

THE SCHOOL BUS CRASHED: Tips to Prepare Transportation Directors for That Dreaded Call



William E. Pinkston, Attorney at Law
Denton Law Firm
Paducah, Kentucky

555 Jefferson Street, Suite 301
Paducah, Kentucky 42001
(270) 450-8253
www.dentonfirm.com

Transportation directors for local school districts are tasked with ensuring the safe travels of hundreds, sometimes thousands, of students each day. Anyone who has worked in the transportation industry for any amount of time knows that the question is not *if* a school bus accident will occur, but rather *when*. As many school systems carry some form of immunity from law suits, the transportation director and the driver will be the target of any impending suits and therefore the ones held responsible for any negligence that may have caused the bus accident. That's why transportation professionals must be alert, with their paperwork in order at all times.

If personnel records are disorganized or safety standards are not adhered to with absolute diligence, transportation directors are at risk of facing a potentially career-ending lawsuit. In order to avoid that scenario, use this checklist as a guide and reminder of what to do when a school bus accident occurs.

#1: Maintain accurate and up-to-date personnel files on all drivers.

In the event of an accident, the attorney for the party who files the suit is entitled to personnel files and records that the transportation director has compiled on the bus driver. All drivers' training backgrounds should be thoroughly documented and personnel files should be up-to-date and include the drivers':

- Initial training curricula
- Testing results and scores
- Dates of attendance
- Identification of the trainer and dates of training
- Documentation of continuing education

- Documentation of CDL certification
- Current driving records (All traffic citations that have been issued to a driver should be on file.)
- Detailed annual performance reviews (Identify corrective measures that will be taken for drivers who have performed poorly and indicate whether termination is recommended.)
- Complaints against the driver
- Letters of praise and gratitude from students' parents
- Annual employment contract
- Results of annual physical exam

#2: Be aware of the overall health of drivers.

The transportation director's first priority is ensuring the safety of the student passengers who ride their buses. Being careful to protect a drivers' privacy, be mindful of any illnesses or medications that the driver may be taking which could hinder his ability to drive.

- If a driver has been away from work due to illness, then require him to present a "Return to Work" slip from the treating physician.
- If he is taking medication, require him to present a statement from the physician that indicates the medication is safe to take while operating the school bus.

#3: Perform random drug testing.

Drug testing should be absolutely random. Do not warn drivers in advance that the test will be administered.

#4: Attend and document continuing education for transportation directors.

Attend and document all continuing education seminars and coursework that has been completed by the transportation director. This will help to establish two objectives: 1) transportation directors will stay current on the evolving duties and responsibilities expected of those in the transportation industry and 2) it will provide documentation of the director's own exercise of due care if and when the director is sued.

#5: Comply with all state and federal regulatory requirements.

Be familiar with and ensure that all drivers have complied with the regulatory requirements set by 702 KAR 5:080 "Bus Drivers' Qualifications, Responsibilities and Training."

#6: Familiarize drivers on school policies.

Most school systems have established a set of policies that apply specifically to bus drivers. Be sure that drivers understand and comply with these policies. Have them initial that they have received a copy of the policy and understand the contents.

In the event that a bus crash does ensue and a lawsuit is filed against the transportation director, much of the information you have collected above will be useful to the attorney who is defending the case. A comprehensive list of items that a defense attorney may require is included below:

- Driver's DOT Medical Qualification documents
- Driver's personnel file
- Driver's random drug screen results
- Driver's performance evaluations
- Driver's initial training records, including exam scores and evaluations
- Driver's annual continuing education training records
- Driver's medical history, absences due to illness and injury, return to work notifications from treating physicians
- Seating chart showing who was on the bus and where each person was sitting at the time of the accident
- Photos of the bus and accident scene
- Identities of all persons you're aware of who arrived at the scene of the accident, including a list of school personnel, police, medical personnel, civilian witnesses to the crash
- Police reports
- Prior complaints filed against the driver
- Prior compliments made to or on behalf of the driver
- Prior accident history of the driver
- Bus repair estimates
- If the bus was towed, provide an invoice for towing
- Post-accident drug testing results of the driver
- A copy of the school district's policies and procedures that pertain to school bus drivers

Attempting to get organized after an accident occurs almost always results in a negative outcome to a lawsuit for the transportation director. That's why it's important to take the appropriate steps now to ensure that drivers receive adequate training, information is documented accordingly and students are able to travel safely throughout the district.

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