html>

Section 300.342 - When IEPs must be in effect

- a) **General.** At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.
- (b) **Implementation of IEPs.** Each public agency shall ensure that-
 - (1) An IEP-
 - (i) Is in effect before special education and related services are provided to an eligible child under this part; and
 - (ii) Is implemented as soon as possible following the meetings described under §300.343;
 - (2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and
 - (3) Each teacher and provider described in paragraph (b) (2) of this section is informed of-
 - (i) His or her specific responsibilities related to implementing the child's IEP; and
 - (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP

Section 300.572 - Safeguards

- (a) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- (b) One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
- (c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under §300.127 and 34 CFR part 99.
- (d) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information

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Federal Motor Carrier Safety Regulations

Part 382 - Controlled Substances and Alcohol Use and Testing

<https://www.fmcsa.dot.gov/regulations/title49/part/382>

§ 382.101: Purpose.

The purpose of this part is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles

§ 382.103: Applicability.

(a) This part applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to:

(1) The commercial driver's license requirements of part 383 of this subchapter;

(2) The Licencia Federal de Conductor (Mexico) requirements; or

(3) The commercial driver's license requirements of the Canadian National Safety Code.

(b) An employer who employs himself/herself as a driver must comply with both the requirements in this part that apply to employers and the requirements in this part that apply to drivers. An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool.

(c) The exceptions contained in § 390.3(f) of this subchapter do not apply to this part. The employers and drivers identified in § 390.3(f) of this subchapter must comply with the requirements of this part, unless otherwise specifically provided in paragraph (d) of this section.

(d) **Exceptions.** This part shall not apply to employers and their drivers:

(1) Required to comply with the alcohol and/or controlled substances testing requirements of part 655 of this title (Federal Transit Administration alcohol and controlled substances testing regulations); or

(2) Who a State must waive from the requirements of part 383 of this subchapter. These individuals include active duty military personnel; members of the reserves; and members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training and national guard military technicians (civilians who are required to wear military uniforms), and active duty U.S. Coast Guard personnel; or

(3) Who a State has, at its discretion, exempted from the requirements of part 383 of this subchapter. These individuals may be:

(i) Operators of a farm vehicle which is:

(A) Controlled and operated by a farmer;

(B) Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;

(C) Not used in the operations of a common or contract motor carrier; and

(D) Used within 241 kilometers (150 miles) of the farmer's farm.

(ii) Firefighters or other persons who operate commercial motor vehicles which are necessary for the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulation.

(4) Who operate “covered farm vehicles,” as defined in 49 CFR 390.5.

§ 382.105: Testing procedures.

Each employer shall ensure that all alcohol or controlled substances testing conducted under this part complies with the procedures set forth in part 40 of this title. The provisions of **§ 382.107: Definitions.**

Words or phrases used in this part are defined in §§ 386.2 and 390.5 of this subchapter, and § 40.3 of this title, except as provided in this section—

Actual knowledge for the purpose of subpart B of this part, means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or

controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in § 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under § 382.307.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Commerce means:

- (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and
- (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test means a second test performed on a urine specimen to further support a validity test result.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not “employers” for purposes of this part.

Controlled substances mean those substances identified in § 40.85 of this title.

Designated employer representative (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) **Inclusions.** Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

(2) **Exclusions.** (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

(ii) Tire disablement without other damage even if no spare tire is available.

(iii) Headlight or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with part 40 of this title.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Employer means a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this part. The term, as used in this part, means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including

individuals employed by the entity who take personnel actions resulting from violations of this part and any applicable DOT agency regulations. Service agents are not employers for the purposes of this part.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (*i.e.*, positives, negatives, and refusals) under this part.

Refuse to submit (to an alcohol or controlled substances test) means that a driver:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see § 40.61(a) of this title);
- (2) Fail to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see § 40.63(c) of this title) a pre-employment test is not deemed to have refused to test;
- (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see § 40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see §§ 40.67(l) and 40.69(g) of this title);
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see § 40.193(d)(2) of this title);
- (6) Fail or declines to take a second test the employer or collector has directed the driver to take;
- (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under § 40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(9) Is reported by the MRO as having a verified adulterated or substituted test result.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

(1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;

(2) All time inspecting equipment as required by §§ 392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of § 393.76 of this subchapter);

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (or initial test) means:

(1) In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.

(2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Violation rate for random alcohol testing means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part.

f part 40 of this title that address alcohol or controlled substances testing are made applicable to employers by this part.

§ 382.109: Preemption of State and local laws.

(a) Except as provided in paragraph (b) of this section, this part preempts any State or local law, rule, regulation, or order to the extent that:

(1) Compliance with both the State or local requirement in this part is not possible; or

(2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(b) This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers,

§ 382.111: Other requirements imposed by employers.

Except as expressly provided in this part, nothing in this part shall be construed to affect the authority of employers, or the rights of drivers, with respect to the use of alcohol, or §

382.113: Requirement for notice.

Before performing each alcohol or controlled substances test under this part, each employer shall notify a driver that the alcohol or controlled substances test is required by this part. No employer shall falsely represent that a test is administered under this part.

the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

§ 382.115: Starting date for testing programs.

(a) All domestic-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations.

(b) All foreign-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations in the United States.

§ 382.117: Public interest exclusion.

No employer shall use the services of a service agent who is subject to public interest exclusion in accordance with 49 CFR part 40, Subpart R.

§ 382.119: Stand-down waiver provision.

- (a) Employers are prohibited from standing employees down, except consistent with a waiver from the Federal Motor Carrier Safety Administration as required under this section.
- (b) An employer subject to this part who seeks a waiver from the prohibition against standing down an employee before the MRO has completed the verification process shall follow the procedures in 49 CFR 40.21. The employer must send a written request, which includes all of the information required by that section to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.
- (c) The final decision whether to grant or deny the application for a waiver will be made by the Administrator or the Administrator's designee.
- (d) After a decision is signed by the Administrator or the Administrator's designee, the employer will be sent a copy of the decision, which will include the terms and conditions for the waiver or the reason for denying the application for a waiver.
- (e) Questions regarding waiver applications should be directed to the Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance (MC-EC), 1200 New Jersey Ave., SE., Washington, DC 20590-0001.

§ 382.121: Employee admission of alcohol and controlled substances use.

- (a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this part and part 40 of this title, provided that:
 - (1) The admission is in accordance with a written employer-established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;
 - (2) The driver does not self-identify in order to avoid testing under the requirements of this part;
 - (3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and

(4) The driver does not perform a safety sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

(b) A qualified voluntary self-identification program or policy must contain the following elements:

(1) It must prohibit the employer from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;

(2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;

(3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;

(4) It must ensure that:

(i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or

(ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and

(5) It may incorporate employee monitoring and include non-DOT follow-up testing.

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Additional Resources

Americans with Disabilities Act

<http://www.dol.gov/dol/topic/disability/ada.htm>

Board of Education - specific powers and duties - safe schools

Safe school plan

Conduct and discipline Code

http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2001/sl_154.pdf

Civil Rights - Disability Discrimination

<http://www2.ed.gov/policy/rights/guid/ocr/disability.html>

CO trip - State Web Portal for travel conditions

<http://www.cotrip.org/home.htm>

Code of Federal Regulations

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl

Colorado Chain Up Tips

<https://www.codot.gov/travel/library/Brochures/ChainTips.pdf>

Colorado Department of Revenue Division of Motor Vehicles

<https://www.colorado.gov/pacific/dmv/cdl-faq>

Colorado Department of Transportation

<https://www.codot.gov/topcontent/contact-cdot>

Colorado Revised Statutes

<http://www.lexisnexis.com/hottopics/Colorado/>

Every Student Succeeds Act (ESSA) - Reauthorization of No Child Left Behind Act - signed by President Obama 12/10/2015.

<https://www.whitehouse.gov/the-press-office/2015/12/03/fact-sheet-congress-acts-fix-no-child-left-behind>

Family Educational Rights and Privacy Act - FERPA

http://www.ecfr.gov/cgi-bin/text-idx?SID=6cf6a13718d882722093bb967c9cf6a0&tpl=/ecfrbrowse/Title34/34cfr99_main_02.tpl

Federal Motor Carrier Safety Administration

<http://www.fmcsa.dot.gov/>

IDEA - Individuals with Disabilities Education Act

<http://idea.ed.gov/>

McKinney-Vento Homeless Assistance Act- No Child Left Behind (NCLB) of 2001

<http://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>

Model Traffic Code for Colorado

<https://www.codot.gov/library/traffic/traffic-manuals-guidelines/fed-state-co-traffic-manuals/model-traffic-code>

Rules for the Administration of the Public School Transportation Fund

<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=5010&fileName=1%20CCR%20301-14>

Section 504 Frequently Asked Questions and Children with Disabilities

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

Senate Bills

01-003 - Minimum standards for commercial vehicles

http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2001/sl_107.pdf

US Department of Transportation 49 CFR Part 40

<http://www.dot.gov/odapc/part40>