



Book	Policy Manual
Section	Volume 15 Number 2 Update-Ready for the Board
Title	Revised Policy - Vol. 15, No. 2 - August 2023 - BUS OPERATOR CERTIFICATION
Code	po8600.04
Status	
Adopted	March 14, 2013
Last Revised	December 17, 2019

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8600.04 - BUS OPERATOR CERTIFICATION

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

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

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

shall be considered a refusal which is equivalent to testing positive. The operator will not be certified to operate a bus for at least two (2) years subsequent to a first positive or adulterated test result unless the operator completes a return-to-duty process which includes consultation with a substance abuse professional. For a second positive test result or adulteration, certification shall be revoked and refused permanently.

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

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

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

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

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

BUS OPERATOR CERTIFICATION TEST

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

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

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

BUS OPERATOR RECRUITMENT AND TRAINING PROGRAMS

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

The programs are subject to the following:

- A. It has been submitted and approved by the West Virginia Department of Education;
- B. May only be used if the Board is unable to maintain an adequate number of bus operators or substitute bus operators in its pool or is experiencing a shortage in adequately staffing its school transportation system;
- C. The program includes requirements for program participants to submit to and pass pursuant to State law, a background check (See Board Policy 3121/Board Policy 4121), and submit to and pass pursuant to the West Virginia School Bus Transportation Policy and Procedures Manual (policy 4336), a drug screen (See Board Policy 4162);

- D. Specifies the amount, if any, of any stipend to be paid to program participants or any reimbursement of participant costs or other benefit upon successful completion, or any penalties for failure to complete the program;
- E. Program specifies any obligation, if any, on participants who successfully complete the program to apply or become employed by the county board as a bus operator or substitute bus operator for a period of time, and any penalty for failure to comply with any post program completion requirements; and
- F. The Board posts bus operator training program position openings on the Board website and may advertise them in other media. This post must include any appropriate qualifications.

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

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

Cross References

po4120.12 - Areas of Critical Need and Shortage for Substitute Bus Operators

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Legal	West Virginia Board of Education policy 1340
	West Virginia Board of Education policy 4336
	WV Code 17C-14-12
	WV Code 18A-4-8e
	WV Code 18A-4-8e(k)
Cross References	po4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS