

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**3301-83-16 Non-routine use of school buses and motor vans.**

**Commented [FH1]:** Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed, and to correct the name of the agency consistent with HB 33 (135th GA). Language has been reorganized for clarity and ease of reference, and to correct grammatical and spelling errors. Language is updated to reflect the expanded authorization to use motor vans implemented by HB 33.

"Non-routine student transportation" ~~as is defined~~ in rule 3301-83-04 of the Administrative Code means the transportation of passengers for purposes other than regularly scheduled routes to and from school. School buses and motor vans may be used for non-routine trips only when such trips will not interfere with routine transportation services. Passengers participating in non-routine use of school vehicles ~~will shall~~ receive safety instructions at the beginning of the non-routine trip including, for school buses, ~~The return portion of a round trip event is excluded from this requirement. Instruction shall include~~ identification of safety exits, ~~requirement to keeping~~ aisles clear, ~~requirement to remaining~~ seated behind the barrier while the bus is in motion, and for all school vehicles, safe riding practices including instruction on rules as adopted by the vehicle owner's policy.

School bus and motor van owners using ~~Any use of~~ school buses or motor vans for other than transporting enrolled students to or from a school session or a school function may need ~~require the school bus owner~~ to obtain approval of the vehicle and operator as a commercial motor carrier pursuant to federal motor carrier safety administration (fmcsa.dot.gov), public utilities commission of Ohio, and Ohio department of transportation ~~rules and~~ regulations, and, in accordance with section 4511.01 of the Revised Code and rule 3301-83-19 of the Administrative Code.

(A) Permits

School bus or motor van owners, superintendents or their designees ~~are to shall~~ issue a trip permit that will ~~which shall~~ accompany the driver on any non-routine student transportation trip. The permit will shall provide the following information:

- (1) Date of trip;
- (2) Destination;
- (3) Purpose of trip;
- (4) Name of school district;
- (5) Driver's name;
- (6) Bus or motor van registration number or vehicle license number;
- (7) Total miles of trip;
- (8) Designated stops;
- (9) Route map and/or written directions for destination;
- (10) School bus or motor van owners, superintendent or designee signature.

(B) Chaperones

One or more adult chaperones, as approved by the school bus or motor van owner, superintendent or designee, may accompany each school bus or motor van used ~~required~~ for any non-routine trip involving school-age passengers. The chaperone's responsibility ~~is shall be~~ to assist the school transportation vehicle driver in maintaining passenger control and in enforcing procedures for the safety of all passengers. A ~~certificated~~ person holding a current bus driver or motor van certificate ~~licensed as a school bus driver~~ may

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serve as a chaperone and driver concurrently.

(C) Out-of-state trips

The board of education of any school district that owns and operates motor vehicles for transporting pupils may permit such vehicles to be used outside of Ohio for any lawful purpose provided the entire distance traveled outside Ohio on any trip does not exceed one-thousand miles. ~~The calculation of m~~ Mileage is calculated of the trip shall be the distance from point of exit from the state to the point of entry to the state.

**Commented [FH2]:** This language reflects mileage limitations imposed by R.C. 3327.015.

(D) Driver selection for assignment to non-routine trips should be based upon a policy adopted by the school bus or motor van owner which gives consideration to driver knowledge, skill, experience, vehicle familiarity and experience in operating a bus school transportation vehicle in the area to be traveled.

(E) A pre-trip inspection as detailed in ~~paragraph (B)~~ of rule 3301-83-11 of the Administrative Code will shall be completed and documented immediately prior to departure of a school bus or motor van on a non-routine trip. Such pre-trip inspection will not be necessary provided the bus school transportation vehicle received a documented pre-trip inspection during routine service on the same day and by the same driver.

(F) Transportation coordination

(1) Each school bus transportation vehicle owner or district may participate in the written county transportation plan that establishes policies regarding the transportation needs of Ohio works first participants seeking or striving to retain employment. A copy of the plan will shall be maintained by the school bus or school transportation vehicle owner for reference ~~on file~~.

(2) Based upon the availability of local and/or state resources, school bus transportation vehicle owners or districts may enter into contractual agreements with local social service agencies to provide school bus transportation to Ohio works first participants, when there are no other alternative methods of transportation as identified in the county transportation plan. The following conditions apply:

(a) The social service agency(ies) shall pay for the fully allocated costs associated with the use of the school transportation vehicles.

~~(a)~~ (b) The agency(ies) shall agree to hold harmless the school transportation vehicle bus owner or district from all liability arising from such use.

~~(b)~~ (c) The school transportation vehicle bus owner, district and/or agency(ies) must will obtain liability insurance in an amount equal to or greater than the maximum tort damage permitted by law.

~~(e)~~ (d) The proposed use is consistent with owner or district policies regarding the use of school transportation vehicles.

~~(d)~~ (e) Mileage under such contract/agreement is not reimbursable by the department of education and workforce.

~~(3)~~ School transportation vehicle bus owners or districts may enter into an agreement with any recognized organization serving the aged to provide for the use of school transportation vehicles subject to the same conditions applicable to social services agency(ies) listed in paragraph (F)(2) of this rule ~~under certain conditions~~.

**Commented [FH3]:** Language in (F)(3) (a) - (e) is removed as it is duplicative of the conditions set forth in (F)(2) (a) - (e).

~~(a) The organization must pay for the fully allocated costs associated with the use of the transportation~~

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vehicles:

- ~~(b) The organization must agree to hold harmless the school bus owner or district from all liability arising from such use.~~
- ~~(c) The school bus owner or district and/or organization must obtain liability in an amount equal to or greater than the maximum tort damage permitted by law.~~
- ~~(d) The proposed use is consistent with owner policies regarding the use of school transportation vehicles.~~
- ~~(e) Mileage under such contract/agreement is not reimbursable by the department of education.~~
- (4) The first priority for the use of school transportation vehicles is ~~must be~~ for the purposes outlined in Chapter 3301-83 of the Administrative Code.
- (5) Transportation coordination will ~~shall~~ not be conducted during those times the school transportation vehicle is in regular use and pupils ~~school children~~, or persons attending programs offered by community boards ~~of county boards of mental retardation and~~ developmental disabilities, are being transported.
- (6) It will be the responsibility of the school bus transportation vehicle ~~to~~ owner or district to ensure compliance to ~~with~~ all laws and regulations applicable to such additional use of the school transportation vehicles.

**Commented [FH4]:** Language is updated to reflect current nomenclature.