



# PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION William C. Harrison, Ed.D., *Chairman and Chief Executive Officer*  
DEPARTMENT OF PUBLIC INSTRUCTION June St. Clair Atkinson, Ed.D., *State Superintendent*

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May 21, 2009

## MEMORANDUM

TO: All Superintendents

FROM: Ben Matthews, Ph.D., Director  
Director, School Support

Derek Graham, Section Chief  
Transportation Services

SUBJECT: Activity Bus Drivers – School Bus Certification

This memorandum is to provide you with information about a proposal from DPI's School Support Division that will be taken to the State Board of Education in coming months regarding certification of LEA employees driving activity buses. Due to the timing, and knowing that many activity bus drivers are licensed during the summer, prior to the opening of school, we wanted to make sure that you have this information as soon as possible.

### BACKGROUND

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 suggests more than twice the amount of training compared to that which our school bus drivers currently receive. We feel that this is 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.

### CURRENT STATUS

Many LEAs require 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 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 require a school bus driver certificate for drivers of activity buses and half do not.

### SCHOOL SUPPORT DIVISION

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### RECOMMENDATION

In coming months, we will be recommending to the State Board of Education that a driver of public school activity buses should be required to hold a school bus driver certificate. The Transportation Advisory Group of the North Carolina Pupil Transportation Association supports this recommendation. Such a policy could be rendered moot if the FMCSA enacts the stringent training requirements as described earlier in this memo. Absent that, however, we believe that it is important that LEAs be able to demonstrate that drivers of school activity buses not only are properly licensed, but have been through proper training.

### NEXT STEPS

The State Board of Education is the body that would enact such a policy. At this time the details are unknown, but it is likely that any new activity bus driver would be required to undergo training to obtain a school bus driver certificate. There would likely be some grandfathering of some current drivers, perhaps based on years of safe driving. Meanwhile, we encourage you to look at your local requirements for activity bus drivers and consider this information as new drivers are certified for the coming school year.

Feel free to contact us with any questions related to this topic.

FBS # 09-05

c: Dr. Bill Harrison  
Philip Price  
Don Johnson, DMV