

**160-5-3-.17 USE OF ALTERNATIVE VEHICLES FOR THE TRANSPORT OF SPECIFIED STUDENT GROUPS.**

**(1) DEFINITIONS.**

**(a) Eight-Passenger Vehicles** - motor vehicles with a factory-designed maximum capacity of eight persons and not less than five persons used to transport students who either (1) have transportation needs documented in their Individualized Education Program or (2) may currently lack, or during the previous academic year lacked, a fixed, regular, and adequate nighttime residence as described under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Section 11301, et seq.

**(b) Governing Body** – the local board of education, governing board, or other entity responsible for the governance and oversight of a Local Educational Agency.

**(c) Local Educational Agency (LEA)** – a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.

**(d) Non-resident** - a person who has his or her permanent home or abode in a state other than Georgia.

**(e) Physician** - a Doctor of Medicine or osteopathy licensed by the Georgia Composite Medical Board pursuant to Article 2, Chapter 34, Title 43 of the Official Code of Georgia Annotated.

**(f) Resident** - a person who has his or her permanent home or abode in the state of Georgia.

**(g) Driver (operator)** - a person, appropriately licensed and trained, who controls the operation of an Eight-Passenger Vehicle used in the transport of specific student groups.

**(2) REQUIREMENTS.**

(a) The Governing Body shall only allow employees of the LEA or employees or sub-contractors of a company contracted by the LEA to transport students to and from school and school-related activities using an Eight-Passenger Vehicle.

(b) The Governing Body shall ensure the following driver qualifications are met by employees of the LEA or employees or sub-contractors of a company contracted by the LEA to provide transportation services as outlined in (2)(a):

1. All drivers of Eight-Passenger vehicles are at least 21 years of age.
2. Evidence of a physical examination within 60 days prior to the date of employment for

that school year. The physical examination must be conducted by a Physician or his or her legally authorized designee to whom the Physician delegated the authority to sign, certify, and endorse documents or physical examination forms required by the State Board of Education.

3. LEAs shall ensure that resident and non-resident drivers of Eight-Passenger Vehicles are properly licensed, by their home state, to drive the vehicle used.

4. Prior to transporting students in Eight-Passenger Vehicles, LEAs shall ensure all drivers have satisfactorily completed the Georgia Department of Education's (GaDOE) annual training program on safe driving practices.

5. LEAs shall ensure a motor vehicle record check is annually completed for each driver.

6. All drivers of Eight-Passenger Vehicles must be placed in a drug and alcohol testing program. This testing program shall be a separate program from those drivers who hold a Commercial Driver's License.

(i) Prior to transporting students, all drivers shall successfully complete a drug and alcohol test.

(ii) All drivers must be included in a randomly selected pool for drug and alcohol testing to be completed a minimum of four times annually.

7. Fingerprinting and criminal background checks as prescribed in O.C.G.A. § 20-2-211.1 shall be conducted on all drivers.

(c) The Governing Body shall ensure the following vehicle regulations are met:

1. The Eight-Passenger Vehicle must be owned or leased by the LEA or provided by the company with whom the LEA has contracted to provide these transportation services.

2. The Eight-Passenger Vehicle must be marked with the name of the LEA or the name of the company with whom the LEA has contracted to provide these transportation services and have a sign stating that the vehicle is used for "Student Transport".

3. The Eight-Passenger Vehicle must have an age of less than 10 years from the date of manufacture and no more than 200,000 miles.

4. All Eight-Passenger Vehicles shall be inspected by a qualified mechanic at a minimum of 90-day intervals using an inspection form provided or approved by the GaDOE. Routine maintenance shall be conducted at the manufacturer's recommended service intervals on these vehicles.

Authority O.C.G.A. §§ 20-2-188; 20-2-211.1; 20-2-1076; 20-2-1110; 20-2-1111; 20-2-1112; 20-2-1113; 20-2-1125; 40-5-23; 40-5-140; 40-5-150; 43-34-23, 43-34-25, 43-34-103.

**Adopted: July 21, 2022**

**Effective: August 10, 2022**