

That Dreaded Call

How To Take the Proper Steps When An
Accident Occurs

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Accidents Happen



2010-2014 Kentucky Averages

- School Bus Accidents – 765 per year
- School Bus Accidents Resulting in Injury – 97
- School Bus Accidents Resulting in Fatalities – 2.2

Recent Bus Accident – Hardin Co.

- April 11, 2016
- No injuries
- Children on the bus were properly prepared
- Driver appears to have had a medical issue
 - Proper documentation of the driver's medical records will be key

Being Prepared From The Beginning

- Proper Documentation in Driver's Personnel File
 - Exponentially Increases Chances of Successfully Defending Lawsuit
 - Even when driver is negligent, proper documentation can help avoid administrative mistakes which lead to high settlement costs or damages awarded
 - Dot i's and cross t's
 - The more organized the files are, the easier it is to prove the situation was handled correctly

First Step – When You Get the Call

- Contact your Superintendent, your insurance agent, and the Board Attorney
- Notify these individuals so they can begin fulfilling their own responsibilities
- The quicker you contact these persons, the quicker they can begin to help you
- The early stages of the investigation are crucial, your “team” will want to begin working for you immediately
- “Document Checklist”
 - “What Will an Attorney Likely Need From Me?”

Preservation of Evidence

- One of most crucial steps of investigation
 - Your Attorney will want to begin this process immediately
- Types of Evidence to Preserve (including, but not limited to)
 - Photos of bus, scene of accident, any other vehicles involved
 - Police Reports
 - Report of a qualified accident reconstructionist
 - On Board Diagnostic information – “Black Box”
 - List of bus passengers and where they were seated
 - Identities of all known witnesses

Driver Training Records

- Be thorough and detailed
 - include all training the driver has undergone,
 - Scores the driver received during training, and
 - Dates of training
- Include all information related to driver receiving their CDL
- Document the driver's attendance at the required pre-school year update training session (required by law)

Attend and Document Continued Education for Transportation Directors and Drivers

- All certified drivers must complete an 8 hour course to update them based on the appropriate needs of the district (702 KAR 5:080)
- Attend continued education sessions such as this one
 - The more knowledge of all aspects of transportation you understand, the easier it will be to handle a case when an accident happens
- This will prove transportation director's due diligence when they are sued

Policy

- Each district likely has policies based on 702 KAR 5:080
- Ensure that drivers understand and comply with these policies
- Require drivers to initial documents proving they have received a copy of the policies and understand them
 - Similarly, have them initial for any policy changes

Medical Records

- Be thorough in medical checks - Although you must respect the privacy of your drivers, your first obligation is to the safety of the student passengers.
- Have the school nurse review doctor recommendations as a second opinion
- Properly Document:
 - Annual Physical (Medical examination report for Commercial Driver Fitness Determination)
 - Any serious sicknesses or surgeries
 - All prescription medications the drivers are taking
 - Any necessary Return to Work forms from a doctor following leave due to health

Medication

- Ensure drivers understand that they should alert transportation directors when they are on medications
 - Prescription and non-prescription
- If driver is prescribed a narcotic, ensure that driver is allowed to drive and when the driver may take the medicine in order to drive
 - Under circumstances such as these, document the doctor's approval for the driver to continue to drive

Perform Random Drug Testing

- Random drug testing ensures the driver will not be intoxicated while behind the wheel
- Make the testing truly “random” – no warnings should be given to drivers of upcoming drug tests

Be Aware of Overall Health of Drivers

- In addition to keeping medical records, be aware of your employees general health
 - Look for signs of fatigue or sickness
- Do not let employees drive a school bus when they are not medically fit
- If a driver is taking medication, either prescription or non-prescription, check with a health professional to be sure that they are allowed to drive while on that medication

Performance Reviews

- Director's performance reviews of their drivers should be frank
 - Directors owe a duty to the students to take any necessary measures to guarantee their safety
- Alert drivers when they are not correctly following a policy
 - Reprimand drivers with repeated offenses to avoid their continuance

Perform Safety Inspections

- 702 KAR 5:030 requires that routine safety inspections be conducted
 - Ensure your drivers are actually conducting these exams
 - Document these exams
- Monthly inspections are required to be performed by a state approved inspector
 - These records must also be kept 702 KAR 5:030

New Transportation Department Employees

- Gain the knowledge you need
 - Do not hesitate to ask questions to your predecessor, other similarly situated employees, or other employees within the transportation department
- All members of the KAPT should work collaboratively to ensure every situation is handled correctly
 - The more knowledge each employee gains, the less likely accidents occurred
 - When an accident does occur, it will be handled correctly

Comply with all regulatory requirements

- There are both federal and state regulatory requirements which apply to school buses and their drivers
- 2 of the most commonly applicable regulations
 - KY Admin. Regs. Title 702 Chapter 5
 - Code of Federal Regulations Chapter 49



School Bus Accident

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Prompt Response, Real Solutions

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