

MEMORANDUM

To: Superintendents, Principals, and Directors of Transportation

From: Michael A. LaRocco, Director of School Transportation

Date: June 7, 2019

Re: Senate Enrolled Act 2 – School Bus Safety and Transportation Procedures

Background:

The 2019 Indiana General Assembly enacted legislation involving a number of issues related to school bus safety and transportation procedures. The legislative changes contained in SEA 2 (2019) go into effect on July 1, 2019. Details of the bill and guidance about those details are covered in the guidance section of this document.

Guidance:

Section 1

IC 9-19-13-4 is amended and now requires that any bus used to transport school children, both new and existing, must be mounted with black reflective tape on each side of the bus and on the front and rear bumpers. The placement of this tape is not defined in the law. The decision on specific placement remains a local decision until the State School Bus Committee provides official specifications through rulemaking, which could take up to one year. One suggestion for placement on the rhino lined bumpers would be to loop the tape around the bumper and have it stick to itself which would eliminate the need for bumper replacement, though this decision should be made in consultation with school corporation's local counsel.

Sections 4 and 5

IC 9-21-12-13 and IC 9-21-12-15 have been amended to include "private road" in addition to the current language of "roadway" when the driver of a school bus shall use the stop arm and flashing lights when stopped to load or unload students.

Section 6

New language has been added to IC 9-21-12-15.5 requiring, whenever a school bus is in operation and transporting passengers, the driver to have daytime running lights illuminated at all times. This language agrees with Federal Motor Vehicle Safety Standard 108 (see excerpt below).

S6.1.1.4 Daytime running lamps. Any pair of lamps on the front of a passenger car, multipurpose passenger vehicle, truck, or bus, whether or not required by this standard, other than parking lamps or fog lamps, may be wired to be automatically activated, as determined by the manufacturer of the vehicle, in a steady burning state as daytime running lamps (DRLs) in accordance with S7.10.5.

Since this change now mandates daytime running lights to be on at all times, it would be advisable to consider this when purchasing new buses.

Section 7

IC 9-21-12-20 now mandates when a school bus is operated on a U.S. route or state route, outside of the boundary of a city or town, the driver may not load or unload a student at a location that requires the student to cross a roadway, unless there are no other safe alternatives.

Additionally, this law brings back the language in which the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable. This language was removed in 2015, but was still a best practice recommendation by the Indiana Department of Education's (IDOE) Office of School Transportation.

Section 8

IC 9-21-12-20.5 now requires, if a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is on a U.S. route or state route outside of a city or town boundary limits, the superintendent or the superintendent's designee shall present the school bus route to the governing body for approval.

Section 9

A new section has been added to IC 9-21-12-21. This section allows a qualified school district (which includes a school corporation, a charter school, and a nonpublic school with at least one employee) to purchase, install, and operate stop arm cameras. If the cameras are used to enforce stop arm violations, the district may petition the county council or a township board to receive funding for reimbursement for the purchase and installation of the stop arm cameras. The qualified school district shall provide documentation to the county or township as necessary for the county or township to determine the total cost for stop arm cameras. Once the cost of the stop

arm cameras have been paid in full, the district may no longer receive funds from the county or township. A portion of the Safe Schools Fee, which may be charged to those individuals convicted of certain offenses, will go to the county or township's General Fund, allowing for the reimbursement referenced above.

Section 13

Currently, IC 20-27-9-2 allows a school bus to be used for the transportation of adults at least 65 years of age. Section 13 of the law would expand this allowance to special purpose buses and would also allow the use of the school or special purpose bus for the purpose of transporting adults with developmental or physical disabilities.

Section 14

Currently, a special purpose bus can only provide home-to-school and school-to-home transportation for special needs students and their siblings, and homeless and foster care students. IC 20-27-9-5 has been amended to allow the use of a special purpose bus for home-to-school and school-to-home transportation for both preschool students that are attending a preschool offered by the school corporation or under a contract entered into by the school corporation to and from the preschool facility site and preschool students that meet the definition of developmental disability – normally early childhood students.

Please note that since a special purpose bus does not have a working stop arm and overhead warning light, these students cannot be loaded or unloaded on the roadway or private road.

Additionally, Section 14 would require the driver of a special purpose bus whose capacity is less than 16 passengers, which is transporting preschool students under the circumstances covered above, to meet all the requirements of a school bus driver under IC 20-27-8, with the exception of holding a CDL license. In other words, the driver in this circumstance would be required to go through the process to acquire a yellow card certification, but would not be required to hold a CDL license.

Section 15

Currently, IC 20-27-9-6 allows school districts to use a school bus to provide transportation to a fair or festival for a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code. Section 15 of this law removes that restriction, thus districts can now provide transportation to any 501(c)(3) through 501(c)(7) organization.

Section 16

IC 20-27-10-0.5 has been amended and now requires school districts, charter schools, and accredited nonpublic schools by September 1 of each year beginning in 2019 to review the school's school bus routes and school bus safety policies to improve the safety of students and adults.

IDOE will post best practices and school bus safety guidelines on the transportation website, along with information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure the safety of students being loaded or unloaded from a school bus.

If you have any questions, please contact Michael A. LaRocco at (317) 232-0891 or mlarocco@doe.in.gov.

This legislation was authored by Senator Randy Head. The legislative text can be found [here](#). Information regarding how to contact your legislators can be found [here](#).