

Chapter 392-144 WAC
SCHOOL BUS DRIVER QUALIFICATIONS

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WAC

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WAC 392-144-005 Purpose and authority. (1) The purpose of this chapter is to set the minimum standards and qualifications for local education agency(ies) or contracted employees operating school buses for the transportation of public school children.

(2) The authority for this chapter is RCW 28A.160.210.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-005, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-005, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, recodified as § 392-144-005, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 02-18-055, § 180-20-005, filed 8/28/02, effective 9/28/02; WSR 93-08-007, § 180-20-005, filed 3/24/93, effective 4/24/93.]

WAC 392-144-010 Chapter requirements—Employment. The requirements in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of such drivers.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, recodified as § 392-144-010, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 02-18-055, § 180-20-007, filed 8/28/02, effective 9/28/02.]

WAC 392-144-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Superintendent" means the Washington state superintendent of public instruction or designee.

(2) "School bus driver" means a person, who is employed by a local education agency including contracted drivers under WAC 392-144-040 (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC 392-143-010, or other motor vehicles for the regularly scheduled transportation of students between home and school. School buses shall be operated by authorized school bus drivers when transporting students. An authorized school

bus driver may also transport students on field trips and other school related activities.

(3) "School bus driver's authorization" means an authorization issued by the superintendent indicating that the person has met the requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities. A school bus driver must have a valid authorization prior to transporting students and such authorization shall continue in effect as long as the person continues to meet the requirements of this chapter. A school bus driver authorization is not valid if suspended, revoked or lapsed.

(4) "Lapsed school bus driver's authorization" means the driver does not have a valid driver's license, current first-aid training, a current medical examiner's certificate (including any required intra-state medical waiver) or current in-service training. A school bus driver shall not operate a school bus with passengers on board until they meet all requirements. There is no requirement for a lapse in authorization to be reported to the superintendent of public instruction.

(5) "Suspended school bus driver's authorization" means the superintendent has suspended the school bus driver's authorization for a specific period of time. The superintendent will not remove the driver from the agency's list of authorized drivers. This action does not prevent the local education agency from taking independent actions to terminate the employment of the driver. In that case, the local education agency would remove the driver from the list of their authorized drivers.

(6) "Revoked school bus driver's authorization" means the superintendent has determined the school bus driver no longer meets the minimum requirements of this chapter and the driver's name is removed from the list of authorized drivers at the employing local education agency. The driver will not be eligible to be an authorized school bus driver at any local education agency until the disqualifying conditions are no longer present. In those rare situations where the disqualifying conditions are particularly grievous including, but not limited to, crimes against children and falsification of records, the revocation may be permanent.

(7) "Authorized school bus driver instructor" means an individual authorized by the superintendent to verify the training of school bus drivers.

(8) "School bus driver training course" means a course established by the superintendent and taught or overseen by an authorized school bus driver instructor. This course shall be successfully completed by all applicants for a school bus driver's authorization.

(9) "School bus driver annual in-service training" means annual training taught by an authorized school bus driver instructor. The content and minimum time requirements of such training shall be annually determined by the superintendent and shall be completed no earlier than August 1st and no later than October 31st by all authorized school bus drivers. A school bus driver's authorization is lapsed effective the first day of November of any school year if the school bus driver did not attend the in-service training class.

(10) "School bus driver instructor's course" means a training program established by the superintendent to qualify a person as a school bus driver instructor.

(11) "School bus driver instructor's annual in-service training" means annual required training, the content of which shall be deter-

mined by the superintendent. Successful completion of this course prevents the instructor's authorization from lapsing.

(12) "Professional misconduct" means a documented instance of an authorized school bus driver failing to comply with the provisions of this chapter, the provisions of chapter 392-145 WAC, or the provisions of chapter 46.25 RCW while authorized to operate a school bus and chapter 46.61 RCW while operating a school bus.

(13) "Certified medical examiner" means an individual certified by the federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners.

(14) "Medical examiner's certificate" means a written verification of passing a medical examination in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations.

(15) "Local education agency" means a common school district, educational service district, charter school established under chapter 28A.710 RCW, or state-tribal education compact school approved and executed under chapter 28A.715 RCW.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-020, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-020, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-020, filed 9/5/08, effective 10/6/08; WSR 08-07-054, § 392-144-020, filed 3/14/08, effective 4/14/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-020, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-009, filed 9/20/05, effective 10/21/05; WSR 04-08-055, § 180-20-009, filed 4/2/04, effective 5/3/04; WSR 02-18-055, § 180-20-009, filed 8/28/02, effective 9/28/02.]

WAC 392-144-030 Training and qualifications of school bus driver instructors—Administration. (1) Superintendent's duties.

(a) The superintendent shall determine the qualifications necessary for applicants for the school bus driver instructor course and qualifications necessary for continuation of the school bus driver instructor authorization.

(b) Each school bus driver instructor shall verify annually that they continue to meet the superintendent's qualifications determined under this section.

(c) In the case of denial of authorization or disqualification, the superintendent shall provide an appeal process consistent with the provisions of this chapter.

(2) Lapsing of school bus driver instructor's authorization.

(a) A school bus driver instructor's authorization shall lapse effective the first day of September of any school year, unless the driver instructor has successfully completed the school bus driver instructor's in-service training for that school year.

(b) A school bus driver instructor is not required to notify the superintendent when the instructor's authorization is lapsed.

(c) A school bus driver instructor with a lapsed authorization cannot verify the successful completion of the school bus driver training course or the school bus driver in-service training.

(d) Reinstatement of the school bus driver instructor's authorization that has lapsed for failure to complete the annual in-service

training occurs automatically upon completion of the required training, provided the authorization has not expired.

(3) **Expiration of school bus driver instructor's authorization.**

(a) A school bus driver instructor's authorization shall expire effective the first day of September of the second school year without successful completion of the school bus driver instructor's annual in-service training.

(b) Reinstatement of a school bus driver instructor's authorization that has expired requires another successful completion of the school bus driver instructor training course.

(c) A school bus driver instructor with an expired authorization cannot verify the successful completion of the school bus driver training course or the school bus driver in-service training.

(4) **Falsification.** Intentional falsification of school bus driver training records shall result in permanent revocation of the school bus driver instructor authorization.

(5) **Training records.** School bus driver training records include, but are not limited to:

(a) Initial school bus driver training records;

(b) School bus driver annual in-service training records;

(c) School bus driver annual verification reports as required by this chapter.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-030, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-030, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-030, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-021, filed 9/20/05, effective 10/21/05; WSR 04-08-055, § 180-20-021, filed 4/2/04, effective 5/3/04.]

WAC 392-144-040 Application to contractors. (1) **Contract requirements.** Every contract between a local education agency and a contractor for student transportation services shall provide for compliance with the requirements of this chapter and establish the responsibility of the contractor or local education agency, or both, to assure compliance with such requirements.

(2) **Applicability of requirements.** Each driver employed by a contractor to provide student transportation services shall meet the requirements of this chapter, and shall be subject to the denial, suspension, lapse, and revocation of their school bus driver authorization and the authority to operate a motor vehicle under this chapter.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-040, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-040, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, recodified as § 392-144-040, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 02-18-055, § 180-20-031, filed 8/28/02, effective 9/28/02; WSR 93-08-007, § 180-20-031, filed 3/24/93, effective 4/24/93.]

WAC 392-144-045 Use of charter bus companies. Every contract between a local education agency and a charter bus carrier or excursion carrier, or subcontracted carrier shall require a carrier profile

report indicating a satisfactory rating from the Washington utilities and transportation commission before any service is provided. Supervision of children on trips under this subsection shall be designated to a specific employee of the local education agency who shall ensure that the driver shall have not have unsupervised access to students during the trip.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-045, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-045, filed 4/9/14, effective 9/1/14.]

WAC 392-144-101 Initial requirements for school bus drivers.

Every authorized school bus driver must meet the following initial requirements:

(1) Have at least five years of experience as a licensed driver of a passenger vehicle.

(2) Submit to a criminal record check according to chapter 28A.400 RCW which shows that no offenses have been committed which would be grounds for disqualification of an authorization as listed in WAC 392-144-103.

(3) Satisfactorily complete a school bus driver training course administered by an authorized school bus driver instructor.

(4) Meet all applicable continuing school bus driver requirements in WAC 392-144-102.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-101, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-101, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-101, filed 9/20/05, effective 10/21/05; WSR 05-08-014, § 180-20-101, filed 3/28/05, effective 4/28/05; WSR 04-08-055, § 180-20-101, filed 4/2/04, effective 5/3/04; WSR 02-18-055, § 180-20-101, filed 8/28/02, effective 9/28/02; WSR 99-08-004, § 180-20-101, filed 3/25/99, effective 4/25/99; WSR 96-20-042, § 180-20-101, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-101, filed 3/24/93, effective 4/24/93.]

WAC 392-144-102 Continuing requirements for authorized school bus drivers. Every authorized school bus driver must continue to meet the following requirements:

(1) **Valid driver's license.** Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(2) **In-service training course.** Satisfactorily complete the annual school bus driver in-service training course.

(a) A school bus driver's authorization shall lapse effective the first day of November if the driver has not completed the in-service training course for the current school year. A lapsed authorization can be reinstated when in-service has been completed for that school year, provided the authorization has not expired.

(b) A school bus driver's authorization shall expire effective the first day of November of the second school year without successful completion of the school bus driver's in-service training for the past and current school year. Reinstatement of a school bus driver's au-

thorization that has expired requires another successful completion of the "School bus driver training course."

(c) A school bus driver with a lapsed or expired authorization cannot transport students in a school bus or other local education agency vehicle for purposes defined in WAC 392-144-020(3).

(3) **First-aid training.** Maintain current and valid training in a first-aid course accepted by the local education agency.

(4) **Disclosure of legal actions.** Submit annually to the local education agency a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial, suspension, or revocation of authorization under WAC 392-144-103.

(5) **Physical requirements.** Every authorized school bus driver must continue to meet the following physical requirements:

(a) Is physically able to maneuver and control a school bus under all driving conditions; and

(b) Is physically able to use all controls and equipment found on state minimum specified school buses; and

(c) Is physically able to perform daily routine school bus vehicle safety inspections; and

(d) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds. A local education agency may develop and implement an alternative assessment of physical strength and agility. The alternate assessment must be submitted by the local education agency superintendent for review and approval by the superintendent; and

(e) Provide a copy of a current and valid medical examiner's certificate to their employer.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-102, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-102, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-102, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-102, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-102, filed 9/20/05, effective 10/21/05.]

WAC 392-144-103 Disqualifying conditions for authorized school bus drivers. A school bus driver's authorization will be denied, suspended, or revoked as a result of the following conditions:

(1) **Misrepresenting or concealing material facts.** Misrepresenting or concealing a material fact in obtaining or maintaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

(2) **Moving violations.** Having a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC 308-104-160 within the preceding five years or having had their commercial driver's license disqualified, suspended, or revoked within the preceding five years; a certified copy of the disqualification,

suspension, or revocation order issued by the department of licensing being conclusive evidence of the disqualification, suspension, or revocation.

(3) **Conviction of motor vehicle violations.** Having been convicted of any of the following motor vehicle violations within the last five years:

(a) Three or more speeding tickets, including driving too fast for conditions;

(b) Hit and run driving;

(c) Vehicular assault;

(d) Vehicular homicide;

(e) Driving while intoxicated;

(f) Being in physical control of motor vehicle while intoxicated;

(g) Negligent driving in the first degree;

(h) Reckless driving;

(i) Any motor vehicle violation agreed to during a court proceeding as a result of an alcohol related driving infraction.

(4) **Transporting students with a suspended, surrendered, or revoked school bus driver's authorization.** Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a lapsed, suspended, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter.

(5) **Transporting students with a disqualified, suspended, surrendered, or revoked driver's license.** Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended or revoked driver's license or a suspended, invalid, disqualified, or revoked commercial driver's license.

(6) **Drug or alcohol test.** Having refused to take a drug or alcohol test or tested positive for drugs or alcohol in accordance with the provisions of 49 C.F.R. 382 within the preceding five years. Notification from the local education agency or the medical review officer will be considered evidence of a refusal or positive test as defined in RCW 46.25.010.

(7) **Conviction of controlled substance or prescription drugs.** Having been convicted of any crime within the last ten years involving the use, sale, possession, or transportation of any controlled substance or prescription drug;

(8) **Conviction of certain felony crimes.** Having been convicted of felony crimes (including instances in which a plea of guilty or *nolo contendere* is the basis for the conviction) or being under a deferred prosecution under chapter 10.05 RCW involving:

(a) The physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;

(c) The sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;

(e) The promotion of prostitution of a child under chapter 9A.88 RCW;

(f) The sale or purchase of a child under RCW 9A.64.030;

(g) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal crimes and crimes committed in other states;

(h) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(i) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(9) **Crimes that impair the worthiness and ability to serve as an authorized school bus driver.** Having been convicted of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as an authorized school bus driver within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person currently authorized as a school bus driver in a suspension or revocation action, the effect on the school bus driving profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or authorized school bus driver has the duty to provide available evidence relative to the above considerations. The superintendent has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or authorized school bus driver.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-103, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-103, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-103, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-103, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 06-01-039, § 180-20-103, filed 12/15/05, effective 1/15/06; WSR 05-19-107, § 180-20-103, filed 9/20/05, effective 10/21/05.]

WAC 392-144-110 Temporary authorizations—Requirements and issuing procedures. (1) **Requirements for temporary authorization.** A temporary school bus driver authorization may be issued by the superintendent upon application by an authorized representative of the employing local education agency when the following has been provided:

(a) Verification of successful completion of the school bus driver training course.

(b) Verification that it has on file a copy of a current and valid medical examiner's certificate.

(c) Verification that it has on file an original, current employment driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record obtained from the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days prior to the date the application is being submitted for temporary authorization.

(d) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 392-144-103 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(e) Verification that it has requested a criminal record check as required under chapter 28A.400 RCW and the date of such request.

(f) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter except for first-aid training in a first-aid course and/or the results of a criminal record check.

(2) **Notice of authorization.** Upon approval of the temporary authorization, notice will be provided to the employing local education agency.

(3) **Validity.** The temporary authorization shall be valid for a period of sixty calendar days. The temporary authorization may be renewed by approval of the superintendent when the results of the criminal background check have not been received.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-110, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-110, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-110, filed 9/5/08, effective 10/6/08; WSR 07-13-067, § 392-144-110, filed 6/18/07, effective 7/19/07. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-110, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-111, filed 9/20/05, effective 10/21/05; WSR 04-08-055, § 180-20-111, filed 4/2/04, effective 5/3/04; WSR 02-18-055, § 180-20-111, filed 8/28/02, effective 9/28/02; WSR 99-08-004, § 180-20-111, filed 3/25/99, effective 4/25/99; WSR 96-20-042, § 180-20-111, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-111, filed 3/24/93, effective 4/24/93.]

WAC 392-144-120 School bus driver authorization—Requirements and issuing procedures. A school bus driver authorization may be issued by the superintendent upon application by an authorized representative of the employing local education agency subject to compliance with the following provisions:

(1) **Requirements for authorization.** The employing local education agency shall forward to the superintendent the following verifications relating to the applicant:

(a) Verification of successful completion of the school bus driver training course taught by an authorized school bus driver instructor.

(b) Verification that it has on file a copy of a current and valid medical examiner's certificate.

(c) Verification that it has on file an original, current employment driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record obtained from the department of licensing verifying compliance with all provisions of this chapter. For applicants that have an out-of-state license, the district is required to annually obtain a current driving record from the corresponding state. The issue date of this abstract must be within sixty calendar days prior to the date an application was submitted for temporary authorization. If no request for a temporary school bus authorization was submitted, the issue date must be within sixty calendar days prior to the date of application of the school bus driver authorization.

(d) Verification that the applicant has completed a current and valid first-aid training course.

(e) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 392-144-103 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that it has on file the results of a criminal record check as required under chapter 28A.400 RCW and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter and the date of such request.

(g) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter.

(2) **Notice of authorization.** Upon approval of an application, the superintendent shall issue a notice of school bus driver authorization to the employing local education agency.

(3) **Issuance of subsequent authorizations.** Subsequent authorizations for an individual driver with new or additional employing local education agency(ies) must be issued from the superintendent to such agency(ies) prior to the operation of any motor vehicle for the transportation of children.

(4) **Authorization to drive for two local education agencies.** If two local education agencies enter into an interlocal agreement for the services of a school bus driver, the school bus driver does not need to be authorized in the nonemploying local education agency. The school bus driver is required to have a valid school bus driver's authorization with the employing local education agency.

(5) **List of authorized drivers.** The superintendent will provide each local education agency with a list of their authorized school bus drivers and each authorized school bus driver's status.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-120, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-120, filed 4/9/14, effective 9/1/14; WSR 07-13-067, § 392-144-120, filed 6/18/07, effective 7/19/07. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-120, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-112, filed 9/20/05, effective 10/21/05.]

WAC 392-144-130 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings. (1) **Burden of proof.** A request for an authorization may be denied or an authorization issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in WAC 392-144-101 and 392-144-102 or for disqualifying conditions set forth in WAC 392-144-103, established by a preponderance of the evidence.

(2) **Grounds for denial, suspension, or revocation of authorization.**

(a) A behavioral problem or professional misconduct, which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. The employing local education agency shall determine if the behavioral problem or professional misconduct is a condition precedent to denial, suspension, or revocation action.

(b) Upon a conviction, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3) **Court-ordered treatment program.**

(a) Any person in a court-ordered treatment program for alcohol or other drug misuse shall have his or her authorization suspended until treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or drug treatment program at which time the authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter 10.05 RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) **Emergency suspension.** If the superintendent finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent shall expedite all due process actions as quickly as possible.

(5) **Appeals and adjudicative proceedings.**

(a) Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization may do so to the superintendent or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494, and the administrative practices and procedures of the superintendent in chapter 392-101 WAC.

(b) The superintendent may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(c) The superintendent may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(d) Any person who disagrees with the local education agency's determination of failure to meet any school bus driver authorization qualifications may request that the local education agency forward the pertinent records to the superintendent. After review or investigation, the superintendent shall grant, deny, suspend, or revoke the authorization.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-130, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-130, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-130, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-130, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-120, filed 9/20/05, effective 10/21/05; WSR 02-18-055, § 180-20-120, filed 8/28/02, effective 9/28/02; WSR 99-08-004, § 180-20-120, filed 3/25/99, effective 4/25/99; WSR 96-20-042, § 180-20-120, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-120, filed 3/24/93, effective 4/24/93.]

WAC 392-144-135 School bus driver—Medical examiner's certificate requirements. (1) **Verification.** School bus drivers must provide verification to their employer of passing a medical examination completed by a medical examiner at or prior to the current certificate expiration date.

(2) **Exemptions or waivers.** If the medical examiner determines the school bus driver does not meet the minimum federal medical standards for interstate commerce but qualifies for an interstate exemption, the school bus driver must comply with the Federal Motor Carrier Safety Administration's exemption program. If the medical examiner determines the school bus driver does not meet the minimum federal medical standards for intrastate commerce, but qualifies for an intrastate medical waiver, the school bus driver must comply with the department of licensing's requirements for an intrastate medical waiver as defined in WAC 480-30-226. School bus drivers must provide their employer a copy of their valid federal exemption or intrastate medical waiver certificate.

(3) **Continued requirement.** School bus drivers must continue to meet these medical requirements during the time between examinations.

(4) **Medical examinations required by local education agencies.**

(a) A local education agency may require more frequent examinations of any school bus driver.

(b) If a local education agency requires a school bus driver to be examined by a local agency selected physician, the local education agency must pay for the cost of such exam. If the driver objects to the local education agency's selected physician, a physician must be selected that is mutually acceptable.

(5) **Individuals with diabetes.** An individual who is a diabetic being treated with insulin may hold a school bus driver authorization if they meet the following requirements:

(a) Possess a medical examiner's certificate showing the driver is qualified and meets the medical requirements defined in WAC 392-144-020(14); or

(b) Possess a valid commercial driver license intrastate medical waiver certificate for diabetes from the Washington state department of licensing;

(c) Provide at a minimum of every twenty-four months to the authorizing local education agency(ies) or employer a completed, signed copy of Form SPI 1643 (Part A), Application Section, and a completed, signed copy of Form SPI 1643 (Part B), Physician Evaluation Section indicating the driver's medical condition allows them to safely operate a school bus while using insulin. The physician evaluation section

must indicate that within the past three years, the driver has completed instruction including diabetes management and driving safety; the signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise. Physician verification of participation in a diabetes education program covering these topics is required at least every three years in order to remain qualified for a school bus driver authorization;

(d) Provide at a minimum of every twelve months to the authorizing local education agency(ies) or employer a completed, signed copy of Form SPI 1643 (Part C), Vision Evaluation Section indicating the driver does not have any vision problems that might impair safe driving;

(e) Provide at a minimum of every six months to the authorizing local education agency(ies) or employer a completed, signed copy of Form SPI 1643 (Part D), HbA1c Report Section indicating values more than 5.9 and less than 9.6 (unless accompanied by the signed medical opinion that the event was incidental and not an indication of failure to control glucose levels);

(f) Self-monitor blood glucose using an FDA approved device and demonstrate conformance with requirements (more than 100 mg/dl and less than 300 mg/dl):

(i) Within one hour before driving vehicles transporting students; and

(ii) Approximately every four hours while on duty.

(g) Maintain a daily log of all glucose test results for the previous six-month period and provide copies to the authorizing local education agency(ies) or employer, and the medical examiner or physician upon request;

(h) Carry a source of readily absorbable/fast-acting glucose while on duty;

(i) Report immediately to their employer, any failure to comply with specific glucose level requirements as listed in (e) or (f) of this subsection, or loss of consciousness or control;

(j) Individuals who have had a loss of consciousness or loss of control (cognitive function) due to a diabetic event do not qualify for a school bus driver authorization for one year, provided there has not been a recurrent hypoglycemic reaction requiring assistance of another person within the previous five years;

(k) A school bus driver is no longer authorized to operate a school bus and must be immediately removed from driving duties for any of the following:

(i) Results of the most recent HbA1c test indicating values less than 6.0 or greater than 9.5 (unless accompanied by the signed medical opinion that the event was incidental and not an indication of failure to control glucose levels);

(ii) Results of self-monitoring indicate glucose levels less than 100 mg/dl or greater than 300 mg/dl, until self-monitoring indicates compliance with specifications;

(iii) Experiencing a loss of consciousness or control relating to diabetic condition;

(iv) Failing to maintain or falsifying the required records, including self-monitoring records and any section of Form SPI 1643.

(l) The authorizing local education agency or employer may request medical review of any or all signed, completed sections of Form SPI 1643 (Parts A-D), Washington state authorized school bus driver diabetes exemption program, and the driver's daily glucose test logs

by a medical examiner or physician of their choice. The cost of this review shall be paid by the local education agency or employer.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-135, filed 8/1/19, effective 9/1/19.]

WAC 392-144-140 School bus driver—Reporting. (1) Written notification of criminal charges.

(a) Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct listed in WAC 392-144-103. The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension, disqualification, or revocation orders issued by the department of licensing.

(b) In cases where the employer is providing transportation services through a contract with the local education agency, the contractor shall immediately notify the local education agency's superintendent or designee.

(2) **Content of notification.** The notification in writing shall identify the name of the authorized driver, his or her driver's license number, the court in which the action is commenced, and the case number assigned to the action.

(3) **Failure to notify.** The failure of an authorized driver to comply with the provisions of this section is an act of professional misconduct and constitutes grounds for authorization suspension or revocation by the superintendent.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-140, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-140, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-140, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-140, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-135, filed 9/20/05, effective 10/21/05; WSR 02-18-055, § 180-20-135, filed 8/28/02, effective 9/28/02; WSR 93-08-007, § 180-20-135, filed 3/24/93, effective 4/24/93.]

WAC 392-144-150 Local education agency—Reporting. (1) Written notification of disqualifying conditions. Every local education agency employing authorized school bus drivers to transport children or contracting with a private firm who provides such authorized drivers as a part of a contract shall, within twenty calendar days, notify the superintendent in writing of knowledge it may have of any disqualifying conditions or the filing of any criminal charge involving the conduct listed in WAC 392-144-103 against any authorized school bus driver.

(2) **Content of notification.** The notification can be in writing or by email to the superintendent or its designee and shall identify the name of the authorized school bus driver, his or her driver's license number, the mailing address of the driver, the court in which the action is commenced, and the case number assigned to the action.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-150, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-150, filed

4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-150, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-150, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-140, filed 9/20/05, effective 10/21/05; WSR 93-08-007, § 180-20-140, filed 3/24/93, effective 4/24/93.]

WAC 392-144-160 Local education agency—Verification of driver's continuing compliance. (1) **Annual evaluation.** Every local education agency shall annually evaluate each authorized school bus driver for continuing compliance with the provisions of this chapter. The results of this evaluation of all drivers shall be submitted to the superintendent or their designee no later than the last business day in October of each year.

(2) **Verification.** This annual evaluation shall certify that the district has verified the following:

(a) That each authorized school bus driver's medical examination certificate expiration date, first-aid expiration date, driver's license expiration date and most recent school bus driver in-service training date has been updated in compliance with procedures established by the superintendent;

(b) That each authorized school bus driver's abstract of driving record provided by the department of licensing has been reviewed and is in compliance with WAC 392-144-103;

(c) That each authorized school bus driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC 392-144-102(4); and

(d) That each authorized school bus driver remains in compliance with the physical requirements of WAC 392-144-102(5).

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-160, filed 8/1/19, effective 9/1/19; WSR 14-22-020, § 392-144-160, filed 10/27/14, effective 11/27/14; WSR 14-09-031, § 392-144-160, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-160, filed 9/5/08, effective 10/6/08; WSR 07-13-067, § 392-144-160, filed 6/18/07, effective 7/19/07. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-160, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-145, filed 9/20/05, effective 10/21/05; WSR 96-20-042, § 180-20-145, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-145, filed 3/24/93, effective 4/24/93.]