



**COLORADO**  
Department of Education  
School Finance and Operations Division

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# TRANSPORTATION RESOURCE GUIDE

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2023-2024

**SCHOOL TRANSPORTATION UNIT**  
201 East Colfax Avenue, Denver, CO 80203  
<http://www.cde.state.co.us/transportation>



## INTRODUCTION

The Colorado Department of Education (CDE) School Transportation Unit issued these guidelines to assist public school districts and Boards of Cooperative Educational Services (BOCES) with developing policies and procedures for the safe transportation of students. These guidelines provide interpretations, suggestions, options, industry standards, best practices, and ideas that are consistent with the Colorado Minimum Standards Governing School Transportation Vehicles, 1 CCR 301-25; the Colorado Rules for the Operation, Maintenance, and Inspection of School Transportation Vehicles 1 CCR 301-26, which promote safe transportation integrity in school transportation departments. It is hoped that this publication will serve as a resource to assist transportation providers as they work toward compliance with legislation and regulations.

## ACKNOWLEDGMENTS

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## DEFINITIONS

The definitions listed within this document are provided to give guidance as a district determines a direction or a course of action as they apply to *1 CCR 301-26*.

**Accident Alert/Cold Reporting** - Is defined as those times when weather conditions are so severe that State Troopers and Police Officers are unable to respond to the large volume of motor vehicle crashes. Accident Alert is initiated on a jurisdictional and geographical basis; in other words, some cities may be on accident alert whereas others may not be depending on how the weather conditions are affecting their area.

While accident alert is in effect, Troopers and or Police Officers will only respond if the following circumstances exist:

- Vehicles are disabled due to damage.
- Accident involves a fatality or an injury requiring medical attention.
- Alcohol or drugs are involved.
- Accident is an alleged hit and run.
- There is damage to public property other than wildlife, i.e. a highway stop sign.
- Any property damage accident in which the reporting party is not or has no contact with the driver(s).

Most car radio stations report which areas are on accident alert. If you are involved in an accident and are not sure if your area is on accident alert, call the police.

If the accident does not meet the criteria for a police response, do the following:

- The drivers involved are required to exchange information.
- File your accident report as soon as possible.
- A report can be filed either on-line or at the troop office or police station having jurisdiction where the accident occurred.

How long do I have to Report a crash?

Crashes are required by law, under *CRS 42-4-1601* to be reported to the agency having jurisdiction immediately.

<https://www.colorado.gov/pacific/csp/crash-information>

**ADA** - The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The ADA also establishes requirements for telecommunications relay services. <https://adata.org/learn-about-ada>

**Adverse Driving Conditions** - Means any adverse weather conditions or unusual road or traffic conditions that were not known, or could not reasonably be known, to a driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or to a motor carrier immediately prior to dispatching the driver. *49 CFR 395.2*.

**Adverse Weather Conditions** - Adverse weather means damaging weather events, including, but not limited to, hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

**Agreement** - A negotiated and typically legally binding arrangement between parties as to a course of action. Typically, this is a payment to a service provider furnishing a scheduled service transporting students at least once per week.

**Air brake system** - A system, including an air-over-hydraulic brake subsystem that uses air as a medium for transmitting pressure or force from the driver control to the service brake, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

**Air-over-hydraulic brake subsystem** - A subsystem of the air brake system that uses compressed air to transmit a force from the driver control to a hydraulic brake system to actuate the service brakes.

**Annual** - Of, for, or pertaining to a year; yearly: once every 12 months through the last day of the twelfth month.

**Annual Inspector** - The technician that has met the requirements of 1 CCR 301-26, Rule 7.0 to perform annual inspections on school transportation vehicles and has received a CDE Inspector Qualification Certificate and certifies the annual inspection of a school transportation vehicle.

**Annual Inspector verifiable experience** - 2 years of automotive or diesel trade school equals 1 year of industry experience.

**Annual Inspector Hands-On Tester** - The technician that has met the requirement of 1 CCR 301-26, Rule 8.0 to be qualified to proctor the CDE Hands-On Test to Annual Inspector candidates and has received a CDE Hands-On Tester Certificate.

**Annual Inspector Qualification File (IQF)** - Refers to a collection of the CDE required documentation for Annual Inspectors.

**Appropriate** - Describes what would be suitable or proper in the circumstances for a specific type of vehicle, for example, suitable driver training for a small multifunction bus as compared to a small capacity vehicle may be based on the specific features of that vehicle.

**Authorized Personnel** - The person(s) responsible for school transportation operations and/or their designee.

**Backing** - See current Colorado CDL Manual.

**Barrier** - Something (such as a fence or natural obstacle) that prevents or blocks movement from one place to another: a law, rule, problem, etc., that makes something difficult or impossible (Webster).

**Bloodborne Pathogen** - See Universal Precautions

**Bona Fide** - Genuine, Real

**BOCES** - Board of Cooperative Services Regional Educational Service Unit designed to provide supporting, instructional, administrative, facility, community, or any other services contracted by participating members. CRS 22-5-103

**Brake Power Assist Unit** - A device installed in a hydraulic brake system that reduces the operator effort required to actuate the system, but which if inoperative does not prevent the operator from braking the vehicle by a continued application of muscular force on the service brake control.

**Brakes** - Refers to all types of OEM foundation brake systems unless specified.

**Breakdown Procedures** - Ref. to CRS 42-4-230

**Capacity** - This is the number of designated seating positions provided in a new bus per manufacturer's body/seating plan. This is also known as "Equipped Seating Capacity." When used in reference to a school or multifunction bus, the term "Capacity" refers to passenger count only. When used in reference to a small capacity vehicle the term Capacity refers to both passenger and driver count. For example: a 15-capacity van has 14 passenger seats and the driver for 15.

**CCR** - Colorado Code of Regulations - <http://www.sos.state.co.us/CCR/Welcome.do>

**CDE** - Colorado Department of Education - School Transportation Unit <http://www.cde.state.co.us/transportation>

**CDE Affidavit of Annual Inspection Form** - (STU-25) - Indicates a specific vehicle complies with the Minimum Annual Inspection Criteria of a School Transportation Vehicle 1 CCR 301-26, Rule 11.2. A copy of this form must be located inside of each school transportation vehicle and a copy on file with the district.

**CDL** - Commercial Driver License <https://www.colorado.gov/pacific/dmv/cdl-general-information>

**CFR** - Code of Federal Regulations <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>

**Character** - The mental and moral qualities distinctive to an individual: synonyms: personality-nature-disposition-temperament-temper, etc.

**Charter School** - Means a public school that enters into a charter contract pursuant to the provisions of this part 1 (Section 22-30.5-103(2)) of the Colorado Revised Statutes.

**Child Safety Restraint Systems (CSRS)** - Means a device capable of accommodating a child occupant in a sitting position. It is so designed as to diminish the risk of injury to the wearer, in the event of a collision or of abrupt deceleration of the vehicle, by limiting the mobility of the child's body. <https://one.nhtsa.gov/people/injury/buses/busseatbelt/index.html>

**Colorado Commercial Driver License (CDL) Manual** - [https://drive.google.com/file/d/15ORLuKW9NRmbX731P6rQuc3y5A\\_Z9lh/view](https://drive.google.com/file/d/15ORLuKW9NRmbX731P6rQuc3y5A_Z9lh/view)

**Colorado Minimum Standards Governing School Transportation Vehicles, 1 CCR 301-25** - The statutory authority for the Amendments to the Colorado Minimum Standards Governing School Transportation Vehicles (hereinafter "these rules"), adopted by the State Board of Education on April 12, 2023. The purpose of these amendments is to upgrade the rules for Colorado Minimum Standards Governing School Transportation Vehicles. The amendments will improve the safety of the students riding the school bus and the mechanical efficiency of the school bus. They are designed to meet or exceed changing needs of operation, the national recommended minimum standards, new federal safety, and emission standards and utilize state-of-the-art industry advances.

**Colorado Open Records Act (CORA)** - The Colorado Open Records Act, (CORA) C.R.S. § 24-72-201 to 206, provides that all public records shall be open for inspection by any person at reasonable times, except as provided in part 2 or as otherwise specifically provided by law. C.R.S. 24-72-201.

**Colorado Rack and Load Test** - In 1971, the Colorado Rack Test was implemented to help test the structural integrity of a school bus. If the school bus should rollover, the Colorado Rack Test ensures that the strength of the passenger cage is tough enough to withstand a rollover accident. For a school bus to be in compliance with the Colorado Rack Test, the structure of the bus cannot deflect more than 5⅛ inches, and all emergency exits must still be operational.

**Commercial Vehicle** - Means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.

**Common Carrier** - Is a person or company that transports goods or people for any person or company and that is responsible for any possible loss of the goods during transport. A common carrier offers its services to the general public under license or authority provided by a regulatory body. The regulatory body has usually been granted "ministerial authority" by the legislation that created it. The regulatory body may create, interpret, and enforce its regulations upon the common carrier (subject to judicial review) with independence and finality, as long as it acts within the bounds of the enabling legislation. A common carrier holds itself out to provide service to the general public without discrimination (to meet the needs of the regulator's quasi-judicial role of impartiality toward the public's interest) for the "public convenience and necessity". A common carrier must further demonstrate to the regulator that it is "fit, willing, and able" to provide those services for which it is granted authority. Common carriers typically transport persons or goods according to defined and published routes, time schedules, and rate tables upon the approval of regulators. Public airlines, railroads, bus lines, taxicab companies, cruise ships, motor carriers (i.e., trucking companies), and other freight companies generally operate as common carriers. Under US law, an ocean freight forwarder cannot act as a common carrier. (Wikipedia)

**Compartmentalization** - Compartmentalization ensures that passengers are cushioned and contained by the seats in the event of a school bus crash by requiring school bus seats to be positioned in a manner that provides a compact, protected area surrounding each seat. If a seat is not compartmentalized by a seat back in front of it, compartmentalization must be provided by a padded and protective restraining barrier. Ref NHTSA 49 CFR Part 571.222.

**Confidentiality** - Is a set of rules or a promise that limits access or places restrictions on certain types of information.

**Contract Carrier** - A commercial individual or organization carrying persons or property of certain customers only, rather than the goods of or the public in general. Unlike a **common carrier**, a **contract carrier** has a right to choose or refuses to convey passengers or freight for payment is a carrier that transports goods for only a certain number of clients and that can refuse to transport goods for anyone else, and from a private carrier.

**Corporal Punishment/Child Abuse** - A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child. CRS 18-6-401(1)(a)

**Controlled Substances and Alcohol use and Testing** - To establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or used of controlled substances by drivers of commercial motor vehicles. (49 CFR Part 382 - 382.601)  
<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382/subpart-F/section-382.601>

**CPR** - Cardiopulmonary Resuscitation is an emergency lifesaving procedure performed when the heart stops beating. Immediate CPR can double or triple the chances of survival after cardiac arrest.

**C.R.S.** - Colorado Revised Statutes <http://www.lexisnexis.com/hottopics/Colorado/>

**District Authorized Driver** - Refers to a person that the school district has authorized to operate a district vehicle without that person being an employee of the district. The district must verify that this person meets the applicable Rules for the Operation of School Transportation Vehicles per 1 CCR 301-26, Rule 5.0.

**District Charter School** - A charter school authorized by a school district board of education pursuant to part 1 of Article 30.5 CRS 22-5-103.

**Divided Highway** - Means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

**Driver/Operator** - Means any person who drives any motor vehicle.

**Driver Qualification File (DOF)** - Refers to a collection of the CDE required documentation for drivers of school transportation vehicles.

**Driving Performance Test** - The purpose of this test is to evaluate the driver's ability to drive safely in most on-the-road situations. It provides instructional reinforcement and counseling. Driving weaknesses that surface as a result of the test should be called to the attention of the examinee so that specific steps can be taken to eliminate these weaknesses. <http://www.cde.state.co.us/transportation/transform.htm>

**Driving Time** - Means all time spent at the driving controls of a commercial motor vehicle in operation. 49 CFR 395.2.

**Drug and Alcohol Testing** - 49 CFR Part 40 <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules>

**Drug and Alcohol Clearinghouse** - <https://www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse>

**Dress Code - 22-32-109(1) (j)** - <http://www.lpdirect.net/casb/crs/22-32-109.html>

**Entry Level Driver Training (ELDT)** - The Federally mandated training for all new CDL drivers. This training is also required for individuals obtaining the "S" School Bus endorsement, the "P" Passenger endorsement, or if they are upgrading their CDL.

**ELDT Training Matrix** - A document that shows the training requirements for the Entry Level Driver Training. <https://www.cde.state.co.us/transportation/entryleveldriveslicenseandtrainingmatrix>

**Electronic Communication** - Any information sent between particular parties over a phone line or internet connection. See Public records open to inspection.

**Electronic Device** - Includes, but is not limited to, a cellular telephone; personal digital assistant; pager; computer; or any other device used to enter, write, send, receive, or read text. (Per CDL)

**Emergency Brake System** - A mechanism designed to stop a vehicle after a single failure occurs in the service brake system of a part designed to contain compressed air or brake fluid or vacuum (except failure of a common valve, manifold brake fluid housing or brake chamber housing).

**Emergency Evacuation Drills** - Practicing the sudden organized evacuation of all students from the school transportation vehicle using emergency exits.

**ESSA** - Every Student Succeeds Act, replaces the No Child Left Behind Act. The **Every Student Succeeds Act (ESSA)** is the federal K-12 education law of the United States. ESSA extended more flexibility to States in education and laid out expectations of transparency for parents and for communities. <https://www.ed.gov/essa?src=rn>

**FERPA** - Family Educational Rights and Privacy Act Regulations <http://www2.ed.gov/policy/gen/reg/ferpa/index.html>

**First Aid/CPR Training** - For the purpose of these rules, First Aid/CPR Training is not to be misunderstood as requiring certification. Training requirements may be met via the use of video presentations, hands-on participation, classroom sessions, etc.

**FMCSA** - Federal Motor Carrier Safety Administration <http://www.fmcsa.dot.gov/>

**FMCSA Certified Medical Examiner** - taken from FMCSA. <https://nationalregistry.fmcsa.dot.gov/home>

**FMCSA Medical Examination for Commercial Driver Fitness Determination Form** - [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Medical\\_Examination\\_Report\\_for\\_Commercial\\_Driver\\_Fitness\\_Determination\\_649-F%286045%29.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Medical_Examination_Report_for_Commercial_Driver_Fitness_Determination_649-F%286045%29.pdf)

**FMCSA Mobile Phone Restriction Rule for Commercial Motor Vehicle Drivers** - <https://www.fmcsa.dot.gov/driver-safety/distracted-driving/mobile-phone-restrictions-fact-sheet>

**FMCSA Prohibition against texting for commercial vehicles** - <https://www.fmcsa.dot.gov/driver-safety/distracted-driving/no-texting-rule-fact-sheet>

**FMCSR - Federal Motor Carrier Regulations** - [www.fmcsa.dot.gov/regulations/title49/b/5/3](http://www.fmcsa.dot.gov/regulations/title49/b/5/3)

**FMVSS** - Federal Motor Vehicle Safety Standards (FMVSS) are U.S. federal regulations specifying design, construction, performance, and durability requirements for motor vehicles and regulated Automobile safety-related components, systems, and design features. 49 C.F.R. Part 571, Current Revision <https://www.nhtsa.gov/laws-regulations/fmvss>

**Hand-held mobile telephones** - Means “using at least one hand to hold a mobile telephone to conduct a voice communication; “dialing a mobile telephone by pressing more than a single button”; or “moving from a seated driving position while restrained by a seat belt to reach for a mobile telephone”. (CDL Manual)

**Hazard** - Any road condition or other road user (driver, bicyclist, pedestrian) that is a possible danger.

**Hours of Service** - For school bus operations conducted by the school districts or for-hire carriers operating under a contract with the school district, there is a regulatory exception for transporting children from home to school and from school to home because transportation performed by state and local government entities are statutorily exempt from FMCSA safety rules concerning driver qualifications, hours-of-service and vehicle maintenance rules. This exception even covers transportation across state lines when the students are traveling between home and school.

An example of a school bus operation that is subject to FMCSA safety regulations in addition to the CDL and drug and alcohol testing regulations - is a for-hire school bus contractor transporting school children across a state line for a class trip, athletic event, band competition, or other special event. The contractor is not a government entity, and the trip is in interstate commerce, so the contractor must comply fully with our regulations. These include rules on driver hours of service, vehicle maintenance and repair, insurance and registration and vehicle operation. <http://www.fmcsa.dot.gov/safety/passenger-safety/guidelines-and-driver-qualifications-motor-carriers-passengers-parts-390-391>

**Highway or Street** - Means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or the entire width of every way declared to be a public highway by any law of this state. <http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=149>

**Homeless Youth** - Any displaced child or youth who is living in a shelter, motel, inadequate trailer, or house, is staying temporarily with relatives or friends due to economic hardship or loss of housing or is living in any other homeless situation has educational rights under the McKinney-Vento Act.

**Hydraulic Brake System** - A system that uses hydraulic fluid as a medium for transmitting force from a service brake control to the service brake, and that may incorporate a brake power assist unit, or a brake power unit.

**IDEA** - Individuals with Disabilities Education Act (IDEA) was originally enacted by Congress in 1975 to ensure that children with disabilities have the opportunity to receive a free appropriate public education, just like other children. <https://sites.ed.gov/idea/>

**Individualized Education Programs (IEP)** - <https://www.understood.org/en/school-learning/special-services/ieps/understanding-individualized-education-programs>

**Intersection** - Means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection. <https://www.codot.gov/business/permits/accesspermits/documents/Access%20Glossary.pdf>

**In-service** - Taking place while one is employed: Any training provided to a group of employees associated with the Transportation Department. This training shall be documented to include date, topic(s), and duration.

**Inspecting Site** - The garage/facility or site/location where the school transportation vehicles are annually inspected that meets the criteria for the CDE Inspecting Site Certification. 1 CCR 301-26, Rule #10.0. This site may be owned and operated by the district or an outside facility.



**Institute Charter School** - A Charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of CRS 22-5-103 (2014).

**Interstate** - Interstate Commerce is trade, traffic, or transportation involving the crossing of a State boundary. Either the vehicle, its passengers, or cargo must cross a state boundary, or there must be the intent to cross a State boundary to be considered an interstate carrier.

**Intrastate** - Intrastate commerce is trade, traffic, or transportation within a single State.

**Interstate Medical Waivers** - Administered by the Federal Motor Carrier Safety Administration (FMCSA)  
<https://www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-exemption-programs>

**Intrastate Medical Waiver** - Administered by the Colorado State Patrol - <https://www.colorado.gov/pacific/csp/medical-waivers>

**In-Use Capacity** - Due to variations in sizes of children of different ages, the number of students that can safely occupy a school bus seat. (NCST)

**Kentucky Pole Test** - In 1989, the Kentucky Governor's Task Force on School Bus Safety worked with the engineering team from Blue Bird to further enhance the structural integrity of Blue Bird buses. The Kentucky Pole Test will test the strength of the school bus roof in case of a pole, or another sharp object impacts the bus during a rollover. A school bus will pass this test if the body panels of the bus remain intact, and that the roof does not bend more than 10 inches into the passenger compartment.

**Lane** - Means the portion of a roadway for the movement of a single line of vehicle.  
<https://www.codot.gov/business/permits/accesspermits/documents/Access%20Glossary.pdf>

**License and Training Matrix** - A document showing what licensure and documentation is required for each type of school transportation vehicle used. <https://www.cde.state.co.us/transportation/20232024licenseandtrainingmatrix>

**Limited Visibility** - Cannot easily see anything around you - in front, behind or beside the School bus.

**Local Board of Education** - Means the board of education of a school district or the governing board of a BOCES.

**Major Thoroughfare** - 42-4-1904 C.R.S. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating multiple lanes of traffic.

**McKinney Vento Homeless Assistance Act** - Guidelines for States related to requirements under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), as amended by the Every Student Succeeds Act (ESSA). These guidelines address ways in which a State may (1) assist

local educational agencies (LEAs) to implement the provisions related to homeless children and youths amended by the ESSA and (2) review and revise policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school. <https://nche.ed.gov/mckinney-vento/>

**Model Traffic Code for Colorado** - <https://www.codot.gov/safety/traffic-safety/assets/documents/2020-model-traffic-code-for-colorado.pdf>

**Motor Coach** - Motor coach means a bus with a gross vehicle weight rating (GVWR) of 11,793 kilograms (26,000 pounds) or greater, 16 or more designated seating positions (including the driver), and at least 2 rows of passenger seats, rearward of the driver's seating position, that are forward-facing or can convert to forward-facing without the use of tools. Motor coach includes buses sold for intercity, tour, and commuter bus service, but does not include a school bus, or an urban transit bus sold for operation as a common carrier in urban transportation along a fixed route with frequent stops. 49 CFR Part 571.3.

**Motor Vehicle Record (MVR)** - The Colorado Division of Motor Vehicles maintains driving records that reflect activity posted to the driver's record for the past seven years. (The record cannot be limited to show periods of less than seven years.) Motor vehicle records are maintained in accordance with State and Federal laws including the Fair Credit Reporting Act and the requirements of the Federal Trade Commission.

**Multifunction Bus** - Per CDE Minimum Standards 1 CCR 301-25, 35.0;

35.1 A Multifunction School Activity Bus, pursuant to Rule 7.8, shall meet the standards contained in these Minimum Standards. The Multifunction School Activity Bus shall comply with the following:

35.01(a) Color shall not be traditionally National School Bus Glossy Yellow as required by Rule 16.1 of these rules.

35.01(a)(1) Shall not have the identification of "SCHOOL BUS", as required by Rule 30.1 of these rules.

35.01(a)(2) Shall not have the identification of "STOP ON FLASHING RED" as required by Rule 30.7 of these rules.

35.01(a)(3) Shall not have a School Bus eight-way alternating flashing warning signal lamps, as required by Rule 32.6 of these rules.

35.01(a)(4) Shall not have a stop signal arm, as required by Rule 41.1 of these rules

35.01(a)(5) Shall not be required to have the retro-reflective material color, as Required by Rule 36.3.

35.01(a)(5)(A) Exception: A Multifunction School Activity Bus is required to meet the requirements of Rule 36.4.

**National Congress of School Transportation (NCST)** - Since 1939 the National Congresses (formerly Conferences) on School Transportation have been held periodically with the primary objective of ensuring safe, efficient transportation for school children. Since 1980, the 300-plus delegates from around the country who comprise the NCST have convened every five years. The delegates will deliberate and adopt proposed updates to the 2010 National School Transportation Specifications and Procedures (NSTSP). The Specifications and Procedures are the primary purpose and product of the Congresses, comprising the delegates' formal recommendations for vehicles, equipment, and operational practices that contribute to the objectives of safety and efficiency. As stated, within the introduction to the NSTSP, its intended use is that "the specifications for school buses and procedures for operation are available for states to consider when establishing their standards, specifications, recommendations, and guidelines." <https://nasdpts.org/NCST-NSTSP>

National Highway Transportation Safety Administration (NHTSA) - <http://www.nhtsa.gov/>

National School Transportation Specifications and Procedures - <https://nasdpts.org/resources/Documents/NCSTFiles/NCST%202015%20Specifications%20and%20Procedures%204.20.18.pdf>

OEM - Original Equipment Manufacturer

Off duty time - Means that the driver is not on duty, is not required to be in readiness to work, or is not under any responsibility for performing work, or resting in a parked school transportation vehicle. 49 CFR 395.8.

On-duty time - Means all time from the time a driver begins to work as a driver or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. *On-duty time* shall include:

- All time at a terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by Supervision.
- All time inspecting, servicing, or conditioning any vehicle at any time;
- All driving time as defined in the term *driving time*;
- All time in a school transportation vehicle, other than time spent resting in a parked vehicle
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled school transportation vehicle;
- All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by part 382 of this 49 CFR when directed by a supervisor

OOS - Out of Service is anything that removes a vehicle from a safe and operational condition. A full list is included in the Annual Inspector Guide, Sections A-T.

Operating RPM's - Per the Colorado Department of Revenue Driver Testing and Education DECS/CDL is idle to around 1500.

Para-professional (Bus Assistant, Bus Monitor, Bus Aide) - Is a person assigned to the transportation department that may or may not be required via an IEP for a specific student, or to assist with discipline, or other assigned duties.

Para-professional (Bus Assistant, Bus Monitor, and Bus Aide) Qualification File - Refers to a collection of the CDE required documentation for paraprofessionals.

Passenger Capacity - May be used to clarify that the number is passenger count only.

Play - Any free movement of components.

**Political subdivision** - A municipality, public agency, or other instrumentality of one or more States, or a public corporation, board, or commission established under the laws of one or more States.

**Post Trip** - At the completion of operation, the driver shall inspect each school transportation vehicle to ascertain that it is in safe condition, that it is equipped as required by all provisions of law and that all equipment is in good working order.

**Pre-Service Training** - Of, or relating to, the period before a person takes a job that requires training.

**Pre-Trip** - Prior to operation, the driver shall inspect each school transportation vehicle to ascertain that it is in safe condition, that it is equipped as required by all provisions of law and that all equipment is in good working order. (STU-8 & 9)

**Preventative Maintenance**- Scheduled regular maintenance and inspection performed on a school transportation vehicle. (STU-26)

**Private Driveway/Road** - Means every road or driveway that is not open to the use of the public for purposes of vehicular travel, that is not state, or county maintained.

**Public Records Open to Inspection** - Districts must have policies regarding the retention, archiving and destruction of public records including digital magnetic optical disks, tapes, microfilm, and microfiche. <http://www.lpdirect.net/casb/crs/24-72-203.html>

**Public Transportation** - Any form of transportation that charge set fares, run fixed routes, and are available to the public such as buses, subways, ferries, and trains.

**Registered New and Used Bus Dealers** - A list of used bus dealers that have registered with the CDE School Transportation Unit verifying that buses sold for use in Colorado will meet or exceed 1 CCR 301-25. <http://www.cde.state.co.us/transportation/registeredusedbusdealers-0>

**Road** - Means any street or highway.

**Roadway** - Means that portion of a highway improved, designed, or ordinarily used for Vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadway, "roadway" refers to any such roadway separately by not to all such roadways collectively. <http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=149>

**Route** - Is one or more runs assembled as a package. A route is normally operated by the same school transportation vehicle and driver.

**Route Operator** - Route operators regularly transport students' home to school, school to school, school to home and school related events.

**Samaritan Act** - CRS 13-21-108. Persons rendering emergency assistance exempt from civil liability.  
<http://www.lexisnexis.com/hottopics/Colorado/>

**School** - Means the public schools of the state.

**School Bus** - Per Colorado Minimum Standards 1CCR 301-25 - (FMCSA) means a passenger motor vehicle which is designed and used to carry more than 10 passengers in addition to the driver, and which the Secretary of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary, or secondary school students to or from school or an event related to school. School buses are specifically designed for maximum safety.

Per Colorado Vehicle Code - (92) "School bus" means every motor vehicle which is owned by or under contract to a public or governmental agency and operated for the transportation of children to or from school or any school-sponsored activities, or which is privately owned and operated for compensation but it does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of children to or from school or any school-sponsored activities.

Per CRS 42-1-102 - "School Bus" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a carpool, for the transportation of school children to or from a public or private school or a school-related activity.

**School Bus Certified Model List** - School Bus manufactures have certified to CDE that school bus models on this list meet the Colorado Minimum Standards 301-25. <http://www.cde.state.co.us/transportation/guidelinesandregulations>

**School Bus Manufacturers Technical Counsel (SBMTC)** - The School Bus Manufacturers Technical Council (SBMTC), an organization within the National Association of State Directors of Pupil Transportation Services, was established in 1995 as a subsidiary of the NASDPTS Supplier Council. SBMTC operates and functions as the industry's technical advisor. The school transportation industry requires a method of technical communication, and SBMTC is the tool to accomplish this purpose. The council provides a forum in which council members can address technical and government-related issues concerning the manufacture and acceptability of school bus chassis and school bus bodies.

**School Bus Technical Reference Guide** - <http://www.nasdpts.org/SBMTC/documents/PubSBMTC-002TechRef-Aug05.pdf>

**School Bus Operation** - means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home. <http://www.fmcsa.dot.gov/regulations/title49/section/390.5>

**School District** - means any public-school district organized pursuant to law. (Article 30 of title 22 of Colorado Revised Statutes) or a board of cooperative services (BOCES) organized pursuant to Article 5 of Title 22 of Colorado Revised Statutes.

**School Transportation Vehicle** - means every motor vehicle which is owned by a school district public or governmental agency and operated for the transportation of students to and from school, from school to school, or to school related events or which is privately owned and operated for compensation provided that such transportation service is sponsored and approved by the local board of education or school's governing board/agency.

This does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a carpool.

Exemption: Vehicles that carry students as part of their operation as a common carrier under the jurisdiction of United States Department of Transportation or Public Utilities Commission are not included within the definition of school transportation vehicle.  
<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6221&fileName=1%20CCR%20301-25>

**Secondary Braking System** - Refers to a system that is used to supplement the primary brake system 1CCR 301-25, Rule 7.12.

**Service brake system** - A primary brake system used for slowing and stopping a vehicle.

**Seven consecutive days** - Means the period of 7 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

**Small capacity vehicle Medical History Form (STU-17)** - A medical history form required by CDE for the operators of small capacity vehicles that requires a doctor's release to accompany any "YES" answers.

**Strobe Lamps** - Refer to CDL Manual. Statute 42-4-2133 also applies to construction vehicles, wreckers, and tow trucks. Under this statute, these non-emergency vehicles are required to use yellow/amber flashing, rotating, or oscillating yellow/amber lights.

**Student Medical Information** - See FERPA and IDEA

**Surveillance** - Definition continuous observation of a place, person, group, or ongoing activity in order to gather information.

**Technician Qualification File** - Refers to a collection of the CDE required documentation for Technicians/mechanics.

**Texting** - Means manually entering text into, or reading text from, an electronic device. This includes, but is not limited to, short message service, e-mailing, instant messaging, a command, or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. (Per CDL)

Texting - "A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle." Colorado Law - CRS 42-4-239-(3)

**Twenty-four-hour period** - means any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

**United States Department of Transportation (USDOT)** - <https://www.transportation.gov/>

**Universal Precautions** - is an approach to infection control to treat all human blood and certain human body fluids as if they were known to be infectious for HIV, HBV and other blood borne pathogens, (Blood borne Pathogens Standard 29 CFR 1910.1030(b) definitions).

**Vehicle Designed Capacity** - the manufacturers' original rated capacity of the vehicle. <http://www.nasdpts.org/Documents/Paper-SeatingCapacity.pdf>

## COLORADO DEPARTMENT OF EDUCATION SCHOOL TRANSPORTATION UNIT FORMS

<https://www.cde.state.co.us/transportation/transform.htm>

**STU 5 - Application for Qualification/Recertification of School Transportation Entry Level Theory Instructor** - This form is to be used when an ELDT Theory Instructor is qualifying or recertifying to be an ELDT Instructor and must be on file with the School Transportation Unit.

**STU 6 - Application for Qualification/Recertification of School Transportation Entry Level Behind-the-Wheel Instructor** - This form is to be used when an ELDT Behind-the-Wheel Instructor is qualifying or recertifying to be an ELDT Instructor and must be on file with the School Transportation Unit.

**STU 7 - CDE New and Used School Bus Dealer Registration** - This form must be on file with the School Transportation Unit in order to sell new and used school buses to any Colorado school district per Colorado Minimum Standards for School Transportation Vehicles 1 CCR 301-25, Rule 3.4. There is no fee for registering. Colorado school districts will be notified of the registered dealerships.

**STU 8 - CDE Small capacity vehicle Pre-Trip/Post Trip Vehicle Inspection Form** - This form must be completed as required in 1 CCR 301-26, Rule 9.3. Pre-trip/Post-trip Vehicle Inspection shall include at a minimum ALL items listed on this form. This form shall be maintained in the transportation department for a minimum of 6 months.

**STU 9 - CDE School Bus, Multifunction Bus, Motor Carrier Pre-Trip/Post Trip Vehicle Inspection Form** - This form must be completed as required in 1 CCR 301-26, Rule 9.2. Pre-trip/Post-trip Vehicle Inspection shall include at a minimum ALL items listed on this form. This form shall be maintained in the transportation department for a minimum of 6 months.

**STU 10 - CDE Hands On Test Scoring Instructions** - Provides instructions for the Hands On Tester to proctor the hands-on performance test.

**STU 13 - CDE Annual Inspector Qualification & Recertification Test Answer Sheet** - This form is to be used when a Technician/Mechanic is taking the Annual Inspector Qualification and/or Recertification Test. The completed form must be maintained in the Annual Inspector file until the inspector resigns, is terminated, or retires.

**STU 15** - CDE School Bus, Multifunction and Motor Coach Operator Written Test Answer Sheet

**STU 16** - CDE Type A, Multifunction and Small capacity vehicle Route/Activity Operator Written Test Answer Sheet

**STU 17 - CDE Medical Information Form for Small capacity vehicle/Multi-function Vehicle Operators** - This form is to be completed by all Multifunction Vehicle Operator and Small capacity vehicle Operators operating vehicles with the capacity of 15 or fewer passengers (including driver) and maintained in each individual operator file in the transportation department for a minimum of 6 years.



**STU 18 - CDE Guide to the Hands-On Test** - This guide should be used by the Annual Inspector applicant to study for the Hands-On test.

**STU 19 - Hands-On Test Checklist** - This checklist is to be used by the Hands-On testing when scoring the applicant during the Hands-On test. This form shall be maintained by the Hands-On tester.

**STU 20 - Application for CDE Annual Inspector Qualification/Recertification** - This form must be completed by the Inspection site and submitted to the CDE School Transportation Unit. A copy of this form shall be maintained in the Annual Inspector Qualification File (IQF) until the inspector resigns, is terminated, or retires.

**STU 21 - Annual Inspector Hands-On Performance Test Score Sheet** - This form is used by the Hands-On Tester to score an Annual Inspector Hands-On Test. A copy of this form shall be maintained by the Hands-On tester and the original maintained in the Annual Inspector Qualification File (IQF).

**STU 22 - Application for Inspecting Site Certification** - This form is a request to be affirmed as an inspecting site to conduct the CDE annual inspection. This site meets the requirements for facilities and equipment as required in 1 CCR 301-26, Rule 10.0. This form is to be submitted to the CDE School Transportation Unit.

**STU 23 - CDE Outside Annual Inspection Site Review** - This form is used by CDE Personnel when inspecting potential Inspection Sites.

**STU 24 - CDE Brake Inspector Qualification Certificate** - This form is to be completed by the Annual Inspector and maintained in the Annual Inspector Qualification File (IQF) until the Annual Inspector resigns, is terminated, or retires.

**STU 25 - Affidavit of Annual Inspection for School Transportation Vehicles** - This form is to be completed by the Annual Inspector documenting that the annual inspection of a school transportation vehicle complies with 1 CCR 301-26, Rule 11.2 and 49 CFR 396.17 and Appendix A. The current affidavit is maintained inside the vehicle and a copy in the school transportation department vehicle file.

**STU 26 - CDE Annual Inspection/Preventive Maintenance Checklist** - This form is to be completed by the Annual Inspector documenting that the vehicle complies the 1 CCR 301-26, Rule 11.3. The original copy shall be maintained at the inspecting site in the individual vehicle file.

**STU 27 - CDE VO-AG Trailer Annual Inspection/Preventive Maintenance Checklist** - This form is to be completed by the Annual Inspector documenting that the vehicle complies the 1 CCR 301-26, Rule 11.4. The original copy shall be maintained at the inspecting site in the individual vehicle file.

**STU 30 - Application for Qualification/Recertification of CDE Annual Inspector Hands-On Tester** - This form is to be completed for qualification/recertification as a CDE Annual Inspector Hand-On Tester in compliance with 1 CCR 301-26, Rule 8.2, and submitted to the CDE School Transportation Unit and a copy is placed in the Annual Inspector Qualification file.

The above forms are also available on the CDE Transportation website as “fillable” pdf documents. Any retention requirements listed above also pertain to the fillable documents.

## COLORADO RULES FOR OPERATION, COLORADO MINIMUM STANDARDS, AND ANNUAL INSPECTOR

### *COLORADO RULES FOR THE OPERATION, MAINTENANCE, AND INSPECTION OF SCHOOL TRANSPORTATION VEHICLES*

#### 1 CCR 301-26

- 1.2 The purpose of these rules is to adopt and enforce regulations governing the reasonable and adequate standards of safety for the operation, maintenance and inspection of school transportation vehicles that promote the welfare of the students and afford reasonable protection to the public. These rules are designed to align with federal standards, reflect current industry practices, and incorporate recommendations from school district, charter school, and service provider transportation professionals.

The full document can be found on the CDE Transportation website homepage and in the “Guidelines and Regulations” section of the CDE Transportation website.

### *COLORADO MINIMUM STANDARDS GOVERNING SCHOOL TRANSPORTATION VEHICLES*

#### 1 CCR 301-25

- 1.2 The purpose of these rules is to adopt and enforce regulations governing the reasonable and adequate standards of safety for the operation, maintenance and inspection of school transportation vehicles that promote the welfare of the students and afford reasonable protection to the public. These rules are designed to align with federal standards, reflect current industry practices, and incorporate recommendations from school district, charter school, and service provider transportation professionals.

It is important to remember that each bus must meet the Colorado Minimum Standards that were in effect per the age of the vehicle. For example, a 2010 school bus must meet the Minimum Standards that are for vehicles manufactured 2007-2015; a 2010 bus does not have to meet the Minimum Standards that are for vehicles manufactured 2015-present.

The full document can be found on the CDE Transportation website homepage and in the “Guidelines and Regulations” section of the CDE Transportation website.

## *ANNUAL INSPECTION GUIDE - SCHOOL TRANSPORTATION TECHNICIAN*

The Colorado Department of Education (CDE) School Transportation Unit has promulgated this resource guide to assist public school districts as well as Boards of Cooperative Educational Services (BOCES) with developing policies and procedures for the safe transportation of students. These guidelines provide manufacturer recommendations, industry standards and best practices which are consistent with the Colorado Minimum Standards Governing School Transportation Vehicles, 1 CCR 301-25 and the Colorado Rules for the Operation, Maintenance and Inspection of School Transportation Vehicles 1 CCR 301-26. This publication is intended to serve as a transportation provider resource toward compliance with legislation and regulations.

This document also describes when a vehicle needs to be placed Out-of-Service. The Out-of-Service criteria and resulting table begin in Section A of the Annual Inspector guide.

The full document can be found in the "School Bus Fleet and Technicians Toolbox" section of the CDE Transportation website.

# COLORADO LICENSE AND TRAINING MATRIX



## 1 CCR 301.26 License and Training Matrix 2023-2024

Classification	ROUTE	ROUTE	ROUTE	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ANNUAL	ANNUAL
	District/Charter Private Company Owned	District/Charter Private Company Owned	District/Charter Private Company Owned - Type A Small Cap Vehicle	District/Charter Owned Multifunction	District/Charter Owned Motor Coach	District/Charter Owned Multifunction	District/Charter Owned Multifunction Type A	District/Charter Owned Small Capacity Vehicle (less than 12 pass)	District/Charter Owned Type A	Privately Owned Bus	Privately Owned Multifunction	Privately Owned Small Vehicle (Parent/Uber/Lyft Taxi, etc.)	District/Charter Owned Technicians/Annual Inspectors
Type of Vehicle Including driver	16 or more passenger GVWR greater than 26,001 lbs.	16 or more passenger GVWR less than 26,001 lbs.	15 or less passenger GVWR less than 26,001 lbs.	16 or more passenger GVWR greater than 26,001 lbs.	16 or more passenger GVWR greater than 26,001 lbs.	16 or more passenger GVWR less than 26,001 lbs.	15 or less passenger GVWR less than 26,001 lbs.	12 or less passenger GVWR less than 26,001 lbs.	16 or more passenger GVWR greater than 26,001 lbs.	15 or less passenger GVWR less than 26,001 lbs.	12 or less passenger GVWR less than 10,001 lbs.	16 or more passenger GVWR greater than 26,001 lbs.	15 or less passenger GVWR less than 26,001 lbs.
Required License	CDL	CDL	Valid Operator	CDL	CDL	CDL	CDL	Valid Operator	Valid Operator	CDL	Valid Operator	Valid Operator	Valid Operator
Required Class	B	C	N/A	B	B	C	N/A	N/A	Bus	N/A	N/A	B	N/A
Required Endorsements	"P" Passenger "S" School Bus "M" Restriction	"P" Passenger "S" School Bus "M" Restriction	N/A	"P" Passenger "S" School Bus "M" Restriction	"P" Passenger "S" School Bus "M" Restriction	"P" Passenger "S" School Bus "M" Restriction	N/A	N/A	"P" Passenger "S" School Bus "M" Restriction	N/A	N/A	"P" Passenger "M" Restriction	N/A
FMCSA D & A Clearinghouse Pre-Employment D & A Testing	Yes	Yes	N/A	Yes	Yes	Yes	N/A	N/A	Yes	N/A	N/A	Yes	N/A
FMCSA Random Drug Testing	Yes	Yes	N/A	Yes	Yes	Yes	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Required D & A Substance Abuse Training	Yes Once	Yes Once	District/Charter Policy	Yes Once	Yes Once	Yes Once	District/Charter Policy	District/Charter Policy	Yes Once	District/Charter Policy	District/Charter Policy	Yes Once	District/Charter Policy
Required Medical Exam	USDOT DOT Physical	USDOT DOT Physical	STU-17	USDOT DOT Physical	USDOT DOT Physical	USDOT DOT Physical	CDE STU-17	CDE STU-17	USDOT DOT Physical	District/Charter/ Company Policy	District/Charter/ Company Policy	USDOT DOT Physical	District/Charter/ Company Policy
Required MVR Pre-Employment & Annually	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter Policy	District/Charter Policy
Required Mountain and Adverse Weather Training	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter Policy	District/Charter Policy
Required Confidentiality Training	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter Policy	District/Charter Policy
Required Mandatory Reporting Training	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter Policy	District/Charter Policy
Required Proper Use of Restraint Training	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	Yes Once	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter Policy	District/Charter Policy

Classification	ROUTE	ROUTE	ROUTE	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ACTIVITY	ANNUAL	ANNUAL
	District/Charter Private Company  Owned	District/Charter Private Company  Owned	District/Charter Private Company  Owned - Type A Small Cap Vehicle	District/Charter Owned  Multifunction	District/Charter Owned  Motor Coach	District/Charter Owned  Multifunction	District/Charter Owned  Multifunction Type A	District/Charter Owned  Small Capacity Vehicle (less than 12 pass)	District/Charter Owned  Small Capacity Vehicle (less than 12 pass)	Privately Owned Bus	Privately Owned Multifunction	Privately Owned Small Vehicle  Type A (Parent/Uber/Lyft Taxi, etc.)	District/Charter Owned  Technicians/ Annual Inspectors
Type of Vehicle Including driver	16 or more passenger GVWR <u>greater</u> than 26,001 lbs.	16 or more passenger GVWR <u>less</u> than 26,001 lbs.	15 or less passenger GVWR <u>less</u> than 26,001 lbs.	16 or more passenger GVWR <u>greater</u> than 26,001 lbs.	16 or more passenger GVWR <u>greater</u> than 26,001 lbs.	16 or more passenger GVWR <u>less</u> than 26,001 lbs.	15 or less passenger GVWR <u>less</u> than 26,001 lbs.	15 or less passenger GVWR <u>less</u> than 26,001 lbs.	16 or more passenger GVWR <u>greater</u> than 26,001 lbs.	15 or less passenger GVWR <u>less</u> than 26,001 lbs.	15 or less passenger GVWR <u>less</u> than 10,001	16 or more passenger GVWR <u>greater</u> than 26,001 lbs.	15 or less passenger GVWR <u>less</u> than 26,001 lbs.
Required CDE Guide Certificate of Receipt	Yes School Bus/MF/ Motor Coach Only Once	Yes Type A/MF/ Small Vehicle/ Route/Activity Only Once	Yes Type A/MF/ Small Vehicle/ Route/Activity Only Once	Yes School Bus/MF/ Motor Coach Only Once	Yes School Bus/MF/ Motor Coach Only Once	Yes Type A/MF/ Small Vehicle/ Route/Activity Only Once	Yes Type A/MF/ Small Vehicle/ Route/Activity Only Once	Yes Type A/MF/ Small Vehicle/ Route/Activity Only Once	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Policy	District/Charter/ Policy
Required Annual CDE Written Exam	Yes School Bus/MF/ Motor Coach Test	Yes Type A/MF/ Small Vehicle/ Route/Activity Test	Yes Type A/MF/ Small Vehicle/ Route/Activity Test	Yes School Bus/MF/ Motor Coach Test	Yes School Bus/MF/ Motor Coach Test	Yes Type A/MF/ Small Vehicle/ Route/Activity Test	Yes Type A/MF/ Small Vehicle/ Route/Activity Test	Yes Type A/MF/ Small Vehicle/ Route/Activity Test	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Policy	District/Charter/ Policy
Required First Aid/CPR Training	Yes Every 2 years	Yes Every 2 years	Yes Every 2 years	Yes Every 2 years	Yes Every 2 years	Yes Every 2 years	Must be given information	Must be given information	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Policy	District/Charter/ Policy
Required Driver Performance Evaluation & Pre- Trip	Yes, Prior to Transporting Students & Annually	Yes, Prior to Transporting Students & Annually	Yes, Prior to Transporting Students & Annually	Yes, Prior to Transporting Students & Annually	Yes, Prior to Transporting Students & Annually	Yes, Prior to Transporting Students & Annually	Yes, Only Once Prior to Transporting Students	Yes, Only Once Prior to Transporting Students	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Policy	District/Charter/ Policy
Required Job Description	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	Yes	Yes
Required Pre- Service Training Documentation Trained <u>prior</u> to 2/7/2022	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	Yes, Per 301.26 Section 7.02	Yes, Per 301.26 Section 7.02
Required Pre- Service Training Documentation Trained <u>after</u> 2/7/2022	Yes ELDT Certificates ELDT Syllabus's	Yes ELDT Certificates ELDT Syllabus's	Yes	Yes ELDT Certificates ELDT Syllabus's	Yes ELDT Certificates ELDT Syllabus's	Yes ELDT Certificates ELDT Syllabus's	Yes	Yes	Yes ELDT Certificates	Yes	Yes	Yes ELDT Certificates ELDT Syllabus's	Yes
Required Child Safety Restraint System Training Documentation Required Hours of In-service Annually	Yes If Applicable	Yes If Applicable	Yes If Applicable	Yes If Applicable	Yes If Applicable	Yes If Applicable	Yes If Applicable	Yes If Applicable	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Company Policy	District/Charter/ Policy	District/Charter/ Policy
	Yes	Yes	Yes	Yes	Yes	Yes	District/Charter/ Policy	District/Charter/ Policy	Yes	District/Charter/ Policy	District/Charter/ Policy	District/Charter/ Policy	District/Charter/ Policy

# LAWS AND REGULATIONS PERTAINING TO COLORADO SCHOOL TRANSPORTATION

## Colorado Commercial Driver License Manual

### *USE OF MIRRORS (FMVSS 111)*

#### *CORRECT MIRROR ADJUSTMENT*

Proper adjustment and use of all mirrors are vital to the safe operation of the school bus in order to observe the danger zone around the bus and look for students, traffic, and other objects in this area. You should always check each mirror before operating the school bus to obtain maximum viewing area. If necessary, have the mirrors adjusted.

#### *OUTSIDE LEFT AND RIGHT-SIDE FLAT MIRRORS*

These mirrors are mounted at the side or front of the windshield. They are used to monitor traffic, check clearances and students on the sides and to the rear of the bus. There is a blind spot immediately below and in front of each mirror and directly in back of the rear bumper. The blind spot behind the bus extends 50 to 150 feet and could extend up to 400 feet depending on the length and width of the bus. Ensure that the mirrors are properly adjusted so you can see:

- 200 feet or 4 bus lengths behind the bus along the sides of the bus.
- The rear tires touching the ground.

#### *OUTSIDE LEFT AND RIGHT-SIDE CONVEX MIRRORS*

The convex mirrors are located below the outside flat mirrors. They are used to monitor the left and right sides at a wide angle. They provide a view of traffic, clearances, and students at the side of the bus. These mirrors present a view of people and objects that does not accurately reflect their size and distance from the bus. You should position these mirrors to see:

- The entire side of the bus up to the mirror mounts. Front of the rear tires touching the ground.
- At least one traffic lane on either side of the bus.

### *OUTSIDE LEFT AND RIGHT-SIDE CROSSOVER MIRRORS*

These mirrors are mounted on both left and right front corners of the bus. They are used to see the front bumper “danger zone” area directly in front of the bus that is not visible by direct vision, and to view the “danger zone” area to the left side and the right side of the bus, including the service door and front wheel area. The mirror presents a view of people and objects that does not accurately reflect their size and distance from the bus. The driver must ensure that these mirrors are properly adjusted. These mirrors are used when loading and unloading passengers/students. Ensure that the mirrors are properly adjusted so you can see:

- The entire area in front of the bus from the front bumper at ground level to a point where direct vision is possible. Direct vision and mirror view vision should overlap.
- The right and left front tires touching the ground. The area from the front of the bus to the service door.

These mirrors, along with the convex and flat mirrors, should be viewed in a logical sequence to ensure that a child or object is not in any of the danger zones.

### *OVERHEAD INSIDE STUDENT (REARVIEW) MIRROR*

This mirror is mounted directly above the windshield on the driver’s side area of the bus. This mirror is used to monitor passenger activity inside the bus. It may provide limited visibility directly in back of the bus if the bus is equipped with a glass-bottomed rear emergency door. There is a blind spot area directly behind the driver’s seat as well as a large blind spot area that begins at the rear bumper and could extend up to 400 feet or more behind the bus. You must use the exterior side mirrors to monitor traffic that approaches and enters this area. You should position the mirror to see:

- The top of the rear window is in the top of the mirror.
- All of the students, including the heads of the students directly behind you.

## *LOADING AND UNLOADING PROCEDURES*

More students are killed while getting on or off a school bus each year than are killed as passengers inside of a school bus. As a result, knowing what to do before, during, and after loading or unloading students is critical. This section will give you specific procedures to help you avoid unsafe conditions which could result in injuries and fatalities during and after loading and unloading students. The information in this section will provide a definitive set of procedures authored by the Colorado Department of Education and the American Association of Motor Vehicle Administrators for the safe loading and unloading of students and will help prevent crashes or injury. According to the Colorado State Statute, each school district establishes official routes and official school bus stops. The location of the student stops should consider factors that include visibility, lateral clearance, student access and control of other motorists. The route operator should never relocate the student stop without supervisor approval. The supervisor will specify the procedures to be followed by the route operator to relocate a student stop in an emergency.



### APPROACHING THE STOP - SAFE STOP

You must use extreme caution when approaching a school bus stop. This would involve the proper use of mirrors, alternating flashing lights, and when equipped, the moveable stop signal arm and crossing control arm.

When approaching the stop, you should:

- Approach cautiously at a slow rate of speed.
- Look for pedestrians, traffic, or other objects before, during, and after coming to a stop.
- Continuously check all mirrors.
- Activate the amber lights of the 8-way warning light system not less than 500 feet from the bus stop in rural areas and at least 200 feet or the length of one city block from the bus stop within the corporate limits of a town or city.
- Every school bus shall stop as far to the right of the roadway as possible before discharging or loading students: except that the school bus may stop in the traffic lane when a student must cross the road.
- Continuously check mirrors to monitor the danger zones for students, traffic, and other objects.

When stopping you should:

- Bring the school bus to a full stop with the front bumper at least 10 feet away from students at the designated stop.
- Stop the bus close enough to the right to prevent traffic from passing on the right so students may clear the school bus safely while in sight of the operator.
- When stopped, the parking/emergency brake shall be set and the transmission placed in neutral or in park, prior to loading and unloading.
- The red lights of the 8-way warning light system shall be activated whenever the bus is stopped for the purpose of loading or unloading.
- Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.

### LOADING PROCEDURES ON A ROUTE

Perform a safe stop as described.

Students should wait in a designated location for the school bus, facing the bus as it approaches. Students should board the bus only when signaled by the driver. Monitor all mirrors continuously. Count the number of students at the bus stop and be sure all board the bus. If possible, know names of students at each stop. If there is a student missing, ask the other students where the student is. Have the students board the school bus slowly, in single file, and use the handrail. The dome light should be on while loading in the dark. Wait until students are seated and facing forward before moving the bus. Check all mirrors.

Make certain no one is running to catch the bus. If you cannot account for a student outside, secure the bus, take the key, and check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.
- Engaging the transmission.
- Releasing the parking brake.
- Turning off alternating flashing red lights.
- Checking all mirrors again.
- Allowing congested traffic to disperse.
- When it is safe, move the bus to enter traffic flow and continue the route.

### *STUDENT LOADING AT A CAMPUS*

The loading procedure is essentially the same wherever you load students, but there are slight differences. When students are loading at the school campus, you should:

- Turn off the ignition switch.
- Remove key if leaving driver's compartment.
- Position yourself to supervise loading as required or recommended by your state or local regulations.

### *UNLOADING PROCEDURES ON A ROUTE*

Perform a safe stop at designated unloading areas. Have the students remain seated until told to exit. Check all mirrors. Tell students to exit the bus and walk at least 10 feet away from the bus to a position where the driver can plainly see all students. Count the number of students while unloading to confirm the location of all students before pulling away from the stop. Check all mirrors again. Make sure no students are around or returning to the bus. If you cannot account for a student outside the bus, secure the bus, and check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.
- Engaging transmission.
- Releasing parking brake.
- Turning off alternating flashing red lights.
- Checking all mirrors again.
- Allowing congested traffic to disperse.
- When it is safe, move the bus, enter the traffic flow, and continue the route.

**Note: If you have missed a student's unloading stop, do not back up. Be sure to follow local procedures.**

### ADDITIONAL PROCEDURES FOR STUDENTS WHO CROSS A ROADWAY

You should understand what students should do when exiting a school bus and crossing the street in front of the bus. In addition, the school bus driver should understand that students might not always do what they are supposed to do. If a student or students must cross the roadway, they should follow these procedures:

- Walk approximately 10 feet away from the side of the school bus to a position where you can see them.
- Walk to a location at least 10 feet in front of the right corner of the bumper but remaining away from the front of the school bus.
- Stop at the right edge of the roadway. You should be able to see the students' feet. When students reach the edge of the roadway, they should:
  - Stop and look in all directions, making sure the roadway is clear and is safe.
  - Check to see if the red flashing lights on the bus are still flashing.
  - Wait for your signal before crossing the roadway. Upon your signal, the students should:
    - Cross far enough in front of the school bus to be in your view.
    - Stop at the left edge of the school bus, stop, and look again for your signal to continue to cross the roadway.
    - Look for traffic in both directions, making sure the roadway is clear.
    - Proceed across the roadway, continuing to look in all directions.

*Note: The school bus driver should enforce any School District regulations or recommendations concerning student actions outside the school bus.*

### UNLOADING PROCEDURES AT A CAMPUS

When unloading at the school you should follow these procedures: Perform a safe stop at designated unloading areas. Secure the bus by:

- Turning off the ignition switch.
- Removing key if leaving driver's compartment.
- Have the students remain seated until told to exit.
- Position yourself to supervise unloading as required by your School District requirements.
- Have students exit in orderly fashion.
- Observe students as they step from bus to see that all move promptly away from the unloading area.
- Walk through the bus and check for hiding/sleeping students and items left by students.
- Check all mirrors.
- Make certain no students are returning to the bus.
- If you cannot account for a student outside the bus and the bus is secure, check around and underneath the bus.

When all students are accounted for, prepare to leave by:

- Closing the door.
- Fastening safety belt.
- Starting engine.
- Engaging the transmission.
- Releasing the parking brake.
- Turning off alternating flashing red lights.
- Checking all mirrors again.
- Allowing congested traffic to disperse.
- When it is safe, pull away from the unloading area.

### *SPECIAL DANGERS OF LOADING AND UNLOADING*

#### *Dropped or Forgotten Objects*

Always focus on students as they approach the bus and watch for any who disappear from sight. Students may drop an object near the bus during loading and unloading. Stopping to pick up the object or returning to pick up the object may cause the student to disappear from the driver's sight at a very dangerous moment. Students should be told to leave any dropped object and move to a point of safety out of the danger zones and attempt to get the driver's attention to retrieve the object.

#### *Handrail Hang-ups.*

Students have been injured or killed when clothing, accessories, or even parts of their body get caught in the handrail or door as they exited the bus. You should closely observe all students exiting the bus to confirm that they are in a safe location prior to moving the bus.

### *POST-TRIP INSPECTION*

When your route or school activity trip is finished, you should conduct a post-trip inspection of the bus. You should walk through the bus and around the bus looking for the following:

- Articles left on the bus.
- Sleeping students.
- Open windows and doors.
- Mechanical/operational problems with the bus, with special attention to items that are unique to school buses - mirror systems, flashing warning lamps and stop signal arms.
- Damage or vandalism.
- Any problems or special situations should be reported immediately to your supervisor or school authorities.

## PLANNING FOR EMERGENCIES

Determine Need to Evacuate Bus. The first and most important consideration is for you to recognize the hazard. If time permits, school bus drivers should contact their dispatcher to explain the situation before deciding to evacuate the school bus. As a rule, student safety and control are best maintained by keeping students on the bus during an emergency and/or impending crisis, if so, doing does not expose them to unnecessary risk or injury. Remember, the decision to evacuate the bus must be a timely one.

A decision to evacuate should include consideration of the following conditions:

- Is there a fire or danger of fire?
- Is there a smell of raw or leaking fuel?
- Is there a chance the bus could be hit by other vehicles?
- Is the bus in the path of a sighted tornado or rising waters?
- Are there downed power lines?
- Would removing students expose them to speeding traffic, severe weather, or a dangerous environment such as downed power lines?
- Would moving students' complicate injuries such as neck and back injuries and fractures?
- Is there a hazardous spill involved?

**Note: Sometimes, it may be safer to remain on the bus and not come in contact with the material.**

Mandatory Evacuations. The driver must evacuate the bus when:

- The bus is on fire or there is a threat of a fire.
- The bus is stalled on or adjacent to a railroad- highway crossing.
- The position of the bus may change and increase the danger.
- There is an imminent danger of collision.
- There is a need to quickly evacuate because of a hazardous materials spill.

## ***EVACUATION PROCEDURES***

### ***EMERGENCY EXIT AND EVACUATION***

An emergency can happen to anyone, anytime, anywhere. It could be a crash, a stalled school bus on a railroad-highway crossing or in a high-speed intersection, an electrical fire in the engine compartment, a medical emergency to a student on the school bus, etc. Knowing what to do in an emergency- before, during and after an evacuation-can mean the difference between life and death.

Be Prepared and Plan Ahead. When possible, assign two responsible, older student assistants to each emergency exit. Teach them how to assist the other students off the bus. Assign another student assistant to lead the students to a "safe place" after evacuation. However, you must recognize that there may not be older, responsible students on the bus at the time of the emergency. Therefore, emergency evacuation procedures must be explained to all students. This includes knowing how to operate the various emergency exits and the importance of listening to and following all instructions given by you. Some tips to determine a safe place:

- A safe place will be at least 100 feet off the road in the direction of oncoming traffic. This will keep the students from being hit by debris if another vehicle collides with the bus.
- Lead students upwind of the bus if fire is present.
- Lead students as far away from railroad tracks as possible and in the direction of any oncoming train.
- Lead students upwind of the bus at least 300 feet if there is a risk from spilled hazardous materials.
- If the bus is in the direct path of a sighted tornado and evacuation is ordered, escort students to a nearby ditch or culvert if shelter in a building is not readily available, and direct them to lie face down, hands covering their head. They should be far enough away so the bus cannot topple on them.
- Avoid areas that are subject to flash floods.

### ***GENERAL PROCEDURES***

Determine if evacuation is in the best interest of safety. Determine the best type of evacuation:

- Front, rear or side door evacuation, or some combination of doors.
- Roof or window evacuation. Secure the bus by:
  - Placing transmission in Park, or if there is no shift point, in Neutral.
  - Setting parking brakes.
  - Shutting off the engine.
  - Removing ignition key.
  - Activating hazard-warning lights.
- If time allows, notify dispatch office of evacuation location, conditions, and type of assistance needed.
- Dangle radio microphone or telephone out of driver's window for later use, if operable.

- If no radio, or radio is inoperable, dispatch a passing motorist or area resident to call for help. As a last resort, dispatch two older, responsible students to go for help.

Order the evacuation.

- Evacuate students from the bus.
- Do not move a student you believe may have suffered a neck or spinal injury unless his or her life is in immediate danger.
- Special procedures must be used to move neck spinal injury victims to prevent further injury.
- Direct a student assistant to lead students to the nearest safe place.
- Walk through the bus to ensure no students remain on the bus. Retrieve emergency equipment.
- Join the waiting students. Account for all students and check for their safety.
- Protect the scene. Set out emergency warning devices as necessary and appropriate.
- Prepare information for emergency responders.

### *EMERGENCY PROCEDURES FOR SPECIFIC LOCATION EVACUATIONS: FRONT DOOR EVACUATIONS*

Announce: "Remain seated. Emergency evacuation, front door." Tell the students the location of the safe waiting area that is at least 100 feet or more from the bus and roadway. Again, a safe place will be at least 100 feet or as far as safely possible in the direction of oncoming traffic. This will keep students from being hit by debris if another vehicle collides with the bus. The students should be supervised if possible. Evacuate the bus by dismissing the students. The driver's position begins at the front of the bus. Give the first aid kit(s), fire extinguisher and emergency triangles to the first two students exiting the bus. Do not impede the flow of the students exiting. Begin at the front of the bus, starting at the right side; move toward the rear, alternate side-to-side, row-by-row until you reach the rear of the bus. Return to the front and check each seat to make sure all students have evacuated. Render first aid if necessary. Account for all students. Notify the proper authorities and school administrators.

### *EMERGENCY PROCEDURES FOR SPECIFIC LOCATION EVACUATIONS: REAR DOOR EVACUATIONS*

This location is to be used when the front door evacuation is impossible or unsafe to use or when it is imperative to evacuate as quickly as possible by using all exits. Announce, "Remain seated. Emergency evacuation, rear door." Tell students the location of the safe waiting area. Assign two 'helpers' to assist students. Have them 'sit' on the floor at the emergency door and 'scoot' out of the door onto the ground. One helper is positioned so that the emergency door will not swing against the students. The other helper is positioned on the other side of the door area. Helpers are very important in preventing injuries when exiting the bus from the rear door. Helpers need to hold a hand open, palm upward and extended for the student exiting the bus to place his/her hand on it. The other hand will support the upper part of the arm of the student exiting the bus to minimize the possibility of the student falling forward. The students exiting the bus should sit at the rear door then scoot through the door onto the ground. The students should then walk to the designated safe area. Evacuate the bus by dismissing the students. The driver's position begins at the rear of the bus. Begin at the back row of the bus and continue to the front; move toward the front, alternate side-to-side, row-by-row until you reach the front of the bus. Give the first aid kit(s), fire extinguisher and emergency

triangles to the last two students when they are out of the bus. Return to the rear and check each seat to make sure all students have evacuated. Have the helpers “assist” you out the rear of the bus. Render first aid as necessary. Account for all students. Notify the proper authorities and school administrators as soon as possible.

### *EMERGENCY PROCEDURES FOR SPECIFIC LOCATION EVACUATIONS: FRONT AND REAR DOOR EVACUATIONS*

Follow the procedures outlined in the previous sections for both the front door and rear door evacuations. Refer to the illustrations to determine which seats go out which exit. The fastest method for a school bus evacuation is the rear and front door combination.

### *EMERGENCY EVACUATION PROCEDURES FOR STUDENTS WITH SPECIAL NEEDS*

The Colorado Department of Education Transporting Special Needs Guide lists guidelines for preparing an evacuation plan. Care should be taken to plan for students with special needs who are riding on the bus. Know the procedures to be followed in order to safely evacuate each student. It is advisable to talk to parents or guardians of the students with disabilities to properly plan for an emergency evacuation. Teachers and school staff that work with your students can also help you understand the individual needs of each child. As a driver, you have the right to this information on each student, but you must keep it confidential. Responsible students may be assigned to help a student with special needs get to a safe waiting area away from the bus, traffic, and other possible dangers.

## *SPECIAL SAFETY CONSIDERATIONS*

### *Strobe Lights*

Some school buses are equipped with roof mounted white strobe lights. If your bus is so equipped, the overhead strobe light should be used when there is limited visibility. This means that you cannot easily see around you - in front, behind or beside the school bus. Your visibility could be only slightly limited, or it could be so bad that you can see nothing at all. In all instances, understand and obey Colorado and local regulations concerning the use of these lights.

For Colorado school bus drivers, the use of the strobe lamp will only be permitted in the following instances: when the bus presents a hazard to other motorists, such as when loading or unloading students in inclement weather or to enhance visibility of the bus when barriers inhibit such visibility. The school bus driver may also use the strobe, in addition to the hazard lamps, to warn other motorists that the bus is not in motion or is being operated at a speed of twenty-five miles per hour or less.

When a school transportation vehicle presents a hazard during the loading or unloading of students in inclement weather the strobe light shall not be used when the vehicle is in transit but is permitted to be engaged at the first student stop on a route and disengaged after the last student stop on a route.



## COLORADO REVISED STATUTES

[Title 13 - Courts and Court Procedure damages and limitation on actions](#)

[Title 18 - Criminal Code](#)

[Title 19 - Children's Code](#)

[Title 22 - Education](#)

[Title 42 - Vehicles and Traffic](#)

## *TITLE 13 - COURTS AND COURT PROCEDURE DAMAGES AND LIMITATION ON ACTIONS*

<https://leg.colorado.gov/sites/default/files/images/olls/crs2021-title-13.pdf>

### *SECTION 13-21-108 - PERSONS RENDERING EMERGENCY ASSISTANCE EXEMPT FROM CIVIL LIABILITY*

- (1) Any person licensed as a physician and surgeon under the laws of the state of Colorado, or any other person, who in good faith renders emergency care or emergency assistance to a person not presently his patient without compensation at the place of an emergency or accident, including a health care institution as defined in section 13-64-202 (3), shall not be liable for any civil damages for acts or omissions made in good faith as a result of the rendering of such emergency care or emergency assistance during the emergency, unless the acts or omissions were grossly negligent or willful and wanton. This section shall not apply to any person who renders such emergency care or emergency assistance to a patient he is otherwise obligated to cover.
- (2) Any person while acting as a volunteer member of a rescue unit, as defined in section 25-3.5-103 (11), C.R.S., notwithstanding the fact that such organization may recover actual costs incurred in the rendering of emergency care or assistance to a person, who in good faith renders emergency care or assistance without compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.
- (3) Any person, including a licensed physician, surgeon, or other medical personnel, while acting as a volunteer member of a ski patrol or ski area rescue unit, notwithstanding the fact that such person may receive free skiing privileges or other benefits as a result of his volunteer status, who in good faith renders emergency care or assistance without other compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.
- (4) Notwithstanding the fact that the person may be reimbursed for the person's costs or that the nonprofit organization may receive a grant or other funding, any person who, while acting as a volunteer for any nonprofit organization operating a telephone hotline, answers questions of or provides counseling to members of the public in crisis situations shall not be liable for any civil damages for acts or omissions made in good faith as a result of discussions or counseling provided on the hotline.
  - (a) As used in this subsection (4), unless the context otherwise requires, "hotline" means a telephone line staffed by individuals who provide immediate assistance to callers in emergency or crisis situations.
- (5) An employer shall not be liable for any civil damages for acts or omissions made by an employee while rendering emergency care or emergency assistance if the employee:
  - (a) Renders the emergency care or emergency assistance in the course of his or her employment for the employer; and

(b) Is personally exempt from liability for civil damages for the acts or omissions under subsection (1) of this section.

**SECTION 13-21-115.6 - IMMUNITY FROM CIVIL LIABILITY FOR SCHOOL CROSSING GUARDS AND SPONSORS**

(1) As used in this section:

(a) "School crossing guard" means any person eighteen years of age and older acting with or without compensation who supervises, directs, monitors, or otherwise assists school children at a street or intersection.

(b) "School crossing guard sponsor" means any governmental agency or subdivision, including but not limited to any county, city, city and county, town, or school district, and any individual, volunteer group, club, or nonprofit corporation that sponsors, organizes, or provides for school crossing guards.

(2) Any school crossing guard and any school crossing guard sponsor shall be immune from civil liability for any act or omission that results in damage or injury if the school crossing guard was acting within the scope of such person's official functions and duties as a school crossing guard unless the damage or injury was caused by a willful and wanton act or omission of the school crossing guard.

(3) Nothing in this section shall be construed to abrogate or limit the sovereign immunity granted to public entities pursuant to the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

## *TITLE 18 - CRIMINAL CODE*

<https://leg.colorado.gov/sites/default/files/images/olls/crs2021-title-18.pdf>

### *SECTION 18-1-703 - USE OF PHYSICAL FORCE - SPECIAL RELATIONSHIPS*

- (1) The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:
  - (a) A parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person, and a teacher or other person entrusted with the care and supervision of a minor, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent it is reasonably necessary and appropriate to maintain discipline or promote the welfare of the minor or incompetent person.
  - (b) A superintendent or other authorized official of a jail, prison, or correctional institution may, in order to maintain order and discipline, use reasonable and appropriate physical force when and to the extent that he reasonably believes it necessary to maintain order and discipline, but he may use deadly physical force only when he reasonably believes it necessary to prevent death or serious bodily injury.
  - (c) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable and appropriate physical force when and to the extent that it is necessary to maintain order and discipline, but he may use deadly physical force only when it is reasonably necessary to prevent death or serious bodily injury.
  - (d) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon himself may use reasonable and appropriate physical force upon that person to the extent that it is reasonably necessary to thwart the result.
  - (e) A duly licensed physician, advanced practice nurse, or a person acting under Colorado Revised Statutes 2021 27 Title 18 his or her direction, may use reasonable and appropriate physical force for the purpose of administering a recognized form of treatment that he or she reasonably believes to be adapted to promoting the physical or mental health of the patient if:
    - (l) The treatment is administered with the consent of the patient, or if the patient is a minor or an incompetent person, with the consent of his parent, guardian, or other person entrusted with his care and supervision; or

- (II) The treatment is administered in an emergency when the physician or advanced practice nurse reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

**SECTION 18-1-704 - USE OF PHYSICAL FORCE IN DEFENSE OF A PERSON**

- (1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.
  - (a) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and: The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or
  - (b) The other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary as defined in sections 18-4-202 to 18-4-204; or
  - (c) The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 18-4-301 or 18-4-302, sexual assault as set forth in section 18-3-402, or in section 18-3-403 as it existed prior to July 1, 2000, or assault as defined in sections 18-3-202 and 18-3-203.
- (2) Notwithstanding the provisions of subsection (1) of this section, a person is not justified in using physical force if:
  - (a) With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or
  - (b) He is the initial aggressor; except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or
  - (c) The physical force involved is the product of a combat by agreement not specifically authorized by law.
- (3) In a case in which the defendant is not entitled to a jury instruction regarding self-defense as an affirmative defense, the court shall allow the defendant to present evidence, when relevant, that he or she was acting in self-defense. If the defendant presents evidence of self-defense, the court shall instruct the jury with a self-defense law instruction. The court shall instruct the jury that it may consider the evidence of self-defense in determining whether the defendant acted recklessly, with extreme indifference, or in a criminally negligent manner. However, the self-defense law instruction shall not be an affirmative defense instruction and the

prosecuting attorney shall not have the burden of disproving self-defense. This section shall not apply to strict liability crimes.

**SECTION 18-6-401.4 - PAYMENT OF TREATMENT COSTS FOR THE VICTIM OR VICTIMS OF AN ACT OF CHILD ABUSE**

- (1) In addition to any other penalty provided by law, the court may order any person who is convicted of an act of child abuse, as defined in section 18-6-401 (1), to meet all or any portion of the financial obligations of treatment prescribed for the victim or victims of his offense.
- (2) At the time of sentencing, the court may order that an offender described in subsection (1) of this section be put on a period of probation for the purpose of paying the treatment costs of the victim or victims.

**SECTION 18-9-115 - ENDANGERING PUBLIC TRANSPORTATION**

- (1) A person commits endangering public transportation if such person:
  - (a) Tamper with a facility of public transportation with intent to cause any damage, malfunction, or nonfunction which would result in the creation of a substantial Colorado Revised Statutes 2013 415 Title 18 risk of death or serious bodily injury to anyone: or
  - (b) Stops or boards a public conveyance with the intent of committing a crime thereon; or
  - (c) On a public conveyance, knowingly threatens any operator, crew member, attendant, or passenger:
    - (I) With death or imminent serious bodily injury; or With a deadly weapon or with words or actions intended to induce belief that such person is armed with a deadly weapon.
  - (d) On a public conveyance:
    - (I) Knowingly or recklessly causes bodily injury to another person; or
    - (II) With criminal negligence causes bodily injury to another person by means of a deadly weapon.
- (2) "Public" means offered or available to the public generally, either free or upon payment of a fare, fee, rate, or tariff, or offered or made available by a school or school district to pupils regularly enrolled in public or nonpublic schools in preschool through grade twelve.

- (3) "Public conveyance" includes a train, airplane, bus, truck, car, boat, tramway, gondola, lift, elevator, escalator, or other device intended, designed, adapted, and used for the public carriage of persons or property.
- (4) "Facility of public transportation" includes a public conveyance and any area, structure, or device which is designed, adapted, and used to support, guide, control, permit, or facilitate the movement, starting, stopping, takeoff, landing, or servicing of a public conveyance or the loading or unloading of passengers or goods.
- (5) Endangering public transportation is a class 3 felony.

## TITLE 19 - CHILDREN'S CODE

<https://leg.colorado.gov/sites/default/files/images/olls/crs2021-title-19.pdf>

### SECTION 19-3-304 - PERSONS REQUIRED TO REPORT CHILD ABUSE OR NEGLECT (EXCERPT)

- (1) (a) Except as otherwise provided by section 19-3-307, sections 25-1-122 (4) (d) and 25-4-1404 (1) (d), C.R.S., and paragraph (b) of this subsection (1), any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department, the local law enforcement agency, or through the child abuse reporting hotline system as set forth in section 26-5-111, C.R.S.
- (b) The reporting requirement described in paragraph (a) of this subsection (1) shall not apply if the person who is otherwise required to report does not:
  - (I) Learn of the suspected abuse or neglect until after the alleged victim of the suspected abuse or neglect is eighteen years of age or older; and
  - (II) Have reasonable cause to know or suspect that the perpetrator of the suspected abuse or neglect:
    - (A) Has subjected any other child currently under eighteen years of age to abuse or neglect or to circumstances or conditions that would likely result in abuse or neglect; or
    - (B) Is currently in a position of trust, as defined in section 18-3-401 (3.5), C.R.S., with regard to any child currently under eighteen years of age.
- (2) Persons required to report such abuse or neglect, or circumstances or conditions include any:
  - (a) Physician or surgeon, including a physician in training;
  - (b) Child health associate;
  - (c) Medical examiner or coroner;
  - (d) Dentist;



- (e) Osteopath;
- (f) Optometrist;
- (g) Chiropractor;
- (h) Podiatrist;
- (i) Registered nurse or licensed practical nurse;
- (j) Hospital personnel engaged in the admission, care, or treatment of patients;
- (k) Christian science practitioner;
- (l) Public or private school official or employee;
- (m) Social worker or worker in any facility or agency that is licensed or certified pursuant to part 1 of article 6 of title 26, C.R.S
- (n) Mental health professional
- (o) Dental hygienist
- (p) Psychologist
- (q) Physical therapist
- (r) Veterinarian
- (s) Peace officer as described in section 16-2.5-101, C.R.S
- (t) Pharmacist
- (u) Commercial film and photographic print processor as provided in subsection (2.5) of this section;
- (v) Firefighter as defined in section 18-3-201 (1.5), C.R.S.
- (w) Victim's advocate, as defined in section 13-90-107 (1)(k)(II), C.R.S

- (x) Licensed professional counselors
- (y) Licensed marriage and family therapists
- (z) Unlicensed psychotherapists
  - (aa) (I) Clergy member.
    - (II) The provisions of this paragraph (aa) shall not apply to a person who acquires reasonable cause to know or suspect that a child has been subjected to abuse or neglect during a communication about which the person may not be examined as a witness pursuant to section 13-90-107 (1)(c), C.R.S., unless the person also acquires such reasonable cause from a source other than such a communication.
    - (III) For purposes of this paragraph (aa), unless the context otherwise requires, "clergy member" means a priest, rabbi, duly ordained, commissioned, or licensed minister of a church, member of a religious order, or recognized leader of any religious body.
  - (bb) Registered dietitian who holds a certificate through the commission on dietetic registration and who is otherwise prohibited by 7 CFR 246.26 from making a report absent a state law requiring the release of this information;
  - (cc) Worker in the state department of human services;
  - (dd) Juvenile parole and probation officers;
  - (ee) Child and family investigators, as described in section 14-10-116.5, C.R.S.;
  - (ff) Officers and agents of the state bureau of animal protection, and animal control officers;
  - (gg) The child protection ombudsman as created in article 3.3 of this title;
  - (hh) Educator providing services through a federal special supplemental nutrition program for women, infants, and children, as provided for in 42 U.S.C. sec. 1786;
  - (ii) Director, coach, assistant coach, or athletic program personnel employed by a private sports organization or program. For purposes of this paragraph (ii), "employed" means that an individual is compensated beyond reimbursement for his or her expenses related to the private sports organization or program.

- (jj) Person who is registered as a psychologist candidate pursuant to section 12-245-304 (3), marriage and family therapist candidate pursuant to section 12-245-504 (4), or licensed professional counselor candidate pursuant to section 12-245-604 (4), or who is described in section 12-245-217;
- (kk) Emergency medical service providers, as defined in sections 25-3.5-103 (8) and 253.5-103 (12) and certified or licensed pursuant to part 2 of article 3.5 of title 25;
- (ll) Officials or employees of county departments of health, human services, or social services; and
- (mm) Naturopathic doctor registered under article 250 of title 1

**SECTION 19-3-309 - IMMUNITY FROM LIABILITY - PERSONS REPORTING**

- (1) Any person, other than the perpetrator, complicitor, coconspirator, or accessory, participating in good faith in the making of a report, in the facilitation of the investigation of such a report, or in a judicial proceeding held pursuant to this title, the taking of photographs or X rays, or the placing in temporary protective custody of a child pursuant to section 19-3-405 or otherwise performing his duties or acting pursuant to this part 3 shall be immune from any liability, civil or criminal, or termination of employment that otherwise might result by reason of such acts of participation, unless a court of competent jurisdiction determines that such person's behavior was willful, wanton, and malicious. For the purpose of any proceedings, civil or criminal, the good faith of any such person reporting child abuse, any such person taking photographs or X rays, and any such person who has legal authority to place a child in protective custody shall be presumed.

## *TITLE 22 - EDUCATION*

<https://leg.colorado.gov/sites/default/files/images/olls/crs2020-title-22.pdf>

### *SECTION 22-1-102 - RESIDENCE OF CHILD*

- (1) Every public school shall be open for the admission of all children, between the ages of five and twenty-one years, residing in that district without the payment of tuition. The board of education shall have power to admit adults and children not residing in the district if it sees fit to do so and to fix the terms of such admission.
- (2) A child shall be deemed to reside in a school district if:
  - (a) Both his or her parents, or the survivor of them, or the one of them with whom such child resides a majority of the time pursuant to an order of any court of competent jurisdiction resides in the school district;
  - (b) The legally appointed guardian of his person resides in the school district;
  - (c) After emancipation by his parents, or the survivor thereof, from their or his control, and he has no guardian, he lives within the school district;
  - (d) In the judgment of the board of education of the school district wherein the child lives, the child has been abandoned by his parents;
  - (e) The child has become permanently dependent for his maintenance and support on someone other than his nonresident parents, or upon any charitable organization, if the dependent child is actually to make his home and receive his support within the school district where he desires to attend;
  - (f) If one of the child's parents or the guardian of his person is a public officer or employee living temporarily for the performance of his duties in a school district other than that of his residence. Unless the parents of a child are permanently separated, the residence of the husband shall be deemed to be the residence of the child, but, if the parents have permanently separated, the residence of the child shall be that of the parent with whom the child actually lives.
  - (g) Regardless of the residence of the parents, if any, the child adopts a dwelling place within the district with the intent to remain there indefinitely and with the intent not to return to the dwelling place from which he came, and regularly eats or sleeps there, or both, during the entire school year as defined in section 22-1-112; but the child shall be deemed not to have the requisite intent if he regularly returns to another dwelling place during summer vacations or weekends;

- (h) The child is found to be homeless pursuant to the provisions of section 22-1-102.5 and the child presently seeks shelter or is located in the school district; except that a homeless child shall be deemed to reside in another school district if the child attended school in such school district at the time the child became homeless, the child remains homeless, the affected school districts find that attendance in such other school district is in the best interests of the child pursuant to section 22-33-103.5, and the child chooses to continue attendance in such other school district;
  - (i) The child is found to have become homeless pursuant to the provisions of section 22-1-102.5 during a period that school is not in session, the child remains homeless, and the child presently seeks shelter or is located in the school district; except that the child shall be deemed to reside in another school district if the child attended school in such school district immediately prior to the time the child became homeless, the child remains homeless, the affected school districts find that attendance in such other school district is in the best interests of the child pursuant to section 22-33- 103.5, and the child chooses to continue attendance in such other school district.
- (3) School districts shall follow the procedures specified in section 22-33-103.5 in determining where a homeless child shall attend school and the educational services provided to homeless children.

**SECTION 22-1-102.5 - DEFINITION OF HOMELESS CHILD**

- (1) The general assembly hereby finds and declares that, because of the growing number of children and families who are homeless in Colorado, there is a need to ensure that all homeless children receive a proper education. It is the intent of the general assembly that no child shall be denied the benefits of a free education in the public schools because the child is homeless.
- (2) (a) As used in this article, unless the context otherwise requires, "homeless child" means:
- (I) A school-aged child who lacks a fixed, regular, and adequate nighttime residence, including but not limited to:
    - (A) A child who is living in a motel, hotel, or camping ground due to a lack of alternative adequate accommodations;
    - (B) A child who is living in an emergency or transitional shelter;
    - (C) A child who is abandoned in a hospital; and
    - (D) A child awaiting foster care placement; or
  - (II) A school-aged child who has a primary nighttime residence that is:

- (A) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for persons with mental illness;
  - (B) An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - (C) A public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings, including but not limited to an automobile, a park, an abandoned building, a bus or train station, or a similar setting.
- (b) "Homeless child" shall not include any individual imprisoned or otherwise detained pursuant to an act of congress or a state law.
- (c) "Homeless child" shall include a migrant school-aged child who meets the requirements of this subsection (2).
- (d) "Homeless child" shall include a school-aged child who meets the requirements of this subsection (2) who is not in the physical custody of a parent or legal guardian.

**SECTION 22-2-107(1) (C) - STATE BOARD POWERS**

- (c) To promulgate and adopt policies, rules, and regulations concerning general supervision of the public schools, the department, and the educational programs maintained and operated by all state governmental agencies for persons who have not completed the twelfth-grade level of instruction;

**SECTION 22-1-122 - TRANSPORTATION TOKEN PROGRAM - LEGISLATIVE DECLARATION-ELIGIBILITY-FUND**

- (1) (a) It is the intent of the general assembly in enacting this section to improve opportunities for students to gain the knowledge and skills necessary for a successful experience in postsecondary education or as members of the work force. The general assembly finds that a student should not be compelled by the lack of transportation to remain in a school that is required to implement a priority improvement or turnaround plan pursuant to section 22-11-405 or 22-11-406, respectively, or is subject to restructuring pursuant to section 22-11-210. It is therefore in the best interests of the citizens of the state to make transportation tokens available to eligible students to enable them to attend a public school that is not required to implement a priority improvement or turnaround plan pursuant to section 22-11-405 or 22-11-406, respectively, and that the school district has identified as an available choice.

*SECTION 22-1-123 - PROTECTION OF STUDENT DATA - PARENTAL OR LEGAL GUARDIAN CONSENT FOR SURVEYS*

- (1) As used in this section, "education records" and "directory information" shall have the same meanings as those terms are defined in the federal "Family Educational Rights and Privacy Act of 1974", as amended, 20 U.S.C. sec. 1232g and "education records" shall include an individualized education program.
- (2) A school district shall comply with the provisions of 20 U.S.C. sec. 1232g (a) and 34 CFR 99 if a parent or legal guardian of a student either requests the education records of the student or requests an amendment or other change to the education records after reviewing them.
- (3) A school district shall not release the education records of a student to any person, agency, or organization without the prior written consent of the parent or legal guardian of the student except as otherwise permitted in 20 U.S.C. sec. 1232g (b).
- (4) A school district shall not release directory information to any person, agency, or organization without first complying with the provisions of 20 U.S.C. sec. 1232g (a)(5)(B) related to allowing a parent or legal guardian to prohibit such release without prior consent.
- (5) (a) A school district shall comply with 20 U.S.C. sec. 1232h. A school or school district employee who requires participation in a survey, assessment, analysis, or evaluation in a public school's curriculum or other official school activity shall obtain the written consent of a student's parent or legal guardian before giving the student any survey, assessment, analysis, or evaluation intended to reveal information, whether the information is personally identifiable or not, concerning the student or the student's parent's or legal guardian's:
  - (I) Political affiliations;
  - (II) Mental and psychological conditions potentially embarrassing to the student or the student's family;
  - (III) Sexual behavior and attitudes;
  - (IV) Illegal, anti-social, self-incriminating, or demeaning behavior;
  - (V) Critical appraisals of individuals with whom a student has close family relationships;
  - (VI) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and members of the clergy;
  - (VII) Income, except as required by law;
  - (VIII) Social security number; or

(IX) Religious practices, affiliations, or beliefs.

(b) The requirement of written consent pursuant to this subsection (5) applies throughout a public school's curriculum and other school activities; except that the requirement of written consent does not apply to a student's participation in an assessment administered pursuant to part 10 of article 7 of this title. In implementing this subsection (5), the school or school district and employees shall ensure that their first responsibility is to students and their parents and shall allow only minimal use of students' academic time by institutions, agencies, or organizations outside the school or school district to gather information from students.

(c) Written consent pursuant to this subsection (5) is valid only if the school district has given a parent or legal guardian written notice of the survey, assessment, analysis, or evaluation, has made a copy of the document available for viewing at convenient locations and times, and has given the parent or legal guardian at least two weeks, after receipt of the written notice, to obtain written information concerning:

(I) Records or information that may be examined and requested in the survey, analysis, or evaluation;

(II) The means by which the records or information shall be examined reviewed, or disseminated;

(III) The means by which the information is to be obtained;

(IV) The purposes for which the records or information is needed;

(V) The entities or persons, regardless of affiliation, who will have access to the information; and

(VI) A method by which a parent or legal guardian of a student can grant or deny permission to access or examine the records or information.

(d) Nothing in this subsection (5) shall be construed to prevent a public school employee from reporting known or suspected child abuse or neglect pursuant to section 19-3-304, C.R.S.

(e) Nothing in this subsection (5) shall be construed to prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, analysis, or evaluation without obtaining the written consent of such student's parent or legal guardian as long as such participation without parental consent is not otherwise prohibited by federal law.

(f) Nothing in this subsection (5) shall be construed to limit the ability of a health professional who is acting as an agent of the school district from evaluating an individual child.

(g) Nothing in this subsection (5) limits the ability of a school district to administer a suicide assessment or threat assessment.



(6) If a school district sends a form to a parent or legal guardian requesting written consent for the school district to release personally identifiable information concerning that parent's or legal guardian's child in education records other than directory information, such consent shall be valid under this section only if the form contains notice to the parent or legal guardian regarding:

- (a) The specific records to be released;
- (b) The specific reasons for such release;
- (c) The specific identity of any person, agency, or organization requesting such information and the intended uses of the information;
- (d) The method or manner by which the records will be released; and
- (e) The right to review or to receive a copy of the relevant records to be released.

(7) (a) Consent for release of information pursuant to this section shall be valid only for the specific instance for which it was given.

(b) A general consent for a student to participate in any course or part of a course, in a school activity, in any special education program, or in any other school program does not constitute written consent pursuant to this section.

(c) district. Consent forms obtained pursuant to this section shall be retained by the school

(8) Any right accorded to a parent or legal guardian pursuant to this section shall transfer to the relevant student when that student attains the age of eighteen years.

(9) A school district shall, at the beginning of each academic year, provide to a parent or legal guardian of each student in the school district written notice of the rights contained in this section.

(10) The provisions of this section shall apply to any public school in the state, regardless of whether the public school receives any federal funds.

(11) The state board of education shall adopt such rules as may be necessary to implement this section.

(12) If an individual licensed, certified, endorsed, or authorized by the state board is found by the state board to have knowingly and intentionally violated the provisions of this section, the department of education may suspend or revoke such individual's license, master certificate, endorsement, or authorization for a period not less than ninety days.

(13) Nothing in this section shall be construed to prevent a school or a school district from releasing education records to the extent

authorized by 20 U.S.C. sec. 1232g (b) and any other applicable federal law.

**SECTION 22-5-103 - DEFINITIONS**

As used in this article, unless the context otherwise requires:

- (1) "Board" means the board of education of a school district or the governing board or governing agency of a postsecondary institution.
- (2) "Board of cooperative services" or "BOCES" means a regional educational service unit designed to provide supporting, instructional, administrative, facility, community, or any other services contracted by participating members.
  - (2.3) "District charter school" means a charter school authorized by a school district board of education pursuant to part 1 of article 30.5 of this title.
  - (2.7) "Institute charter school" means a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title.
- (3) "Postsecondary institution" means a community or technical college, a junior college, or a state-supported institution of higher education.
- (4) "School district" means any public school district existing pursuant to law.
- (5) "State board" means the state board of education.

**SECTION 22-12-102 - TEACHER AND SCHOOL ADMINISTRATOR PROTECTION ACT - LEGISLATIVE DECLARATION**

- (1) The general assembly hereby finds that:
  - (a) Promoting the quality of primary and secondary public education is a compelling state interest;
  - (b) Maintaining a safe environment is an important component of learning. At times, educators may feel they lack the authority to maintain safety and discipline in the public school classroom or they may hesitate to exercise this authority because of the threat of a lawsuit resulting from their actions.
  - (c) The filing of meritless lawsuits against school districts, teachers, administrators, and other school district employees interferes with attempts to ensure the quality of public education, particularly where the lawsuits arise out of the good-faith efforts of educators to maintain classroom discipline or address threats to student safety;

- (d) Meritless litigation also diverts financial and personnel resources to litigation defense activities and reduces the availability of these resources for educational opportunities for students.
- (2) The general assembly finds that legislation to deter meritless lawsuits and sanction deliberately false reports against educators is a rational and appropriate method to address the compelling public interest in protecting school districts and school district employees from unnecessary and harmful litigation.
- (3) It is the intent of the general assembly that the provisions of this article and those of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., be read together and harmonized to give the greatest protection from liability in tort possible for educational entities and their employees. If the provisions of this article and those of the "Colorado Governmental Immunity Act" are interpreted as being in conflict, the provision that grants the greatest immunity and protection to an educational entity and its employees shall prevail.

### SECTION 22-23-105 - EDUCATION OF MIGRANT CHILDREN

- (1) The following standards shall apply during the regular terms of school and shall be applicable equally in every school district:
  - (a) The residence of a migrant child, for purposes of education, shall be the school district where the migrant child is receiving shelter and the necessities of life, and the provisions of section 22-32-116 shall not apply to this section.
  - (b) A migrant child shall attend school while residing in any school district in the state when the regular terms of school are in session, unless excused in compliance with the provisions of the "School Attendance Law of 1963", article 33 of this title; and the board of education of a school district shall enforce the attendance in a school of the district of any such migrant child residing in said district.
  - (c) The payment of additional necessary costs in administering and maintaining the program authorized by this section shall be paid jointly by the state and the participating school district. The per capita additional cost of educating a migrant child in a school district participating in said program may include the following expenses, under rules and regulations prescribed by the state board:
    - (I) Salaries of personnel, assistants to teachers, and clerical, health, and custodial employees and specialized instructional services as needed;
    - (II) Necessary additional textbooks, educational supplies, and equipment;
    - (III) School lunch operation;

(IV) School bus transportation;

(V) Provision of and physical plant operation, including rent, heat, light, water, repairs, adjustments, and maintenance, if regular school facilities are not used; except that provision of and operation of the school plant shall be a contribution of the school district if regular school facilities are used.

(2) Upon submission and approval by the state board of itemized statements from the boards of education of the participating school districts for additional moneys to cover expenses incurred by them in conducting said programs, such school districts shall be reimbursed for such additional expenses as specified in subsection (1) (c) of this section. Applications by participating school districts for reimbursement shall be made on forms prescribed by the state board at such time or times during the year as determined by the state board.

### SECTION 22-23-106 - SUMMER SCHOOL

- (1) The program established by this section shall be under the general supervision of the state board. An educational program for migrant children may be operated within the period from the termination of the regular school term in the spring until the regular school term convenes in the fall.
- (2) Any school district wherein there are migrant children in the summer period may make application to the state board to participate in the summer school program authorized by this section. From such applications the state board shall select school districts to operate summer schools for migrant children in accordance with the amount of funds available, the number of migrant children in the school districts, and other criteria specified by the state board.
- (3) Residence requirements for migrant children under the summer school program shall be the same as set forth in section 22-23-105.
- (4) For the purpose of the summer school program, in addition to "migrant child" defined in section 22-23-103, a child of school age shall be considered a migrant child if he was not able to attend the full number of days prescribed by law during the previous school year as a direct result of being in the custody of a migrant agricultural worker.
- (5) The board of education of a school district has the authority to determine whether attendance at summer school shall be voluntary or compulsory. If attendance is compulsory, migrant children shall attend unless excused in compliance with the "School Attendance Law of 1963", article 33 of this title.
- (6) Each school district participating in the summer school program shall be reimbursed from state funds for actual costs incurred in the operation of the program, including allotments for classroom units and supervisory units based upon the formulas set forth in section 22-23-107. The school district shall also receive reimbursement, under rules of the state board, for the net cost of its school lunch operation and for school vehicle operations at rates fixed by the state board. School districts shall report all such costs

on forms prescribed by the state board.

*SECTION 22-30.5-104(1) - COLORADO CHARTER SCHOOLS ACT*

- (1) A charter school shall be a public, nonsectarian, nonreligious, non-home-based school which operates within a public school district.

[https://www.cde.state.co.us/cdechart/csact\\_parts1-5](https://www.cde.state.co.us/cdechart/csact_parts1-5)

*SECTION 22-32-103 - BOARD OF EDUCATION - GENERAL POWERS AND DUTIES*

- (1) Each school district shall be governed by a board of education consisting of the number of school directors prescribed by law. Such board of education shall possess all powers delegated to a board of education or to a school district by law and shall perform all duties required by law.
- (2) Each school director shall have access to all school records at all times.

*SECTION 22-32-109.1 - DEFINITIONS*

- (1) As used in this section, unless the context otherwise requires:
  - (a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:
    - (I) In-school suspension;
    - (II) Out-of-school suspension;
    - (III) Classroom removal in accordance with board policy;
    - (IV) Expulsion;
    - (V) Referral to law enforcement; or
    - (VI) Any other form of discipline, which shall be officially identified as part of a board policy.

- (b) "Bullying" means any written or oral expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of the student's academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1)(II)(I)(A). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.
- (b.5) "Community partners" means, collectively, local fire departments, state and local law enforcement, local 911 agencies, interoperable communications providers, the safe2tell program described in section 24-31-606, C.R.S., local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel, and school resource officers.
- (c) "Dangerous weapon" has the same meaning as set forth in section 22-33-102 (4).
- (d) "Full-time teacher" means a person who is licensed pursuant to article 60.5 of this title, or is authorized pursuant to section 22-60.5-111 to teach, and is primarily engaged in teaching during a majority of the instructional minutes per school day.
- (e) "Habitually disruptive student" has the same meaning as set forth in section 22-33-106 (1)(c.5).
- (e.5) "Law enforcement" includes any law enforcement agency, law enforcement officer, or school resource officer.
- (f)
- (I) "Referral to law enforcement" means a communication between a school administrator, teacher, or other school employee and law enforcement that:
- (A) Is initiated by the school administrator, teacher, or other school employee; and
- (B) Concerns behavior by a student that the school administrator, teacher, or other school employee believes may constitute a violation of the school conduct and discipline code or a criminal or delinquent offense and for which the school administrator, teacher, or other school employee requests an investigation or other involvement by law enforcement.
- (II) "Referral to law enforcement" does not include:

- (A) Contact with law enforcement that is made for the purpose of education, prevention, or intervention regarding a student's behavior;
- (B) Routine or incidental communication between a school administrator, teacher, or other school employee and law enforcement; or
- (C) Any incident or communication that is initiated by law enforcement.

(g) "Restorative justice" has the same meaning as set forth in section 22-32-144 (3).

(g.3) "School" means a public school of a school district, a charter school, or an institute charter school.

(g.5) "School resource officer" means a peace officer, as described in section 16-2.5-101, C.R.S., who has specialized training, as described in section 24-31-312, C.R.S., to work with school staff and students and who is assigned to a public school or charter school for the purpose of creating a safe learning environment and responding to all-hazard threats that may impact the school.

(h) "School vehicle" shall have the same meaning as set forth in section 42-1-102 (88.5), C.R.S.

### **SECTION 22-32-109.1 - SAFE SCHOOL PLAN**

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victim's advocacy organizations, school psychologists, local law enforcement agencies, and community partners.

### **SECTION 22-32-109.1(z) - BOARD OF EDUCATION - SPECIFIC DUTIES**

(z) To provide for a periodic in-service program for all district teachers and staff which shall provide information about the "Child Protection Act of 1987", part 3 of article 3 of title 19 C.R.S., instruction designed to assist teachers in recognizing child abuse or neglect, and instruction designed to provide teachers and staff with information on how to report suspected incidents of child abuse or neglect and how to assist the child-victim and his/her family.

SECTION 22-32-109.1(2) (A) - CONDUCT AND DISCIPLINE CODE

(a) Conduct and discipline code.

- (l) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the preschool, elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:
  - (A) General policies on student conduct, safety, and welfare;
  - (B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.
  - (C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;
  - (D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;
  - (E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105, 22-33-106, and 22-33-106.1;



- (F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events;
- (G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;
- (H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;
- (I) A written policy concerning searches on school grounds, including searches of student lockers;
- (J) A dress code policy that prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress;
- (K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district shall ensure that the school district's policy, at a minimum, incorporates the approaches, policies, and practices outlined in the model bullying prevention and education policy developed pursuant to section 22-2-144.
- (L) Information concerning the school district's policies for the use of restraint and seclusion on students, including a reference to section 26-20-111 and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to section 22-32-147.

**SECTION 22-32-109.3 - BOARD OF EDUCATION - SPECIFIC DUTIES - STUDENT RECORDS**

- (1) Except as otherwise provided in subsections (2) and (3) of this section, each school district, as required under section 24-72-204(3) C.R.S., shall maintain the confidentiality of the addresses and telephone numbers of students enrolled in public elementary and secondary schools within the school district and any medical, psychological, sociological, and scholastic achievement data collected concerning individual students.
- (2) Notwithstanding the provisions of subsection (1) of this section, the address and telephone number and any medical, psychological, sociological, and scholastic achievement data concerning any student are released only under the following conditions:

- a. As provided in section 24-72-204(3) C.R.S.;
  - b. To district or municipal court personnel, the division of youth services, county departments of human or social services, the youthful offender system, and any other juvenile justice agency within fifteen days after receipt by the school district of a court order authorizing release of such information.
- (3) Notwithstanding the provisions of subsection (1) of this section, either the principal of a school, or such principal's designee, or, if the student is enrolled in a public school, the superintendent of a school district in which the student is enrolled, or such superintendent's designee, shall provide attendance and disciplinary records to a criminal justice agency pursuant to the provisions of section 19-1-303(2) C.R.S.

**SECTION 22-32-110(1) (W) - BOARD OF EDUCATION - SPECIFIC POWERS**

To contract for the transportation of pupils enrolled in the public schools of the district and to require any such contractor operating a bus or motor vehicle for such purpose to procure liability and property damage insurance on such bus or motor vehicle and pay all premiums for such insurance, without the right of contribution from the school district to the insurer.

**SECTION 22-32-113(1) (C) AND (D) - TRANSPORTATION OF PUPILS - WHEN**

22-32-113. Transportation of pupils - when

- (1) The board of education of a school district may furnish transportation:
  - (a) To and from public schools of the district for any reasonable classification of resident pupils enrolled in the schools of the district;
  - (b) To and from public schools located in an adjacent state for any reasonable classification of resident pupils who have not completed the twelfth grade, but only if the district of attendance is one to which the district of residence of such pupils is authorized to pay tuition for the attendance of such pupils;
  - (c) To and from public schools for any reasonable classification of pupils enrolled in the schools of the district who are residents of any other school district, **IF THE DISTRICT OF RESIDENCE IS ADJACENT TO THE DISTRICT OF ATTENDANCE, AND IF THE BOARD OR OTHER GOVERNING BODY OF THE DISTRICT OF RESIDENCE CONSENTS TO SUCH TRANSPORTATION;**
  - (d) To and from any school-sponsored activity, or for any emergency, for any reasonable classification of resident pupils enrolled in the schools of the district, whether said activity or emergency be within or without the territorial limits of the

district, and whether or not occurring during school hours.

*SECTION 22-32-113(2) - TRANSPORTATION OF PUPILS - WHEN*

A board may determine the points at which pupils shall be received and delivered and the routes of transportation pursuant to subsection (1) of this section.

*SECTION 22-32-113(3) - TRANSPORTATION OF PUPILS - WHEN*

If it is impractical, as determined by the board, to furnish transportation to and from school for any resident pupil enrolled or eligible to be enrolled in the schools of the district pursuant to subsection (1) (a), (1) (b), or (1) (c) of this section, the board may pay the cost, or any portion thereof, of room and board for the pupil to reside at a point near a school of the district of residence or a school of a district to which the district of residence is authorized to pay tuition.

*SECTION 22-32-113(4) - TRANSPORTATION OF PUPILS - WHEN*

A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or designated school vehicle stop for his or her child or children and for other pupils enrolled in the schools of the district, **BUT THE BOARD SHALL NOT REIMBURSE ANY PERSON FOR TRANSPORTATION FURNISHED TO A PUPIL RESIDENT IN ANOTHER SCHOOL DISTRICT WITHOUT THE CONSENT OF THE BOARD OR OTHER GOVERNING BODY OF THE DISTRICT OF RESIDENCE.** The amount and payment of transportation expenses are determined by the board paying the expenses.

*SECTION 22-32-114 - TRANSPORTATION BY PARENTS OF OWN CHILDREN*

Notwithstanding the provisions of section 42-4-1904, C.R.S. the board of a school district shall not require a parent or guardian to comply with said statutes and school bus regulations when such parent or guardian shall transport only his or her own child or children, even though the board may reimburse such parent or guardian for expenses incurred in furnishing such transportation.

*SECTION 22-32-128 - USE OF SCHOOL VEHICLES BY RESIDENTS OF DISTRICT*

Use of school vehicles by residents of district at times to be specified by the board of education of each school district vehicles used for the transportation of pupils pursuant to the provisions of section 22-32-113 shall be available to groups of five or more residents of the district who are sixty-five years of age or older for use within or without the district. The board of education of each school district of the state shall adopt policies regarding the reasonable use of such vehicles by groups of persons with special consideration being given those residents who are sixty-five years of age or older. Such school vehicles shall be covered by an insurance policy similar to, with limits not less than, the insurance coverage that is in effect while said school vehicles are used for the transportation of pupils. To the extent that such policies

provide for the reimbursement to the school district of all the expenses of the operation of such school vehicles as determined by the school district auditor, no such reimbursement shall constitute compensation, and it shall not subject the school district to the provisions of article 10.1 of title 40 C.R.S. The miles traveled and the costs expended under this article shall not be allowable for the computation of benefits accruing to a school district under the provisions of article 51 of this title.

*SECTION 22-32-147 - USE OF RESTRAINTS ON STUDENTS - CERTAIN RESTRAINTS PROHIBITED - REPORTS AND REVIEW PROCESS - RULES - DEFINITIONS*

- (1) As used in this section, unless the context otherwise requires:
  - (a) "Chemical Restraint" has the same meaning as set forth in section 26-20-102(2)
  - (b) "Mechanical Restraint" has the same meaning as set forth in section 26-20-102(4)
  - (c) "Physical Restraint" has the same meaning as set forth in section 26-20-102(5)
  - (d) "Prone position" means a face-down position.
  - (e) "Prone Restraint" means a restraint in which the individual being restrained is secured in a prone position.
  - (f) "Restraint" has the same meaning as set forth in section 26-20-102(6)
- (2) Pursuant to section 26-20-111, the use of a chemical, mechanical or prone restraint upon a student in a school or charter school of a school district or board of cooperative services is prohibited.
- (3)
  - (a) On and after August 9, 2017, each school district shall require any school employee or volunteer who uses any type of restraint on a student- of the school district to submit a written report of the incident to the administration of the school not later than one school day after the incident occurred.
  - (b) On and after August 9, 2017, each school district shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year. The purpose of each annual review process is to ensure that the school district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

- (I) Analysis of incident reports, including consideration of procedures used during the restraint, preventative or alternative techniques attempted, documentation and follow-up;
  - (II) Training needs of staff
  - (III) Staff-to-student ratios; and
  - (IV) Environmental considerations, including physical space, student seating arrangements and noise levels.
- (b.5) If a physical restraint is more than one minute but less than five minutes, the notification requirement is a written notice to the parent on the day of the restraint. The written notice must include the date, the name of the student, and the number of restraints that day that lasted between one and five minutes.
- (c) If a physical restraint is five minutes or more, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of the student not more than five calendar days after the use of the restraint on the student. The written report must be placed in the student's confidential file and include:
- (I) The antecedent of the student's behavior, if known;
  - (II) A description of the incident
  - (III) Any efforts made to de-escalate the situation;
  - (IV) Any alternatives to the use of restraints that were attempted;
  - (V) The type and duration of the restraint used;
  - (VI) Any injuries that occurred; and
  - (VII) The staff members who were present and staff members who were involved in administering the restraint.
- (d) No later than June 30, 2023, and every June 30 thereafter, each school district shall submit the data from the annual review conducted pursuant to subsection (3)(b) of this section to the department of education pursuant to section 22-1-138.
- (4) On or before November 1, 2017, the state board shall promulgate rules establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school or charter school of a school district or board of cooperative services. To the extent practicable, the process must reflect

the compliant proves for filing a state complaint under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended.

- (5) The department of education shall make training available on the "Protection Individuals from Restraint and Seclusion Act", section 26-20-101 to 26-20-111, and on the department of education's corresponding rules for administration of such act to individuals certified in the use of restraint.
- (6) The department of education has enforcement authority over the restraint investigation decisions. This enforcement authority must follow the same procedures outline for state complaints under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq. as amended and the department's state-level complaint procedures.

#### SECTION 22-33-103.5(6) - FREE EDUCATION - TUITION MAY BE CHARGED, WHEN

##### (6) Transportation.

- (a) If it is determined pursuant to subsection (2) of this section that the best interest of a homeless child is to continue his or her education at the school of origin and the homeless child presently seeks shelter or is located in another school district, and the homeless child's parent or legal guardian or the homeless child liaison, on behalf of an unaccompanied homeless child, requests transportation to and from school, the school district where the homeless child presently seeks shelter or is located and the school district in which the school of origin is located shall agree upon a method to apportion cost and responsibility for the transportation of the homeless child to the school district where the homeless child is attending, or, in the alternative, each school district shall share equally in the cost and responsibility for transportation.
- (b) If a homeless child continues to reside in the school district in which the school of origin is located, such school district, upon request of the homeless child's parent or legal guardian or upon request of the homeless child liaison, on behalf of an unaccompanied homeless child, shall arrange or provide for transportation of the homeless child to and from school.

#### SECTION 22-33-106 - GROUNDS FOR SUSPENSION, EXPULSION, AND DENIAL OF ADMISSION

- (1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:
  - (a) Continued willful disobedience or open and persistent defiance of proper authority;
  - (b) Willful destruction or defacing of school property;
  - (c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who

creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)

(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV) (Deleted by amendment, L. 2000, p. 1971, 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

- (e) Repeated interference with a school's ability to provide educational opportunities to other students.
- (f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a non-school-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.
- (g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

- (a) The age of the student;
- (b) The disciplinary history of the student;
- (c) Whether the student has a disability;
- (d) The seriousness of the violation committed by the student;
- (e) Whether the violation committed by the student threatened the safety of any student or staff member; and
- (f) Whether a lesser intervention would properly address the violation committed by the student.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7151, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

(2) Subject to the district's responsibilities under article 20 of this title, the following may be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:

- (a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;



- (b) Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other pupils.
- (3) The following may constitute additional grounds for denial of admission to a public school:
- (a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;
  - (b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;
  - (c) Having been expelled from any school district during the preceding twelve months;
  - (d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;
  - (e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
  - (f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.
- (4) (a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.
- (b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:
    - (l) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

- (II) Design a schedule for the expelled student that, to the extent possible, avoids contact between the expelled student and the victim or a member of the victim's immediate family.
- (c) The provisions of this subsection (4) shall not apply to an offense that constitutes a crime against property.
- (d) The provisions of this subsection (4) shall apply only if the expelled student is convicted, is adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled. Prior to implementation of the provisions of this subsection (4), the school district shall contact the appropriate court to determine whether the provisions of this subsection (4) apply to an expelled student. The school district shall be authorized by the provisions of section 19-1-303 (1) (b), C.R.S., to obtain such information.
- (e) (I) Notwithstanding any other provision of law to the contrary, any county or district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order that enjoins the expelled student from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed.

#### *SECTION 22-51-104(1) (C) - METHODS OF DETERMINING REIMBURSEMENT ENTITLEMENT*

Not more than sixty percent of the costs of contracts entered into by a school district pursuant to section 22-32-110 (1) (w) or entered into by the state charter school institute or a facility school for the purpose of conserving fuel or reducing operating or capital expenditures, or both, for pupil transportation under public transportation programs which comply with the code of federal regulations, title 49, parts 390 to 397, or successor regulations thereto. Reimbursement entitlements under this paragraph (c) shall not be greater than those the school district, the institute, or the facility school would otherwise receive if it operated its own vehicles or contracted for the exclusive transportation of pupils.

#### *SECTION 22-51-107 - REQUIREMENTS FOR PARTICIPATION*

Unless otherwise authorized by the commissioner of education, a school district, the state charter school institute, or a facility school shall not be entitled to any reimbursement under this article if the school district, the institute, or the facility school has not filed the certifications required by section 22-51-105 on or before the date provided in said section or has not complied with the rules promulgated by the state board of education pursuant to section 22-51-108.

#### *SECTION 22-51-108 - RULES*

The state board of education shall promulgate rules for the administration of this article. Such rules shall include reasonable and adequate standards of safety in the maintenance and operation of buses, the maintenance of records by school districts, the state charter school

institute, and facility schools, the length of bus routes, the number of children to be transported in the various types of buses, and such other rules pertaining to pupil transportation as will promote the welfare of the students and afford reasonable protection to the public.

## ***TITLE 42 - VEHICLES AND TRAFFIC***

<https://leg.colorado.gov/sites/default/files/images/olls/crs2021-title-42.pdf>

### **SECTION 42-1-102 - DEFINITIONS**

- (88) "School bus" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.
- (88.5) (a) "School vehicle" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated Colorado Revised Statutes 2013 12 Title 42 for the transportation of school children to or from school or a school-related activity. (b) "School vehicle" does not include: (I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or (II) A motor vehicle that is owned by or under contract to a child care center, as defined in section 26-6-102 (1.5), C.R.S., and that is used for the transportation of children who are served by the child care center.

## ***VEHICLES AND TRAFFIC - UNIFORM MOTOR VEHICLE LAW***

<https://www.codot.gov/safety/traffic-safety/assets/documents/2020-model-traffic-code-for-colorado.pdf>

### **SECTION 42-4-201 - OBSTRUCTION OF VIEW OR DRIVING MECHANISM - HAZARDOUS SITUATION**

- (4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

### **SECTION 42-4-235 - MINIMUM STANDARDS FOR COMMERCIAL VEHICLES - MOTOR CARRIER SAFETY FUND - CREATED - DEFINITION - RULES**

- (1) As used in this section, unless the context otherwise requires:
- (a) "Commercial vehicle" means:

- (I) Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to section 42-4-1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle;
  - (II) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; and
  - (III) A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.
- (b) Repealed.
- (c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).
- (2) (a) No person shall operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless such vehicle is in compliance with the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. Any person who violates the rules, including any intrastate motor carrier, shall be subject to the civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such subpart existed on October 1, 2001. Persons who utilize an independent contractor shall not be liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. All civil penalties collected pursuant to this article by a state agency or by a court shall be transmitted to the state treasurer, who shall credit them to the highway users tax fund created in section 43-4-201, C.R.S., for allocation and expenditure as specified in section 43-4-205 (5.5) (a), C.R.S.
- (b) Notwithstanding paragraph (a) of this subsection (2):
- (I) Intrastate motor carriers shall not be subject to any provisions in 49 CFR, part 386, subpart G that relate the amount of a penalty to a violator's ability to pay, and such penalties shall be based upon the nature and gravity of the violation, the degree of culpability, and such other matters as justice and public safety may require;
  - (II) When determining the assessment of a civil penalty for safety violations, the period of a motor carrier's safety

compliance history that a compliance review officer may consider shall not exceed three years;

(III) The intrastate operation of implements of husbandry shall not be subject to the civil penalties provided in 49 CFR, part 386, subpart G. Nothing in this subsection (2) shall be construed to repeal, preempt, or negate any existing regulatory exemption for agricultural operations, intrastate farm vehicle drivers, intrastate vehicles or combinations of vehicles with a gross vehicle weight rating of not more than twenty-six thousand pounds that do not require a commercial driver's license to operate, or any successor or analogous agricultural exemptions, whether based on federal or state law.

(IV) This section does not apply to a motor vehicle or motor vehicle and trailer combination:

(A) **With a gross vehicle weight, gross vehicle weight rating, or gross combination rating of less than twenty-six thousand one pounds;**

(B) Not operated in interstate commerce;

(C) Not transporting hazardous materials requiring placarding;

(D) Not transporting either sixteen or more passengers including the driver or eight or more passengers for compensation; and

(E) If the motor vehicle or combination is being used solely for agricultural purposes.

(c) The Colorado state patrol shall have exclusive enforcement authority to conduct safety compliance reviews, as defined in 49 CFR 385.3, as such section existed on October 1, 2001, and to impose civil penalties pursuant to such reviews. Nothing in this paragraph (c) shall expand or limit the ability of local governments to conduct roadside safety inspections.

(d) (I) Upon notice from the Colorado state patrol, the department shall, pursuant to section 42-3-120, cancel the registration of a motor carrier who fails to pay in full a civil penalty imposed pursuant to this subsection (2) within thirty days after notification of the penalty.

(II) Repealed.

(3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. The declaration of knowledge shall be in writing on a form provided by the Colorado state patrol. The form must be signed and returned by a motor carrier according to rules adopted by the chief.

- (4) (a) The chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40, C.R.S. On and after September 1, 2003, all commercial vehicle safety inspections were conducted to determine compliance with rules promulgated by the chief pursuant to this paragraph.
- (b) shall be performed by an enforcement official, as defined in section 42-20-103 (2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.
- (c) The Colorado public utilities commission may enforce safety rules of the chief of the Colorado state patrol governing commercial vehicles described in subparagraphs (I) and (II) of paragraph (a) of subsection (1) of this section pursuant to his or her authority to regulate motor carriers as defined in section 40-10.1-101, C.R.S., including the issuance of civil penalties for violations of the rules as provided in section 40-7-113, C.R.S.
- (5) Any person who violates a rule promulgated by the chief of the Colorado state patrol pursuant to this section or fails to comply with subsection (3) of this section commits a class 2 misdemeanor traffic offense.
- (6) The motor carrier safety fund is created in the state treasury. The fund consists of moneys transferred from the public utilities commission motor carrier fund pursuant to section 40-2-110.5 (9) (a), C.R.S. Moneys in the fund are subject to appropriation by the general assembly for the direct and indirect costs of the advancement of highway safety relating to commercial carrier operations pursuant to this section. All interest derived from the deposit and investment of moneys in the fund are credited to the fund, and any moneys not appropriated remain in the fund and do not transfer or revert to the general fund or any other fund.

*SECTION 42-4-239 - MISUSE OF A WIRELESS TELEPHONE - DEFINITIONS - PENALTY - PREEMPTION*

- (1) As used in this section, unless the context otherwise requires:
- (a) "Emergency" means a situation in which a person:
- (I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or
- (II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

- (b) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.
  - (c) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.
  - (d) "Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.
- (2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle.
- (3) A person eighteen years of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.
- (4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:
- (a) To contact a public safety entity; or
  - (b) During an emergency.
- (5)
- (a) A person who operates a motor vehicle in violation of subsection (2) or (3) of this section commits a class A traffic infraction as defined in section 42-4-1701 (3), and the court or the department of revenue shall assess a fine of fifty dollars.
  - (b) A second or subsequent violation of subsection (2) or (3) of this section shall be a class A traffic infraction as defined in section 42-4-1701 (3), and the court or the department of revenue shall assess a fine of one hundred dollars.
- (6)
- (a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.
  - (b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless the operator was eighteen years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.



- (7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.
- (8) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.
- (9) The general assembly finds and declares that use of wireless telephones in motor vehicles is a matter of statewide concern.

### SENATE BILL 17-027

#### **Increase Penalty Texting While Driving**

**Concerning an increase in the penalty for text messaging while operating a motor vehicle.**

SUBJECT: Crimes, Corrections, & Enforcement

Currently, the penalty for text messaging while driving is a \$50 fine and one point assessed against the violator's driver's license for a first offense and a \$100 fine and one point assessed against the violator's driver's license for a second or subsequent offense. The bill increases the penalty to a \$300 fine and 4 points for each offense. A driver may not be cited for text messaging while driving unless the driver was also operating the motor vehicle in a careless and imprudent manner.

### SECTION 42-4-707 - CERTAIN VEHICLES MUST STOP AT RAILROAD GRADE CROSSINGS

- (1) Except as otherwise provided in this section, the driver of a school bus, as defined in paragraph (b) of subsection (5) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with regulations issued pursuant to section 42-20-108, or the driver of a commercial vehicle, as defined in section 42-4-235, that is transporting passengers, before crossing at grade any tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the driver can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the tracks.
- (2) This section shall not apply at street railway grade crossings within a business district.
- (3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.

(4) Subsection (1) of this section shall not apply at:

- (a) (Deleted by amendment, L. 2006, p. 42, § 1, effective July 1, 2006.)
- (b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;
- (c) Any railroad grade crossing at which traffic is controlled by a police officer or human flag person;
- (d) Any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which shall give notice when so posted that such crossing is exempt from the stopping requirement provided for in this section.

(5) For the purposes of this section:

- (a) The definition of hazardous materials shall be the definition contained in the rules adopted by the chief of the Colorado state patrol pursuant to section 42-20-108.
- (b) "School bus" means a school bus that is required to bear on the front and rear Colorado Revised Statutes 2013 431 Title 42 of such school bus the words "SCHOOL BUS" and display visual signal lights pursuant to section 42-4-1903 (2) (a). (6) Any person who violates any provision of this section commits a class A traffic infraction.

#### *SECTION 42-4-1601 - ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES - DUTIES*

(1) The driver of any vehicle directly involved in an accident resulting in injury to, serious bodily injury to, or death of any person shall immediately stop such vehicle at the scene of such accident or as close to the scene as possible or shall immediately return to the scene of the accident. The driver shall then remain at the scene of the accident until the driver has fulfilled the requirements of section 42-4-1603 (1). Every such stop shall be made without obstructing traffic more than is necessary.

(1.5) It shall not be an offense under this section if a driver, after fulfilling the requirements of subsection (1) of this section and of section 42-4-160 3 (1), leaves the scene of the accident for the purpose of reporting the accident in accordance with the provisions of sections 42-4-1603(2) and 42-4-1606.

(2) Any person who violates any provision of this section commits:

- (a) A class 1 misdemeanor traffic offense if the accident resulted in injury to any person;

- (b) A class 4 felony if the accident resulted in serious bodily injury to any person;
  - (c) A class 3 felony if the accident resulted in the death of any person.
- (3) The department shall revoke the driver's license of the person so convicted.
- (4) As used in this section and sections 42-4-1603 and 42-4-1606:
- (a) "Injury" means physical pain, illness, or any impairment of physical or mental condition.
  - (b) "Serious bodily injury" means injury that involves, either at the time of the actual injury or at a later time, a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

#### *SECTION 42-4-1602 - ACCIDENT INVOLVING DAMAGE - DUTY*

- (1) The driver of any vehicle directly involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall immediately return to and in every event shall remain at the scene of such accident, except in the circumstances provided in subsection (2) of this section, until the driver has fulfilled the requirements of section 42-4-1603. Every such stop shall be made without obstructing traffic more than is necessary. Any person who violates any provision of this subsection (1) commits a class 2 misdemeanor traffic offense.
- (2) When an accident occurs on the traveled portion, median, or ramp of a divided highway and each vehicle involved can be safely driven, each driver shall move such driver's vehicle as soon as practicable off the traveled portion, median, or ramp to a frontage road, the nearest suitable cross street, or other suitable location to fulfill the requirements of section 42-4-1603.

#### *SECTION 42-4-1603 - DUTY TO GIVE NOTICE, INFORMATION, AND AID*

- (1) The driver of any vehicle involved in an accident resulting in injury to, serious bodily injury to, or death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name, the driver's address, and the registration number of the vehicle he or she is driving and shall upon request exhibit his or her driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and where practical shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if the carrying is requested by the injured person.

- (2) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (1) of this section and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection (1) of this section, insofar as possible on the driver's part to be performed, shall immediately report such accident to the nearest office of a duly authorized police authority as required in section 42-4-1606 and submit thereto the information specified in subsection (1) of this section.

#### *SECTION 42-4-1604 - DUTY UPON STRIKING UNATTENDED VEHICLE OR OTHER PROPERTY*

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and either locate and notify the operator or owner of such vehicle or other property of such fact, the driver's name and address, and the registration number of the vehicle he or she is driving or attach securely in a conspicuous place in or on such vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving. The driver shall also make report of such accident when and as required in section 42-4-1606. Every stop shall be made without obstructing traffic more than is necessary. This section shall not apply to the striking of highway fixtures or traffic control devices which shall be governed by the provisions of section 42-4-1605. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

#### *SECTION 42-4-1605 - DUTY UPON STRIKING HIGHWAY FIXTURES OR TRAFFIC CONTROL DEVICES*

The driver of any vehicle involved in an accident resulting only in damage to fixtures or traffic control devices upon or adjacent to a highway shall notify the road authority in charge of such property of that fact and of the driver's name and address and of the registration number of the vehicle he or she is driving and shall make report of such accident when and as required in section 42-4-1606. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

#### *SECTION 42-4-1606 - DUTY TO REPORT ACCIDENTS*

- (1) The driver of a vehicle involved in a traffic accident resulting in injury to, serious bodily injury to, or death of any person or any property damage shall, after fulfilling the requirements of section 42-4-1602 and 42-4-1603 (1), give immediate notice of the location of such accident and such other information as is specified in section 42-4-1603 (2) to the nearest office of the duly authorized police authority and, if so directed by the police authority, shall immediately return to and remain at the scene of the accident until said police have arrived at the scene and completed their investigation thereat.
- (2) Repealed.
- (3) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require

witnesses of accidents to render reports to the department.

- (4) (a) (I) It is the duty of all law enforcement officers who receive notification of traffic accidents within their respective jurisdictions or who investigate such accidents either at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses to submit reports of all such accidents to the department on the form provided, including insurance information received from any driver, within five days of the time they receive such information or complete their investigation. The law enforcement officer shall indicate in such report whether the inflatable restraint system in the vehicle, if any, inflated and deployed in the accident. For the purposes of this section, "inflatable restraint system" has the same meaning as set forth in 49 CFR sec. 507.208 S4.1.5.1

(II) Repealed.

(b) The law enforcement officer shall not be required to complete an investigation or file an accident report:

- (I) In the case of a traffic accident involving a motor vehicle, if the law enforcement officer has a reasonable basis to believe that damage to the property of any one person does not exceed one thousand dollars and if the traffic accident does not involve injury to or death of any person; except that the officer shall complete an investigation and file a report if specifically requested to do so by one of the participants or if one of the participants cannot show proof of insurance; or
- (II) In the case of a traffic accident not involving a motor vehicle, if the traffic accident does not involve serious bodily injury to or death of any person.

- (5) The person in charge at any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of the duly authorized police authority within twenty-four hours after such motor vehicle is received, giving the vehicle identification number, registration number, and, if known, the name and address of the owner and operator of such vehicle together with any other discernible information.
- (6) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

#### *SECTION 42-4-1607 - WHEN DRIVER UNABLE TO GIVE NOTICE OR MAKE WRITTEN REPORT*

- (1) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in section 42-4-1606 (1) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.
- (2) Repealed.

- (3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

**SECTION 42-4-1901 - SCHOOL BUSES - EQUIPPED WITH SUPPLEMENTARY BRAKE RETARDERS**

- (1) (a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this section, passengers of any school bus being used on mountainous terrain by any school district of the state shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus during the period of such use.
- (b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any road or street which the department of transportation has designated as being located on mountainous terrain.
- (2) (a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:
- (I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or
- (II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.
- (b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on or after April 17, 1991. The general assembly also encourages school districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses.
- (3) For purposes of this section and section 42-4-1902:
- (a) "Mountainous terrain" means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and side hill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

**SECTION 42-4-1902 - SCHOOL VEHICLE DRIVERS - SPECIAL TRAINING REQUIRED**

On and after July 1, 1992, the driver of any school vehicle as defined in section 42-1-102 (88.5) owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 42-4-1901 (3) (a), and driving in adverse weather conditions.

SECTION 42-4-1903 - SCHOOL BUSES - STOPS-SIGNS-PASSING

- (1) (a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge school children.
  - (b) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.
    - (II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.
- (2) (a) Every school bus as defined in section 42-1-102 (88), other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of school children shall:
  - (I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and
  - (II) Display eight visual signal lights meeting the requirements of 49 CFR 571.108 or its successor regulation.
- (b) (I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.
  - (II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

- (c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.
- (3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.
- (4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.
- (5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.
- (6) (a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.
  - (b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.
- (7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104 (1) (c), C.R.S.

**SECTION 42-4-1904 - REGULATIONS FOR SCHOOL BUSES - REGULATIONS ON DISCHARGE OF PASSENGERS - PENALTY - EXCEPTION**

- (1) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this article to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the



passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

- (2) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be cancelled after notice and hearing by the responsible officers of such district.
- (3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.
- (4) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104 (1) (c), C.R.S.

## CCR 301-14 INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

<https://sites.ed.gov/idea/?src=search>

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a “free appropriate public education,” (FAPE) to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 7.5 million (as of school year 2020-21) eligible infants, toddlers, children, and youth with disabilities.

Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under IDEA Part C. Children and youth ages 3 through 21 receive special education and related services under IDEA Part B.

### SECTION 300.342 - WHEN IEPs MUST BE IN EFFECT

- (a) General. At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.
- (b) Implementation of IEPs. Each public agency shall ensure that-
  - (1) An IEP-
    - (i) Is in effect before special education and related services are provided to an eligible child under this part; and
    - (ii) Is implemented as soon as possible following the meetings described under §300.343;
  - (2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and
  - (3) Each teacher and provider described in paragraph (b) (2) of this section is informed of-
    - (i) His or her specific responsibilities related to implementing the child's IEP; and
    - (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

SECTION 300.572 - SAFEGUARDS

- (a) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- (b) One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
- (c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under §300.127 and 34 CFR part 99.
- (d) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

## 34 CFR 104.3 SECTION 504 OF THE REHABILITATION ACT 1973

<https://www2.ed.gov/about/offices/list/ocr/504faq.html>

The Section 504 regulations require a school district to provide a "free appropriate public education," (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504. In the Amendments Act, Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of "major bodily functions" that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The Section 504 regulatory provision, though not as comprehensive as the Amendments Act, is still valid - the Section 504 regulatory provision's list of examples of major life activities is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

## FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

<https://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>

All qualified persons with disabilities within the jurisdiction of a school district are entitled to a free appropriate public education. The ED Section 504 regulation defines a person with a disability as “any person who: (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.”

For elementary and secondary education programs, a qualified person with a disability is a person with a disability who is:

- of an age during which it is mandatory under state law to provide such services to persons with disabilities;
- of an age during which persons without disabilities are provided such services; or
- entitled to receive a free appropriate public education under the *Individuals with Disabilities Education Act (IDEA)*.
- In general, all school-age children who are individuals with disabilities as defined by Section 504 and *IDEA* are entitled to FAPE.

An appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling, and medical diagnostic services necessary to the child’s education.

An appropriate education will include:

- education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;
- the education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability;
- evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and
- establishment of due process procedures that enable parents and guardians to:

- receive required notices;
- review their child's records; and
- challenge identification, evaluation and placement decisions.

Due process procedures must also provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

## 34 CFR PART 99 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;

- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.



# FEDERAL MOTOR CARRIER SAFETY REGULATIONS

## *PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING*

<https://www.fmcsa.dot.gov/regulations/title49/part/382>

### SECTION 382.101 - PURPOSE

The purpose of this part is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

### SECTION 382.103 - APPLICABILITY

- (a) This part applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to:
  - (1) The commercial driver's license requirements of part 383 of this subchapter;
  - (2) The Licencia Federal de Conductor (Mexico) requirements; or
  - (3) The commercial driver's license requirements of the Canadian National Safety Code.
- (b) An employer who employs himself/herself as a driver must comply with both the requirements in this part that apply to employers and the requirements in this part that apply to drivers. An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool.
- (c) The exceptions contained in § 390.3(f) of this subchapter do not apply to this part. The employers and drivers identified in § 390.3(f) of this subchapter must comply with the requirements of this part, unless otherwise specifically provided in paragraph (d) of this section.
- (d) **Exceptions.** This part shall not apply to employers and their drivers
  - (1) Required to comply with the alcohol and/or controlled substances testing requirements of part 655 of this title (Federal Transit Administration alcohol and controlled substances testing regulations); or

- (2) Who a State must waive from the requirements of part 383 of this subchapter. These individuals include active duty military personnel; members of the reserves; and members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training and national guard military technicians (civilians who are required to wear military uniforms), and active duty U.S. Coast Guard personnel; or
- (3) Who a State has, at its discretion, exempted from the requirements of part 383 of this subchapter. These individuals may be:
  - (i) Operators of a farm vehicle which is:
    - (A) Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
    - (B) Not used in the operations of a common or contract motor carrier; and
    - (C) Used within 241 kilometers (150 miles) of the farmer's farm.
  - (ii) Firefighters or other persons who operate commercial motor vehicles which are necessary for the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulation.
- (4) Who operate "covered farm vehicles," as defined in 49 CFR 390.5.

### SECTION 382.105 - TESTING PROCEDURES

Each employer shall ensure that all alcohol or controlled substances testing conducted under this part complies with the procedures set forth in [part 40 of this title](#). The provisions of [part 40 of this title](#) that address alcohol or controlled substances testing are made applicable to employers by this part.

### SECTION 382.107 - DEFINITIONS

Words or phrases used in this part are defined in §§ 386.2 and 390.5 of this subchapter, and § 40.3 of this title, except as provided in this section—

Actual knowledge for the purpose of subpart B of this part, means actual knowledge by an employer that a driver has used alcohol or

controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in §382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under § 382.307.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication), containing alcohol.

Commerce means:

- (1) Any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and
- (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or

- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F)

**Confirmation (or confirmatory) drug test** means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

**Confirmation (or confirmatory) validity test** means a second test performed on a urine specimen to further support a validity test result.

**Confirmed drug test** means a confirmation test result received by an MRO from a laboratory.

**Consortium/Third party administrator (C/TPA)** means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT- regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not "employers" for purposes of this part.

**Controlled substances** mean those substances identified in § 40.85 of this title.

**Designated employer representative (DER)** is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

**Disabling damage** means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) ***Inclusions.*** Damage to motor vehicles that could have been driven but would have been further damaged if so driven.

(2) ***Exclusions.***

- (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
- (ii) Tire disablement without other damage even if no spare tire is available.
- (iii) Headlight or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

**DOT Agency** means an agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with part 40 of this title.

**Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors.

**Employer** means a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this part. The term, as used in this part, means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this part and any applicable DOT agency regulations. Service agents are not employers for the purposes of this part.

**Licensed medical practitioner** means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

**Performing (a safety-sensitive function)** means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

**Positive rate for random drug testing** means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results ( *i.e.*, positives, negatives, and refusals) under this part.

**Refuse to submit (to an alcohol or controlled substances test)** means that a driver:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see § 40.61(a) of this title);
- (2) Fail to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see § 40.63(c) of this title) a pre-employment test is not deemed to have refused to test;
- (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see § 40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;

- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see §§ 40.67(l) and 40.69(g) of this title);
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see § 40.193(d) (2) of this title);
- (6) Fail or declines to take a second test the employer or collector has directed the driver to take;
- (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under § 40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- (9) Is reported by the MRO as having a verified adulterated or substituted test result.

**Safety-sensitive function** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- (2) All time inspecting equipment as required by §§ 392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of § 393.76 of this subchapter);
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Screening test (or initial test)** means:

- (1) In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
- (2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

**Stand-down** means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

**Violation rate for random alcohol testing** means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part F part 40 of this title that address alcohol or controlled substances testing are made applicable to employers by this part.

### **SECTION 382.109 - PREEMPTION OF STATE AND LOCAL LAWS**

- (a) Except as provided in paragraph (b) of this section, this part preempts any State or local law, rule, regulation, or order to the extent that:
  - (1) Compliance with both the State or local requirement in this part is not possible; or
  - (2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part. (b) This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers.

### **SECTION 382.111 - OTHER REQUIREMENTS IMPOSED BY EMPLOYERS**

Except as expressly provided in this part, nothing in this part shall be construed to affect the authority of employers, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

### **SECTION 382.113 - REQUIREMENT FOR NOTICE**

Before performing each alcohol or controlled substances test under this part, each employer shall notify a driver that the alcohol or controlled substances test is required by this part. No employer shall falsely represent that a test is administered under this part.

### SECTION 382.115 - STARTING DATE FOR TESTING PROGRAMS

- (a) All domestic-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations.
- (b) All foreign-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations in the United States.

### SECTION 382.117 - PUBLIC INTEREST EXCLUSION

No employer shall use the services of a service agent who is subject to public interest exclusion in accordance with 49 CFR part 40, Subpart R.

### SECTION 382.119 - STAND-DOWN WAIVER PROVISION

- (a) Employers are prohibited from standing employees down, except consistent with a waiver from the Federal Motor Carrier Safety Administration as required under this section.
- (b) An employer subject to this part who seeks a waiver from the prohibition against standing down an employee before the MRO has completed the verification process shall follow the procedures in 49 CFR 40.21. The employer must send a written request, which includes all of the information required by that section to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.
- (c) The final decision whether to grant or deny the application for a waiver will be made by the Administrator or the Administrator's designee.
- (d) After a decision is signed by the Administrator or the Administrator's designee, the employer will be sent a copy of the decision, which will include the terms and conditions for the waiver or the reason for denying the application for a waiver.
- (e) Questions regarding waiver applications should be directed to the Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance (MC- EC), 1200 New Jersey Ave., SE., Washington, DC 20590-0001.

### SECTION 382.121 - EMPLOYEE ADMISSION OF ALCOHOL AND CONTROLLED SUBSTANCES USE.

- (a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this part and part 40 of this title, provided that:



- (1) The admission is in accordance with a written employer-established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;
- (2) The driver does not self-identify in order to avoid testing under the requirements of this part;
- (3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- (4) The driver does not perform a safety sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

(b) A qualified voluntary self-identification program or policy must contain the following elements:

- (1) It must prohibit the employer from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;
- (2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
- (3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;
- (4) It must ensure that:
  - (i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or
  - (ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty-controlled substance test with a verified negative test result for controlled substances use; and
- (5) It may incorporate employee monitoring and include non-DOT follow-up testing.

## FMCSA - COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

<https://www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse>

### OVERVIEW

The Federal Motor Carrier Administration (FMCSA) established the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse). This new database contains information pertaining to violations of the U.S. Department of Transportation (DOT) controlled substances (drug) and alcohol testing program for holders of CDLs.

The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, Parts 40 and 382 by current and prospective employees.

The Clearinghouse final rule requires the following:

- Employers must query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads.
- Employers must annually query the Clearinghouse for each driver they currently employ.

The Clearinghouse provides FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Specifically, information maintained in the Clearinghouse enables employers to identify drivers who commit a drug or alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations). Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later.

For more information on the Clearinghouse, please visit <https://clearinghouse.fmcsa.dot.gov/>.

## FMCSA ENTRY LEVEL DRIVER TRAINING

### § 380.600 Compliance date for training requirements for entry-level drivers.

Compliance with the provisions of this subpart is required on or after February 7, 2022.

[[81 FR 88790](#), Dec. 8, 2016, as amended at [85 FR 6100](#), Feb. 4, 2020]

### SECTION 380.601 - PURPOSE AND SCOPE

This subpart establishes training requirements for entry-level drivers, as defined in this subpart, and minimum content for theory and Behind-the-Wheel (BTW) training curricula. Entry-level driver training, as defined in this subpart, applies only to those individuals who apply for a commercial driver's license (CDL) or a CDL upgrade or endorsement and does not otherwise amend substantive CDL requirements in part 383 of this chapter.

### SECTION 380.603 - APPLICABILITY

- (a) The rules in this subpart apply to all entry-level drivers, as defined in this subpart, who intend to drive CMVs as defined in § 383.5 of this chapter in interstate and/or intrastate commerce, except:
  - (1) Drivers excepted from the CDL requirements under § 383.3(c), (d), and (h) of this chapter;
  - (2) Drivers applying for a restricted CDL under § 383.3(e) through (g) of this chapter;
  - (3) Military personnel with military CMV experience who meet all the requirements and conditions of § 383.77 of this chapter; and
  - (4) Drivers applying for a removal of a restriction in accordance with § 383.135(b)(7).
- (b) Drivers issued a Class A CDL, Class B CDL, or a passenger (P), school bus (S), or hazardous materials (H) endorsement before February 7, 2022, are not required to comply with this subpart pertaining to that CDL or endorsement.
- (c)

- (1) Individuals who obtain a CLP before February 7, 2022, are not required to comply with this subpart if they obtain a CDL before the CLP or renewed CLP expires.
- (2) Individuals who obtain a CLP on or after February 7, 2022, are required to comply with this subpart.
- (3) Except for individuals seeking the H endorsement, individuals must complete the theory and BTW (range and public road) portions of entry-level driver training within one year of completing the first portion.

[81 FR 88790, Dec. 8, 2016, as amended at 83 FR 48725, Sept. 27, 2018; 85 FR 6100, Feb. 4, 2020; 86 FR 57069, Oct. 14, 2021]

### **SECTION 380.605 - DEFINITIONS**

The definitions in parts 383 and 384 of this subchapter apply to this subpart, except as stated below. As used in this subpart:

**Behind-the-wheel (BTW) instructor** means an individual who provides BTW training involving the actual operation of a CMV by an entry-level driver on a range or a public road and meets one of these qualifications:

- (1) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least 2 years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement and meets all applicable State qualification requirements for CMV instructors; or
- (2) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least 2 years of experience as a BTW CMV instructor and meets all applicable State qualification requirements for CMV instructors.

***Exception applicable to paragraphs (1) and (2) of this definition:*** A BTW instructor who provides training solely on a range which is not a public road is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, as long as the instructor previously held a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, and complies with the other requirements set forth in paragraphs (1) or (2) of this definition.

- (3) If an instructor's CDL has been cancelled, suspended, or revoked due to any of the disqualifying offenses identified in § 383.51 of this subchapter, the instructor is prohibited from engaging in BTW instruction for 2 years following the date his or her CDL is reinstated.

**Behind-the-wheel (BTW) public road training** means training provided by a BTW instructor when an entry-level driver has actual control of the power unit during a driving lesson conducted on a public road. BTW public road training does not include the time that an entry-level driver spends observing the operation of a CMV when he or she is not in control of the vehicle.

**Behind-the-wheel (BTW) range training** means training provided by a BTW instructor when an entry-level driver has actual control of the power unit during a driving lesson conducted on a range. BTW range training does not include time an entry-level driver spends observing the operation of a CMV when he or she is not in control of the vehicle.

**Entry-level driver** means an individual who must complete the CDL skills test requirements under § 383.71 of this subchapter prior to receiving a CDL for the first time, upgrading to a Class A or Class B CDL, or obtaining a hazardous materials, passenger, or school bus endorsement for the first time. This definition does not include individuals for whom States waive the CDL skills test under § 383.77 or individuals seeking to remove a restriction in accordance with § 383.135(b)(7) of this subchapter.

**Entry-level driver training** means training an entry-level driver receives from an entity listed on FMCSA's Training Provider Registry prior to:

- (1) Taking the CDL skills test required to receive the Class A or Class B CDL for the first time;
- (2) Taking the CDL skills test required to upgrade to a Class A or Class B CDL; or
- (3) Taking the CDL skills test required to obtain a passenger and/or school bus endorsement for the first time or the CDL knowledge test required to obtain a hazardous materials endorsement for the first time.

**Range** means an area that must be free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.

**Theory instruction** means knowledge instruction on the operation of a CMV and related matters provided by a theory instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

**Theory instructor** means an individual who provides knowledge instruction on the operation of a CMV and meets one of these qualifications:

- (1) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least 2 years of experience driving a CMV requiring a CDL of the same (or higher) class and/or the same endorsement and meets all applicable State qualification requirements for CMV instructors; or

- (2) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least 2 years of experience as a BTW CMV instructor and meets all applicable State qualification requirements for CMV instructors.

*Exceptions applicable to paragraphs (1) and (2) of this definition:*

1. An instructor is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in paragraphs (1) or (2) of this definition.
  2. Training providers offering online content exclusively are not required to meet State qualification requirements for theory instructors.
- (3) If an instructor's CDL has been cancelled, suspended, or revoked due to any of the disqualifying offenses identified in § 383.51 of this subchapter, the instructor is prohibited from engaging in theory instruction for 2 years following the date his or her CDL is reinstated.

*Training provider* means an entity that is listed on the FMCSA Training Provider Registry, as required by subpart G of this part. Training providers include, but are not limited to, training schools, educational institutions, rural electric cooperatives, motor carriers, State/local governments, school districts, joint labor management programs, owner-operators, and individuals.

[[83 FR 22874](#), May 17, 2018]

**SECTION 380.609 - GENERAL ENTRY-LEVEL DRIVER TRAINING REQUIREMENTS**

- (a) An individual who applies, for the first time, for a Class A or Class B CDL, or who upgrades to a Class A or B CDL, must complete driver training from a provider listed on the Training Provider Registry (TPR), as set forth in subpart G.
- (b) An individual seeking to obtain a passenger (P), school bus (S), or hazardous materials (H) endorsement for the first time, must complete the training related to that endorsement from a training provider listed on the TPR, as set forth in subpart G.

# ELDT MATRIX



<b>Entry Level Driver License and Training Matrix</b>
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Current License	Class B ELDT Theory <u>AND</u> Behind the Wheel	ELDT Passenger Endorsement Theory <u>AND</u> Behind the Wheel	ELDT School Bus Endorsement Theory <u>AND</u> Behind the Wheel
Valid Class B CDL with Passenger and School Bus Endorsement	NO	NO	NO
Valid Operator License  (NO CDL)	YES	YES	YES
Valid Class A CDL NO Passenger NO School Bus Endorsement	NO	YES	YES
Valid Class A CDL With Passenger Endorsement ONLY - NO School Bus Endorsement	NO	NO	YES
Valid Class A CDL With School Bus Endorsement ONLY - NO Passenger Endorsement	NO	YES	NO
Valid Class B CDL NO Passenger NO School Bus Endorsement	NO	YES	YES
Valid Class B CDL With Passenger Endorsement ONLY - NO School Bus Endorsement	NO	NO	YES
Valid Class B CDL With School Bus Endorsement ONLY - NO Passenger Endorsement	NO	YES	NO



## FMCSA TRAINING PROVIDER REGISTRY (TPR)

### Subpart G - Registry of Entry-Level Driver Training Providers On and After February 7, 2022

#### SECTION 380.700 - SCOPE

The rules in this subpart establish the eligibility requirements for listing on FMCSA's Training Provider Registry (TPR). In order to provide entry-level driver training in compliance with this part, training providers must be listed on the TPR.

#### SECTION 380.703 - REQUIREMENTS FOR LISTING ON THE TRAINING PROVIDER REGISTRY (TPR)

(a) To be eligible for listing on the TPR, an entity must:

- (1) Follow a curriculum that meets the applicable criteria set forth in appendices A through E of part 380,
- (2) Utilize facilities that meet the criteria set forth in [§ 380.709](#);
- (3) Utilize vehicles that meet the criteria set forth in [§ 380.711](#);
- (4) Utilize driver training instructors that meet the criteria set forth in [§ 380.713](#);
- (5)
  - (i) Be licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations of any State where in-person training is conducted.
  - (ii) **Exception:** State qualification requirements otherwise applicable to theory instruction do not apply to providers offering such instruction only online.
- (6) Allow FMCSA or its authorized representative to audit or investigate the training provider's operations to ensure that the provider meets the criteria set forth in this section.
- (7) Electronically transmit an Entry-Level Driver Training Provider Registration Form through the TPR website maintained by FMCSA, which attests that the training provider meets all the applicable requirements of this section, to obtain a unique TPR number. If a training provider has more than one campus or training location, the



training provider must electronically transmit an Entry-Level Driver Training Provider Registration Form for each campus or training location in order to obtain a unique TPR number for each location.

- (b) When a provider meets the requirements of [§§ 380.703](#) and [380.707](#), FMCSA will issue the provider a unique TPR number and, as applicable, add the provider's name and/or contact information to the TPR website.

[[81 FR 88791](#), Dec. 8, 2016, as amended at [87 FR 59035](#), Sept. 29, 2022]

### *SECTION 380.707 - ENTRY-LEVEL TRAINING PROVIDER*

- (a) Training providers must require all accepted applicants for behind-the-wheel (BTW) training to certify that they will comply with U.S. Department of Transportation regulations in parts 40, 382, 383, and 391, as well as State and/or local laws, related to controlled substances testing, age, medical certification, licensing, and driving record. Training providers must verify that all accepted BTW applicants or Class A theory instruction upgrade curriculum applicants hold a valid commercial learner's permit or commercial driver's license, as applicable.
- (b) Training providers offering online training must ensure that the content is prepared and/or delivered by a theory instructor, as defined in [§ 380.605](#).
- (c) Separate training providers may deliver the theory and BTW portions of the training, but both portions (range and public road) of the BTW training must be delivered by the same training provider.

[[81 FR 88791](#), Dec. 8, 2016, as amended at [84 FR 8040](#), Mar. 6, 2019; [84 FR 10437](#), Mar. 21, 2019; [86 FR 34636](#), June 30, 2021]

### *SECTION 380.709 - FACILITIES*

The training provider's classroom and range facilities must comply with all applicable Federal, State, and/or local statutes and regulations.

### *SECTION 380.711 - EQUIPMENT*

- (a) All vehicles used in the behind-the-wheel training must comply with applicable Federal and State safety requirements.
- (b) Training vehicles must be in the same group and type that driver-trainees intend to operate for their CDL skills test.

### SECTION 380.713 - INSTRUCTOR REQUIREMENTS

- (a) Theory training providers must utilize instructors who are theory instructors as defined in [§ 380.605](#).
- (b) BTW training providers must utilize instructors who are BTW instructors as defined in [§ 380.605](#).

[[83 FR 22875](#), May 17, 2018]

### SECTION 380.715 - ASSESSMENTS

- (a) Training providers must use written assessments to determine driver-trainees' proficiency in the knowledge objectives in the theory portion of each unit of instruction in appendices A through E of part 380, as applicable. The driver-trainee must receive an overall minimum score of 80 percent on the theory assessment.
- (b) Training instructors must evaluate and document a driver-trainee's proficiency in BTW skills in accordance with the curricula in appendices A through D of part 380, as applicable.

[[81 FR 88791](#), Dec. 8, 2016, as amended at [83 FR 16225](#), Apr. 16, 2018]

### SECTION 380.717 - TRAINING CERTIFICATION

After an individual completes training administered by a provider listed on the TPR, that provider must, by midnight of the second business day after the driver-trainee completes the training, electronically transmit training certification information through the TPR website including the following:

- (a) Driver-trainee name, number of driver's license/commercial learner's permit/commercial driver's license, as applicable, and State of licensure;
- (b) Commercial driver's license class and/or endorsement and type of training (theory and/or BTW) the driver-trainee completed;
- (c) Total number of clock hours the driver-trainee spent to complete BTW training, as applicable;
- (d) Name of the training provider and its unique TPR identification number; and
- (e) Date(s) of successful training completion.

[[81 FR 88791](#), Dec. 8, 2016, as amended at [87 FR 59035](#), Sept. 29, 2022]

**SECTION 380.719 - REQUIREMENTS FOR CONTINUED LISTING ON THE TRAINING PROVIDER REGISTRY (TPR)**

(a) To be eligible for continued listing on the TPR, a provider must:

- (1) Meet the requirements of this subpart and the applicable requirements of [§ 380.703](#).
- (2) Biennially update the Entry-Level Driver Training Provider Registration Form.
- (3) Report to FMCSA changes to key information, as identified in [paragraph \(a\)\(3\)\(i\)](#) of this section, within 30 days of the change.
  - (i) Key information is defined as training provider name, address, phone number, type(s) of training offered, training provider status, and, if applicable, any change in State licensure, certification, or accreditation status.
  - (ii) Changes must be reported by electronically transmitting an updated Entry-Level Driver Training Provider Registration Form.
- (4) Maintain documentation of State licensure, registration, or certification verifying that the provider is authorized to provide training in that State, if applicable.
- (5) Allow an audit or investigation of the training provider to be completed by FMCSA or its authorized representative, if requested.
- (6) Ensure that all required documentation, as set forth in [§ 380.725](#), is available to FMCSA or its authorized representative, upon request. The provider must submit this documentation within 48 hours of the request.

(b) [Reserved]

### SECTION 380.721 - REMOVAL FROM TRAINING PROVIDER REGISTRY: FACTORS CONSIDERED

FMCSA may remove a provider from the TPR when a provider fails to meet or maintain any of the qualifications established by this subpart or the requirements of other State and Federal regulations applicable to the provider. If FMCSA removes a provider from the TPR, any training conducted after the removal date will be considered invalid.

- (a) The factors FMCSA may consider for removing a provider from the TPR include, but are not limited to, the following:
- (1) The provider fails to comply with the requirements for continued listing on the TPR, as described in § 380.719.
  - (2) The provider denies FMCSA or its authorized representatives the opportunity to conduct an audit or investigation of its training operations.
  - (3) The audit or investigation conducted by FMCSA or its authorized representatives identifies material deficiencies pertaining to the training provider's program, operations, or eligibility.
  - (4) The provider falsely claims to be licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations in any State where in-person training is provided.
  - (5) The State-administered CDL skills examination passage rate for applicants for the Class A CDL, Class B CDL, passenger endorsement, and/or school bus endorsement who complete the provider's training and the CDL knowledge test passage rate for applicants for the hazardous materials endorsement who complete the provider's training.
- (b) In instances of fraud or other criminal behavior by a training provider in which driver-trainees have knowingly participated, FMCSA reserves the right, on a case-by-case basis, to retroactively invalidate training conducted under this subpart.

### SECTION 380.723 - REMOVAL FROM TRAINING PROVIDER REGISTRY: PROCEDURE

- (a) **Voluntary removal.** To be voluntarily removed from the Training Provider Registry (TPR), a provider must submit written notice to FMCSA, ATTN: Training Provider Registry Removal, 1200 New Jersey Avenue SE, Washington, DC 20590 or through the TPR website. Upon receiving the written notice, FMCSA will remove the training provider from the TPR. On and after the date of issuance of a notice of proposed removal from the TPR issued in accordance with paragraph (b) of this section, such a voluntary removal notice will not be effective.

- (b) **Involuntary removal; Notice of proposed removal.** Except as provided by paragraphs (a) and (e) of this section, FMCSA initiates the process for involuntary removal of a provider from the TPR by issuing a written notice to the provider, stating the reasons for the proposed removal and setting forth any corrective actions necessary for the provider to remain listed on the TPR. If a notice of proposed removal is issued, the provider must notify current driver-trainees and driver-trainees scheduled for future training of the proposed removal. If a notice of proposed removal is issued to a training provider listed on the TPR website, FMCSA will note on the TPR website that such notice has been issued. FMCSA will remove the notation if the notice is withdrawn.
- (c) **Response to notice of proposed removal and corrective action.** A training provider that has received a notice of proposed removal and wishes to remain on the TPR must submit a written response to FMCSA no later than 30 days after the date of issuance of the notice explaining why it believes that decision is not proper, as described in paragraph (c)(1) of this section. Alternatively, the provider will set forth corrective actions taken in response to FMCSA's notice of proposed removal, as described in paragraph (c)(2) of this section.
- (1) **Opposing a notice of proposed removal.** If the provider believes FMCSA has relied on erroneous information in proposing removal from the TPR, the provider must explain the basis for that belief and provide supporting documentation. FMCSA will review the explanation.
- (i) If FMCSA finds that FMCSA has relied on erroneous information to propose removal of a training provider from the TPR, FMCSA will withdraw the notice of proposed removal and notify the provider of the withdrawal in writing.
- (ii) If FMCSA finds that FMCSA has not relied on erroneous information in proposing removal, FMCSA will affirm the notice of proposed removal and notify the provider in writing of the determination. No later than 60 days after the date FMCSA affirms the notice of proposed removal, or as otherwise agreed to by the provider and FMCSA, the provider must comply with this subpart and correct the deficiencies identified in the notice of proposed removal as described in paragraph (c)(2) of this section.
- (iii) If the provider does not respond in writing within 30 days of the date of issuance of a notice of proposed removal, the removal becomes effective immediately and the provider will be removed from the TPR. Any training conducted after the removal date is invalid.
- (2) **Corrective action.**
- (i) The provider must comply with this subpart and complete the corrective actions specified in the notice of proposed removal no later than 60 days after either the date of issuance of the notice of proposed removal or the date subsequently affirms or modifies the notice of proposed removal. The provider must provide

documentation of completion of the corrective action(s) to FMCSA. FMCSA may conduct an investigation and request any documentation necessary to verify that the provider has complied with this subpart and completed the required corrective action(s). FMCSA will notify the provider in writing whether it has met the requirements for continued listing on the TPR.

(ii) If the provider fails to complete the proposed corrective action(s) within the 60-day period, the provider will be removed from the TPR. FMCSA will notify the provider in writing of the removal.

(d) **Request for administrative review.** If a provider has been removed from the TPR under paragraph (c)(1)(iii), (c)(2)(ii), or (e) of this section, the provider may request an administrative review. The request must be submitted in writing to FMCSA, ATTN: § 380.723 Training Provider Registry Removal Proceedings, 1200 New Jersey Avenue SE, Washington, DC 20590 no later than 30 days after the effective date of the removal. The request must explain the alleged error(s) committed in removing the provider from the TPR, and include all factual, legal, and procedural issues in dispute, as well as any supporting documentation.

(1) **Additional procedures for administrative review.** FMCSA may ask the provider to submit additional information or attend a conference to discuss the removal. If the provider does not provide the information requested, or does not attend the scheduled conference, FMCSA may dismiss the request for administrative review.

(2) **Decision on administrative review.** FMCSA will complete the administrative review and notify the provider in writing of the decision. The decision constitutes final Agency action. If FMCSA deems the removal to be invalid, FMCSA will reinstate the provider's listing on the TPR.

(e) **Emergency removal.** In cases of fraud, criminal behavior, or willful disregard of the regulations in this subpart or in which public health, interest, or safety requires, the provisions of paragraph (b) of this section are not applicable. In these cases, FMCSA may immediately remove a provider from the TPR. In instances of fraud or other criminal behavior by a training provider in which driver-trainees have knowingly participated, FMCSA reserves the right to retroactively invalidate training conducted under this subpart. A provider who has been removed under the provisions of this paragraph may request an administrative review of that decision as described under paragraph (d) of this section.

(f) **Reinstatement to the Training Provider Registry.**

(1) Any time after a training provider's voluntary removal from the TPR, the provider may apply to FMCSA to be reinstated.

- (2) No sooner than 30 days after the date of a provider's involuntary removal from the TPR, the provider may apply to FMCSA to be reinstated. The provider must submit documentation showing completion of any corrective action(s) identified in the notice of proposed removal or final notice of removal, as applicable.

[[81 FR 88791](#), Dec. 8, 2016, as amended at [86 FR 57069](#), Oct. 14, 2021; [87 FR 59035](#), Sept. 29, 2022]

### **SECTION 380.725 - DOCUMENTATION AND RECORD RETENTION**

- (a) **Applicability**. The documentation and retention of records required by this subpart apply to entities that meet the requirements of subpart G of this part and are eligible for listing on the Training Provider Registry (TPR).
- (b) **Document retention**. All training providers on the TPR must retain the following:
  - (1) Self-certifications by all accepted applicants for behind-the-wheel (BTW) training attesting that they will comply with U.S. Department of Transportation regulations in parts 40, 382, 383 and 391, as well as State and/or local laws, related to alcohol and controlled substances testing, age, medical certification, licensing, and driver records, as required in 380.707(a).
  - (2) A copy of the driver-trainee's commercial learner's permit(s) or commercial driver's license, as applicable, as required in 380.707(a).
  - (3) Instructor qualification documentation indicating driving and/or training experience, as applicable, for each instructor and copies of commercial driver's licenses and applicable endorsements held by BTW instructors or theory instructors, as applicable.
  - (4) The lesson plans for theory and BTW (range and public road) training curricula, as applicable.
  - (5) Records of individual entry-level driver training assessments as described in § 380.715.
- (c) **Retention of records**. Training providers listed on the TPR must retain the records identified in paragraph (b) of this section for a minimum of three years from the date each required record is generated or received, unless a record, such as a BTW instructor's CDL, has expired or been canceled, in which case the most recent, valid CDL should be retained, if applicable. The provisions of this part do not affect a training provider's obligation to comply with any other local, State, or Federal requirements prescribing longer retention periods for any category of records described herein.

[[81 FR 88791](#), Dec. 8, 2016, as amended at [84 FR 51432](#), Sept. 30, 2019; [86 FR 57069](#), Oct. 14, 2021]

## ADDITIONAL RESOURCES

American School Bus Council	<a href="http://www.americanschoolbuscouncil.org/">http://www.americanschoolbuscouncil.org/</a>
Americans with Disabilities Act	<a href="http://www.dol.gov/dol/topic/disability/ada.htm">http://www.dol.gov/dol/topic/disability/ada.htm</a>
Civil Rights - Disability Discrimination	<a href="http://www2.ed.gov/policy/rights/guid/ocr/disability.html">http://www2.ed.gov/policy/rights/guid/ocr/disability.html</a>
CO trip - State Web Portal for travel conditions	<a href="http://www.cotrip.org/home.htm">http://www.cotrip.org/home.htm</a>
Code of Federal Regulations	<a href="http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl">http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl</a>
Colorado Chain Up Tips	<a href="https://www.codot.gov/travel/library/Brochures/ChainTips.pdf">https://www.codot.gov/travel/library/Brochures/ChainTips.pdf</a>
Colorado Department of Revenue Division of Motor Vehicles	<a href="https://www.colorado.gov/pacific/dmv/cdl-faq">https://www.colorado.gov/pacific/dmv/cdl-faq</a>
Colorado Department of Transportation	<a href="https://www.codot.gov/topcontent/contact-cdot">https://www.codot.gov/topcontent/contact-cdot</a>
Colorado General Assembly Page	<a href="http://leg.colorado.gov/">http://leg.colorado.gov/</a>
Colorado Revised Statutes	<a href="http://www.lexisnexis.com/hottopics/Colorado/">http://www.lexisnexis.com/hottopics/Colorado/</a>
Colorado State Patrol	<a href="https://www.colorado.gov/csp">https://www.colorado.gov/csp</a>
Colorado State Pupil Transportation Association	<a href="http://www.cspta.org/cpages/home">http://www.cspta.org/cpages/home</a>
Colorado State Statutes	<a href="http://www.lexisnexis.com/hottopics/Colorado/">http://www.lexisnexis.com/hottopics/Colorado/</a>
Every Student Succeeds Act (ESSA) - Reauthorization of No Child Left Behind Act -	<a href="https://www.whitehouse.gov/the-press-office/2015/12/03/fact-sheet-congress-acts-fix-no-child-left-behind">https://www.whitehouse.gov/the-press-office/2015/12/03/fact-sheet-congress-acts-fix-no-child-left-behind</a>
Family Educational Rights and Privacy Act - FERPA	<a href="http://www.ecfr.gov/cgi-bin/text-idx?SID=6cf6a13718d882722093bb967c9cf6a0&amp;tpl=/ecfrbrowse/Title34/34cfr99_main_02.tpl">http://www.ecfr.gov/cgi-bin/text-idx?SID=6cf6a13718d882722093bb967c9cf6a0&amp;tpl=/ecfrbrowse/Title34/34cfr99_main_02.tpl</a>
Federal Motor Carrier Safety Administration	<a href="http://www.fmcsa.dot.gov/">http://www.fmcsa.dot.gov/</a>



Federal Motor Carrier Safety Administration - Drug and Alcohol Clearinghouse	<a href="https://clearinghouse.fmcsa.dot.gov/">https://clearinghouse.fmcsa.dot.gov/</a>
Federal Motor Carrier Safety Administration - Training Provider Registry	<a href="https://tpr.fmcsa.dot.gov/">https://tpr.fmcsa.dot.gov/</a>
IDEA - Individuals with Disabilities Education Act	<a href="http://idea.ed.gov/">http://idea.ed.gov/</a>
Kansas Loading and Unloading Survey	<a href="https://www.ksde.org/Agency/Fiscal-and-Administrative-Services/School-Finance/School-Bus-Safety/Loading-and-Unloading-Surveys">https://www.ksde.org/Agency/Fiscal-and-Administrative-Services/School-Finance/School-Bus-Safety/Loading-and-Unloading-Surveys</a>
McKinney-Vento Homeless Assistance Act- No Child Left Behind (NCLB) of 2001	<a href="http://www2.ed.gov/policy/elsec/leg/esea02/pg116.html">http://www2.ed.gov/policy/elsec/leg/esea02/pg116.html</a>
Model Traffic Code for Colorado	<a href="https://www.codot.gov/library/traffic/traffic-manuals-guidelines/fed-state-co-traffic-manuals/model-traffic-code">https://www.codot.gov/library/traffic/traffic-manuals-guidelines/fed-state-co-traffic-manuals/model-traffic-code</a>
National Association for Pupil Transportation (NAPT)	<a href="https://www.napt.org/">https://www.napt.org/</a>
National Association of State Directors of Pupil Transportation Services (NASDPTS)	<a href="http://www.nasdpts.org/">http://www.nasdpts.org/</a>
National Congress for School Transportation (NCST)	<a href="http://www.nasdpts.org/ncstonline/">http://www.nasdpts.org/ncstonline/</a>
National Highway Traffic Safety Administration	<a href="https://www.nhtsa.gov/">https://www.nhtsa.gov/</a>
Pupil Transportation Safety Institute	<a href="http://www.ptsi.org/">http://www.ptsi.org/</a>
Safe Routes to School	<a href="https://www.codot.gov/programs/bikeped/safe-routes">https://www.codot.gov/programs/bikeped/safe-routes</a>
Section 504 Frequently Asked Questions and Children with Disabilities	<a href="http://www2.ed.gov/about/offices/list/ocr/504faq.html">http://www2.ed.gov/about/offices/list/ocr/504faq.html</a>
Traffic and Road Conditions	<a href="http://www.cotrip.org/home.htm">http://www.cotrip.org/home.htm</a>
US Department of Transportation 49 CFR Part 40	<a href="http://www.dot.gov/odapc/part40">http://www.dot.gov/odapc/part40</a>