

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 290 Department or Agency State Department of Education
Rule No. 290-2-4-.08
Rule Title: Physical Examination for School Bus Drivers

New Amend
Repeal Adopt by Reference (Check appropriate box)

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A


Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule does have an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.



Thomas R. Bice

7/2/12
DATE

APA-2
11/96

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-2-4-.08
Physical Examination for School Bus Drivers

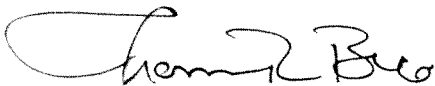
INTENDED ACTION: Adoption of a permanent Rule of the State Board of Education requiring physical examinations for all school bus drivers.

SUBSTANCE OF PROPOSED ACTION: The Alabama State Board of Education will be asked to adopt a permanent rule requiring all school bus drivers to undergo a physical examination by a certified physician before being allowed to transport students to and from school or school-related activities. This rule is required in accordance with Alabama Act 2012-372.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:30 a.m., on September 13, 2012, Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-242-9700) no later than September 3, 2012, in order to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 13, 2012

CONTACT PERSON AT AGENCY: Joe Lightsey, Director, Pupil
Transportation
Alabama Department of Education
P.O. Box 302101
Montgomery, Alabama 36130-2101
(334-242-9730)



Thomas R. Bice

NEW RULE

290-2-4-.06(3)

TRANSPORTATION

290-2-4-.08(2)

290-2-4-.08 Physical Examination for School Bus Drivers. No person shall be allowed to operate a school bus transporting students to or from school or school-related events unless the person is physically qualified to drive a school bus, in accordance with the provisions of Section 16-27-4.1 of the Code of Alabama 1975.

(1) A driver operating a school bus transporting students to or from school or school-related events must pass a physical examination, at their expense, and provide the Alabama School Bus Driver Physical Examination Report ("Report") to the employing board of education.

(a) A driver employed on May 14, 2012 must pass the initial physical examination and provide the Report to the employing local board of education before August 14, 2012 and every two years thereafter.

(b) A person holding an Alabama School Bus Driver Certificate who is not employed by a local board of education on May 14, 2012 must pass the initial physical examination and provide the Report to the employing local board of education before being allowed to operate a school bus and every two years thereafter.

(c) A person obtaining an Alabama School Bus Driver Certificate after May 14, 2012 must pass the initial physical examination and provide the Report to the employing board of education before being allowed to operate a school bus and every two years thereafter.

(2) The results of a school bus driver physical examination shall be documented on the Alabama School Bus Driver Physical Examination Report ("Report") provided by the State Department of Education and the Report shall be filed with the superintendent of the employing local board of education.

(3) A school bus driver holding a current, valid medical card issued by a DOT-certified medical examiner may comply with this regulation by completing the appropriate section of the Report and submitting the Report and a copy of their DOT Medical Card to the employing local board of education.

(4) A school bus driver holding a valid Alabama School Bus Driver Certificate may be grandfathered in for any condition noted on the Report, if the Report includes the following:

(a) A written statement from the physician that the any condition the school bus driver has will not adversely affect his or her ability to control and safely operate a school bus, and,

(b) A signed written waiver.

(5) A local board of education shall certify to the State Department of Education in the Annual Comprehensive Plan for Transportation that all school bus drivers and substitute school bus drivers operating a school bus transporting students to or from school or school-related events are in compliance with the applicable physical examination requirements.

(6) The State Department of Education shall revoke the Alabama School Bus Driver Certificate of a driver who is not in compliance with the applicable physical examination requirements.

(7) A local board of education may require a school bus driver to undergo additional physical examinations in accordance with federal or state law.

Author: Mr. Joe Lightsey

Statutory Authority: Ala. Code §16-27-4.1 (1975).

History: Emergency Rule Adopted, June 14, 2012