



July 31, 2014

**Bus Driver Qualifications Q&A
ARM 10.64.201 and ARM 10.7.111**

Q: What are the amendments to the Bus Driver Qualifications pursuant to ARM 10.7.111 and 10.64.201?

A: Effective August 8, 2014, drivers are required to obtain CPR Instruction in conjunction with their CDL, First Aid, and Medical Certification. CPR Instruction must be signed by a certified instructor, and be received after an initial in-person training of at least four hours. Newly hired bus drivers are required to pass a name-based, or fingerprint-based, criminal background check prior to employment with a school district or contractor.

Q: What happens if a district is unable to meet the requirements by the effective date of August 8, 2014?

A: The OPI recognizes that complying with the August 8, 2014, effective date for the Bus Driver Qualifications may be difficult and create a hardship to districts. Therefore, a 60 day grace period has been granted to districts. Districts must comply with the requirements no later than **October 31, 2014**. Districts that have not met the requirements by the end date of the grace period will not be eligible to receive their full state and county transportation reimbursement.

Q: Does this information have to be reported to the OPI?

A: Yes. The bus driver certificate forms are provided electronically by the Superintendent of Public Instruction. As in the past, the district must input all necessary documentation into the Pupil Transportation System, which generates the completed certificate. Only authorized users will be able to enter and update driver information. (User name and password is required). The chairperson of the board of trustees must sign the certificate. The district retains a copy of each bus driver's certificate, provides a copy to the bus service contractor, if applicable, and files a copy of the certificate with the county superintendent. The bus driver is also given a copy and **must** be carried at all times while driving a school bus.

Q: What happens if a driver is not current on the requirements?

A: A school bus driver certificate remains valid until the earliest expiration date. A driver may not operate on a bus route if they do not comply with the regulations and requirements set forth in the Bus Driver Qualifications pursuant to ARM 10.64.201 and 10.7.111. A district will not be eligible for state and county transportation reimbursement. A district must issue an up-dated TR-35 to the driver when any of the following items expire and are renewed: CDL, First Aid, CPR, and Medical Certificate (MEC).

Q: What if a driver has been employed with a school district prior to the effective date of August 8, 2014? Are they required to receive the criminal background check?

A: No. Pursuant to ARM 10.64.201(b), a criminal background check must be obtained on a driver prior to initial employment. However, a district may take the adequate steps to require a driver to have a criminal background check if they have never had one. Districts may also choose to request it annually, as per their district policy, or upon their discretion as they deem appropriate.

Q: What offenses appearing on a background check would prohibit an individual from driving for a school district?

A: A driver may not have any record of a criminal offense that indicates the driver may be dangerous to children. In addition, the driver must have a safe driving record, which may not have evidence of any of the following:

- More than one moving traffic violation within any 12 month period of the preceding 36 months.
- Any conviction for driving under the influence of alcohol or drugs within the preceding 36 months.
- A conviction resulting in mandatory revocation or suspension of a driver's license in the previous five years.

Q: What is the process for obtaining a criminal background check and fingerprinting for a driver?

A: The name-based, or fingerprint-based criminal background check requirements is part of the Board of Public Education Rule, 10.64.201.

Some districts may already have a process in place for obtaining criminal background checks and fingerprinting. However, if a district does not have a process, we recommend contacting the Department of Justice (DOJ) for their assistance. Contact information is provided below:

Contact

Montana Criminal Records
2225 11th Avenue
P.O. Box 201403
Helena, MT 59620-1403
E-mail: dojitsdpublicrecords@mt.gov
Phone: (406) 444-3625