

Freddie Woodson, Deputy Superintendent
District/School Operations

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL
READING 6Gx13- 3E-1.10, TRANSPORTATION – SPECIFIC
PROCEDURES**

**PROMULGATION OF NEW SCHOOL BOARD RULE 6Gx13- 4-1.10,
RESTRICTIONS ON USE OF COMMUNICATIONS AND DATA
TRANSMISSION DEVICES**

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

**LINK TO STRATEGIC
FRAMEWORK: EDUCATION**

At the School Board meeting of November 17, 2009, the School Board approved Agenda Item H-8 ("Restriction of Data Transmission Devices"), presented by Dr. Lawrence S. Feldman, Board Member. The School Board of Miami-Dade County, Florida, announced on January 13, 2010, its intention to amend School Board Rule 6Gx13- 3E-1.10, *Transportation – Specific Procedures*, and to promulgate new School Board Rule 6Gx13- 4-1.10, *Restrictions on Use of Communications and Data Transmission Devices*, at the meeting of March 17, 2010.

The item was presented for consideration by the Board to add language prohibiting school bus drivers from using or operating any communication or data transmission device while operating a school bus or any other School Board owned vehicle used for transporting children. The new rule would also prohibit the use or operation of any communication or data transmission device, unless it is being used hands-free, by any School Board employee except school police, when operating any School Board owned vehicle. Employees who violate these rules will be subject to disciplinary action.

In addition, the proposed amended and new rules include exceptions for emergencies and mechanical breakdowns, and provide for the use of a two-way radio service owned and operated by the school district when the device is used as a two-way radio.

The Notice of Intended Action was published in the *Miami Daily Business Review* on February 16, 2010, posted in various places for public information, and mailed to various organizations, representing persons affected by the amended rule and to individuals requesting information.

The time to request a hearing or protest the adoption of this rule has elapsed.

E-200

In accordance with provisions of the Administrative Procedure Act, this amended and new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the amended and new rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notices of Intended Action, the rule proposed for amendment, and the new rule. Changes to the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 3E-1.10, *Transportation—Specific Procedures*, and the document, *Handbook for School Bus Drivers, Aides and Operations Staff [Section 3, School Bus Driver Guidelines and Procedures]*, which is incorporated by reference and made part of this rule; and promulgate new School Board Rule 6Gx13- 4-1.10, *Restrictions on Use of Communication and Data Transmission Devices*, and authorize the Superintendent of Schools to file the rules with The School Board of Miami-Dade County, Florida, to be effective, March 17, 2010.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 13, 2010, its intention to amend School Board Rule 6Gx13- 3E-1.10, *Transportation-Specific Procedures*, and the document, *Handbook for School Bus Drivers, Aides and Operations Staff*, which is incorporated by reference and made part of this rule, at its meeting of March 17, 2010.

PURPOSE AND EFFECT: The amendment to School Board Rule 6Gx13- 3E-1.10, *Transportation-Specific Procedures*, will, except for emergencies, prohibit school bus drivers from using any communication or data transmission device while operating a school district vehicle. Employees are subject to disciplinary action for violations of this amended rule.

SUMMARY: The amendment expands the current restriction on use of cellular phones by school bus drivers in the *M-DCPS Department of Transportation Handbook for School Bus Drivers, Aides and Operations Staff*, incorporated by reference into School Board Rule 6Gx13- 3E-1.10, *Transportation-Specific Procedures*, to prohibit the operation or use of any communication or data transmission device while operating a school district owned or approved vehicle. The amendment includes an exception for use of school district owned and operated two way radio communication systems, emergencies and mechanical breakdowns. The amendment subjects employees to discipline for violation of this amended rule.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(25)(26); 1001.43(1)(7)(10) F.S.

} Revised subsequent to Initial Reading 01/13/2010.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.41(1)(2); 1001.42(1)(25)(26); 1001.43(10), 1002.42(5)(7); 1006.21(2); 1006.22(8) F.S.; 6A-3.017(1)(d) FAC

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF March 17, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by February 9, 2010, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Lawrence Feldman
Date: March 3, 2010

Non-instructional Operations

TRANSPORTATION--SPECIFIC PROCEDURES

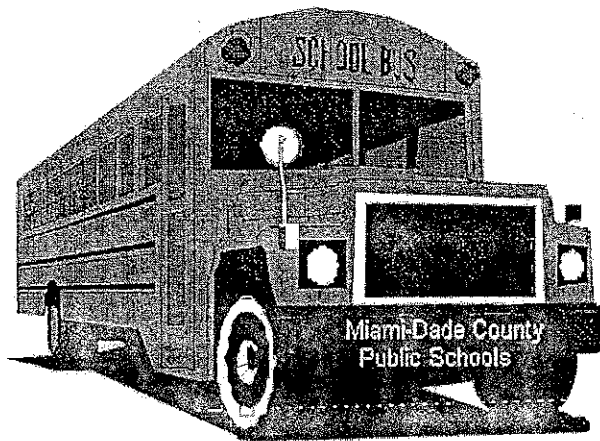
The specific procedures to be followed by all parties concerned are outlined in the documents entitled **Miami-Dade County Public Schools, Department of Transportation, School Bus Transportation Rules and Policies Manual and Handbook for School Bus Drivers, Aides and Operations Staff**, which are incorporated by reference in this rule and are a part hereof. Copies of these documents are on file in the Office of Board Recording Secretary, the Citizen Information Center, and the Office of the School Board Clerk.

Specific Authority: 1001.41(1)(2); 1001.42(22) ~~(25)~~(26); 1001.43(1)(7)(10) F.S.
Law Implemented, Interpreted, or Made Specific: 1001.41(1)(2); 1001.42(1)(25)(26);
1001.43(10); 1002.42(5)(7); 1006.21(2); 1006.22(8) F.S.; 6A-3.017(1)(d) FAC

} Revised
subsequent
to Initial
Reading
01/13/2010.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Amended: 7-25-84; 7-9-97; 1-14-98; 8-23-00; 8-22-01; 12-14-05

HANDBOOK FOR SCHOOL BUS DRIVERS, AIDES AND OPERATIONS STAFF



Miami-Dade County Public Schools

Department of Transportation



Miami-Dade County Public Schools
giving our students the world

Final Reading: March 17, 2010
Board Rule 6Gx13- 3E-1.10



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SECTION 3

*SCHOOL BUS DRIVER
GUIDELINES AND PROCEDURES*

- Actuate the amber lights approximately 200 feet from the student stop, or as necessary due to traffic speed and road conditions, as a warning to traffic that the bus is approaching a student passenger stop. When the bus has stopped, and before the door is opened, the amber lights will be deactivated and the stop arm supplemented by flashing red loading and unloading lights. This serves as a warning that students are being loaded or unloaded. The bus door must not be opened to unload students until approaching traffic in the immediate vicinity of the bus has stopped.
- Do not enter the compound with students on board. In the event of an emergency, the driver must contact the Dispatch Office for instructions.
- Activate the 4-way hazard lights at least 200 feet before the railroad crossing; stop the bus no closer than 15 feet and no further than 50 feet from the nearest rail; shift the gear to neutral; keep firm pressure on the foot brake to ensure against rolling; shut off noisy equipment; quiet passengers; open bus door and driver window; look both ways; listen; close door; shift to drive; and, look and listen again. After determining that it is safe, proceed across tracks. After the rear tires clear last track, turn off 4-way hazards.
- Drive at a safe speed and never in excess of the legally posted speed limit in business or residential districts or 55 miles per hour outside business or residential districts.
- Wear a seat belt at all times when the bus is in operation.
- Use roof-mounted white flashing strobe lights, if equipped, at a minimum whenever headlights are required to be used due to reduced visibility conditions pursuant to Section 316.217(b), Florida Statutes. Insufficient light due only to the time of day or night shall not require use of the strobe light.

3.4 DUTIES

Drivers are under the direction of the Transportation Center Director or designee, and will follow all instructions and complete all assignments.

- Drivers must, to the best of their ability, operate all trips in accordance with established route schedules, keep current route schedules on the bus, and destroy old route schedules. Drivers must not deviate from their assigned route and stops, nor create any changes on the route or stops without receiving prior written permission from their supervisor.
- Drivers must not create nor change permanent bus stops. Recommendations for change shall be made to their center's routing staff.

- Drivers must immediately report to their supervisor and the center's routing staff any hazards on the bus route or bus stops that might offer an actual or potential threat to the safety of transported students.
- Drivers must notify their supervisor and the center's routing staff if the peak load of transported students exceeds the number of seats available on the bus.
- Drivers must not, under any circumstances, use buses for personal errands.
- Drivers must return their bus to its assigned center after the completion of their route, unless otherwise authorized by the Center Director or designee.
- Drivers must report defective equipment to their Dispatch Office in writing on the "Driver Request for Repair (DRR)" form. This report must be made as soon as possible after the problem is detected. If the driver discovers a mechanical defect during the pre-trip inspection of the bus, a DRR must be completed and turned into the Dispatch Office before the driver departs on the morning or afternoon run. If the driver encounters a problem while operating the vehicle, the Dispatch Office must be notified immediately and the driver must wait for instructions from the garage.
- Drivers must keep the bus clean at all times. The floor of the bus must be swept twice daily, first in the morning after completing all morning trips and again in the afternoon after completing the last trip of the day. The trash from the bus must be placed into the proper receptacle. The windshield and rear windows must be kept clean to insure that visibility is not reduced.
- Drivers must, at all times, operate their buses in accordance with the requirements of the Florida Traffic Laws, the State Board of Education, and the procedures detailed in Section 10, **SCHOOL BUS OPERATION**. Drivers must at all times maintain a valid Commercial Drivers License. Operating a bus with a suspended, expired, or revoked license shall be grounds for suspension or dismissal, pursuant to Section 8, **SAFE DRIVER PLAN**.
- Drivers must supervise the loading and unloading of passengers. Drivers must be in their buses at all times while students are loading or unloading at schools. Drivers must supervise the activities of students leaving the bus until they have crossed the road safely, and permit students to leave the bus only at their assigned stop.

- Drivers must report the following to the Dispatch Office and to the respective principal immediately after an incident: serious student misconduct; damage to the bus or its equipment; and any incident involving a student, i.e., lost student, fight on the bus, incident at the bus stop, parent/guardian not at home for Exceptional Student Education (ESE) or Pre-K students requiring an individualized stop. The driver must also complete, as appropriate, a "Student Case Management Referral Form" to the school, an incident report and/or vandalism report.
- Drivers must render first aid, if necessary, to the limits of the driver's training and abilities, and seek prompt first aid by the best means available. This assistance shall be limited to that which may be normally expected of a reasonable, prudent person.
- Drivers must not, under any circumstances, allow the following items to be taken on the bus:
 - Items made of glass
 - Live animals, which include, but are not limited to, dogs, cats, snakes, insects, etc.
 - Large bulky items (or band instruments) that block entranceways, aisles or seats, or that deprive a student of a seat. Listed below are some of the musical instruments that meet the criteria permitting them to be carried on buses by music students on regular routes:

Piccolo	Flute
Clarinet	Alto Clarinet
Oboe	English Horn
Trumpet (Cornet)	Flagella Horn
Trombone (Tenor)	Alto Saxophone
Violin	Viola

- Batons, drumsticks, and tennis rackets will be permitted on buses only in their proper cases. No sharp objects, balls, bats, roller skates, skateboards, or cutting instruments of any kind are allowed on a bus.
 - The aisle and emergency exits must be kept clear at all times. If band instruments are brought on the bus, they cannot be placed on seats if it causes a student to stand.
- Drivers must check their mailboxes and bulletin boards at their Transportation Center at least once daily. Drivers are not to make a special trip to the compound in a bus for this purpose.
- Drivers must attend all safety meetings, and other called meetings. Unexcused absences will be considered failure to perform required duties, and warrant corrective action.

- Drivers must report to their Transportation Center by the next workday after receiving any conviction for a moving violation while driving a bus or a privately owned vehicle. Refer to Section 8, **SAFE DRIVER PLAN**.
- Drivers must make sure their Transportation Center has current information on their home address, home telephone number, and emergency point-of-contact by filling out a new Locator Sheet in the Dispatch Office whenever such information changes.
- Drivers must not pick up any bus key other than the one for their assigned bus. In the event of an emergency during a route or field trip, the key should be removed from the ignition and should be carried with the driver.
- Drivers must keep the following materials on the bus with them at all times:
 - Current Route Schedule
 - Pre-Trip Inspection Form
 - Insurance cards
 - Emergency telephone numbers
 - School Bus Seating Chart
 - School Bus Accident Report--Student(s) On Board
 - Student Injury/Illness Report Forms
 - Medical Examiner's Certificate (ESE 479)
 - Student Case Management Referral Form
- Drivers must be subject to reprimand, suspension and/or dismissal if found to be in possession of a firearm, weapon or destructive device, as specified in Miami-Dade County School Board Rule 6Gx13- 4A-1.302, Separation – Dismissal or Suspension – All Personnel. Possession of firearms, weapons or destructive devices is strictly prohibited.
- Drivers must not use or operate cellular phones any communication or data transmission device, while operating a Miami-Dade County Public Schools bus or any school district vehicle used to transport children. This rule does not apply to the use of a cellular radio telecommunication device that has a two-way radio service owned and operated by the school district, when the device is used as a two-way radio. In an emergency, drivers may use a hand-held communication or other data transmission device to communicate with an emergency response operator, 911 public safety communications dispatcher, a hospital or emergency room, an ambulance or fire department rescue service, a fire department, or a police department. A hand-held communication or other data transmission device may also be used to call for assistance in the event of a mechanical breakdown or other mechanical problem that impairs the safe operation of the vehicle.

Drivers will be subject to disciplinary action for violations of this provision.

- Drivers must not engage in private business arrangements while on duty. This would include, but not be limited to, buying and selling personal property or items. However, this provision would not prohibit a driver from purchasing items sold by students as school connected fund raising projects.

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and programs/activities receiving Federal financial assistance from the Department of Education, and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

Revised 5/9/03

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 13, 2010, its intention to promulgate new School Board Rule 6Gx13- 4-1.10, *Restrictions on Use of Communication and Data Transmission Devices*, at its meeting of March 17, 2010.

PURPOSE AND EFFECT: School Board Rule 6Gx13- 4-1.10, *Restrictions on Communications and Data Transmission Devices*, will prohibit all employees except school police from using any communication or data transmission device, unless used hands-free, while operating a school district owned or provided vehicle. The rule addresses emergencies and other situations.

SUMMARY: The rule prohibits employees, except school police, from using or operating any communication or data transmission devices, unless used hands-free, while operating school district owned or provided vehicles. This rule includes exceptions for the use of district two-way radio systems, emergencies and mechanical breakdowns. The rule subjects employees to discipline for violation of this rule.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(10)(25)(26) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.41(1)(2); 1001.42(1)(5)(7)(25)(26); 1001.43(9)(10) F.S.

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IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF March 17, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by February 9, 2010, to the Superintendent of Schools, Room 912, at the same address.

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A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Lawrence Feldman
Date: March 3, 2010

General Personnel Policy Statement

RESTRICTIONS ON USE OF COMMUNICATION AND DATA TRANSMISSION DEVICES

School bus drivers shall not use or operate any communication or data transmission device while operating a school bus as provided in School Board Rule 6Gx13- 3E-1.10, *Transportation-Specific Procedures*.

All other M-DCPS employees, except school police, are prohibited from using or operating any communication or data transmission device, unless used hands-free, while operating a school district owned or provided vehicle. This rule does not apply to the use of a cellular radio telecommunication device that has a two-way radio service owned and operated by the school district, when the device is used as a two-way radio.

In an emergency, all employees may use a hand-held communication or other data transmission device while operating a school district owned or provided vehicle to communicate with an emergency response operator, 911 public safety communications dispatcher, a hospital or emergency room, an ambulance or fire department rescue service, a fire department, or a police department. All employees may also use a hand-held communication or other data transmission device to call for assistance in the event of a mechanical breakdown or other mechanical problem that impairs the safe operation of the vehicle.

Employees who violate this rule are subject to disciplinary action pursuant to School Board Rules.

Specific Authority: 1001.41(1)(2); 1001.42(10)(25)(26) F.S.
Law Implemented, Interpreted, or Made Specific: 1001.41(1)(2);
1001.42(1)(5)(7)(25)(26); 1001.43(9)(10), F.S.

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History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: