



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

WWW.NCPUBLICSCHOOLS.ORG

October 8, 2013

MEMORANDUM

TO: Distribution

FROM: Derek Graham, Section Chief
Transportation Services

SUBJECT: Activity Bus Drivers – School Bus Certification

This memorandum is to provide background and information on the requirement for drivers of activity buses to possess a school bus driver's certificate. Initial notification of the intent to proceed with this requirement was sent to all superintendents in May, 2009. The State Board of Education passed policy TCS-H-010 on April 1, 2010. The policy – which was enacted to improve student safety - is shown at the end of this memo.

The process began when, in 2008, the Federal Motor Carrier Safety Administration (FMCSA) issued a proposed rulemaking that would require anyone acquiring a Commercial Drivers License (CDL) to undergo extensive classroom and behind-the-wheel training before getting their license. The rulemaking suggested more than twice the amount of training compared to that which our school bus drivers currently receive. The school bus community in North Carolina felt that this was overkill because of the current training requirements in place for our school bus drivers.

In preparing comments responding to this proposed rulemaking, we learned that it is possible for a driver of *activity* buses in North Carolina to get a CDL with the proper endorsements without going through a single day of training. An employee can take the DMV test and, upon passing, is legally able to transport up to 78 students (on our largest activity buses) – all without any training. If such a driver is involved in an accident, this practice would likely be hard to defend.

For years, many LEAs have required their activity bus drivers to have the same DMV certification as school bus drivers, which involves classroom training and behind-the-wheel training (provided by DMV) and passing the CDL test. In a 2009 survey of LEAs, with 85 of 115 responding, 11 LEAs do not require, but strongly encourage, activity bus drivers to have school bus driver certification. About half of the others required a school bus driver certificate for drivers of activity buses at that time.

Recognizing the tremendous responsibility of an activity bus driver who is entrusted with the lives of student passengers and the benefit of training, the State Board of Education enacted policy TCS-H-010. The policy simply requires any driver of an activity bus to have a North Carolina School Bus Driver's Certificate. Current drivers were "grandfathered" until July 1, 2015.

SAFE AND HEALTHY SCHOOLS SUPPORT DIVISION

Benjamin J. Matthews, Ph.D., Director | ben.matthews@dpi.nc.gov

6319 Mail Service Center, Raleigh, North Carolina 27699-6319 | (919) 807-3501 | Fax (919) 807-3502

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: Twenty-First Century Systems

Category: Transportation

Policy ID Number: [TCS-H-010](#)

Policy Title: Policies governing activity bus drivers

Current Policy Date: 08/04/2011

Other Historical Information: 04/01/2010

Statutory Reference:

Administrative Procedures Act (APA) Reference Number and Category:

(a) Definitions:

(1) CDL means a Commercial Drivers License, which is a license issued by the state that authorizes an individual to drive a commercial motor vehicle (G.S. 20-4.01).

(2) "CDL Activity Bus" means a school activity bus (G.S. 20-4.01) built to transport 16 or more passengers including the driver. A CDL is required to drive a "CDL Activity Bus" (G.S. 20-4.01).

(3) "School bus driver's certificate" means a certificate issued by a duly designated representative of the Commissioner of Motor Vehicles and the Director of Transportation, or a designee of the Director in charge of school buses in the county which shows that he or she has been examined and has been certified fit and competent to drive a school bus over the highways and public vehicular areas of the State. (G.S. 20-218)

(b) LEAs shall require individuals who transport students to or from a school-related activity in a CDL Activity Bus to hold a valid Commercial Drivers License with a Passenger (P) and School Bus (S) endorsement (CDL-P/S) as required by the Division of Motor Vehicles.

(c) Beginning July 1, 2010, LEAs shall require individuals being initially licensed with a CDL-P/S, who transport students to or from a school-related activity in a CDL Activity Bus, also to hold a school bus driver's certificate.

(d) Beginning July 1, 2015, LEAs shall not permit any individual to transport students in a CDL Activity Bus unless he or she holds both a CDL-P/S license and valid school bus driver's certificate.

History Note: Authority G.S.115C-240;