



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

## School Bus Safety Guidelines and Best Practices – 2022

As you are aware there were a string of tragic crashes at bus stops nationwide from October 26, 2018 through November 1, 2018 that resulted in six students being killed, and five students and two adults being injured. Three of the fatalities happened to students in Rochester, Indiana on Tuesday October 30, 2018. As a result of those fatalities Senate Enrolled Act (SEA) 2 was signed into law and one of the requirements of that law was that the state school bus committee, in consultation with the Indiana Department of Education (IDOE) shall develop and post on the department's Internet web site school bus safety guidelines or best practices. The guidelines or best practices must include procedures to be taken to ensure that students do not enter a roadway until approaching traffic has come to a complete stop.

Since that tragic day there have been several news reports, and the IDOE has received a multitude of suggestions, on how to alleviate, or at least mitigate this problem. All were well intentioned, but some of the suggestions were less than helpful and some were outright illegal, or dangerous. This guidance document has been created to address and correct any misconceptions related to what you can, or cannot do, at a bus stop.

Let's start with a new change that is also part of SEA 2 that at bus stops on U.S. or state routes (highways), **outside of city limits**, students will no longer be allowed to cross the street to board the bus unless no other safe alternatives are available.

Additionally, this law mandates that on any road, other than a U.S. or state route outside of city limits, the student shall be loaded/unloaded as close as **practicable** to the right-hand curb or edge of the roadway. The far right as practicable was in law until 2015 and has always been a best practice recommendation to provide a protected area to the right of the bus for students to load and unload.

IC 9-21-12-20

**Sec. 20. (a) Except as provided in subsection (b), when a school bus is operated on a:**



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**(1) U.S. route or state route, the driver may not load or unload a student at a location that requires the student to cross a roadway unless no other safe alternatives are available; and**

**(2) street or highway other than a U.S. route or state route, the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable.**

**(b) Subsection (a)(1) does not apply to a location on a U.S. route or state route that is within the boundary of a city or town.**

If no other safe alternative exists and an elementary student (see definition below) must cross the road to board the bus on U.S. or state routes (highways), outside of city limits then the school board must approve the allowance for the elementary student to cross. This allowance should be avoided if possible and this circumstance should be exceedingly rare.

### **IC 9-21-12-20.5**

**Sec. 20.5. (a) As used in this section, "elementary school":**

**(1) has the meaning set forth in IC 20-18-2-4; and**

**(2) includes public elementary schools and accredited nonpublic elementary schools.**

**(b) As used in this section, "governing body" has the meaning set forth in IC 20-18-2-5.**

**(c) If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route as described in section 20(a)(1) of this chapter, the superintendent or the superintendent's designee shall present the school bus route described in this subsection to the governing body for approval.**

### **IC 20-18-2-4"Elementary school"**

**Sec. 4. "Elementary school" means any combination of kindergarten and grades 1, 2, 3, 4, 5, 6, 7, or 8.**



Except for the bus stop on a U.S. or state route outside of city limits and the far right as practicable requirement, the bus stop locations are strictly a local district decision; there is nothing in law or regulation that addresses where a bus stop should be located. This makes the task of setting or reviewing bus stop locations a very difficult undertaking. That being said, this document would like to address examples of bus stops that are not appropriate, or legal, as this may help for bus stops to be placed in a more appropriate location.

These first examples are ones that have been suggested as an alternative way to place a bus on the roadway to provide a safe loading or unloading environment and are specifically addressed in the following law:

## **IC 9-21-8-2 Roadways; use of right half; exceptions; traveling at reduced speeds**

Sec. 2. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing overtaking and passing.

(2) When the right half of a roadway is closed to traffic under construction or repair.

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable to a roadway divided into three (3) marked lanes.

(4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, a vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven:

(1) in the right-hand lane then available for traffic; or

(2) as close as practicable to the right-hand curb or edge of the roadway; except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon all roadways, a motor driven cycle shall be driven as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.



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As you will notice in this social media post below someone thinks this is a good idea. It is not! First it is illegal per the law above and second for there to be a stop arm violation the motorist would have to have been able to see the overhead warning lights and stop arm both; stopping at a diagonal could provide a motorist with a rebuttal by saying they could not see the stop arm; a specious argument no doubt, but that could be argued.

With the string of school bus accidents, I loved how this bus driver intentionally placed itself in the middle this morning. At first I wondered what they were doing, then I realized the kids had to cross the road. Well done sir 👍



Now if we go to the next picture, we come to another issue about placing a bus across the road for pickup and drop off. In theory placing the bus into oncoming traffic would be to protect the students crossing the road, but I would contend that this does not protect students:

1. Since school bus drivers and students are trained to cross in front of the school bus any car coming from the front, like in the case of the car in the left picture, could still hit the students.
2. Let's say that the vehicle does hit the bus and the students crossing are protected, did you forget about anyone else, like the students already on the bus. What if the vehicle that hits the school bus is a fuel tanker or is carrying hazardous chemicals?



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Another suggestion received by email and was most emphatic that school bus drivers should do, is to use the school bus to obstruct traffic by blocking intersections. I wanted to include the following guidance from Sgt. Chris Kath at the Indiana State Police (ISP) about bus stops at intersections to clarify this issue.

## **IC 9-21-12-1**

### **Arm signal device; duty to obey; presumption**

Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended; commits the offense described in section 9 of this chapter. (see below)

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the



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owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

## IC 9-21-12-9

### Violations of IC 9-21-12-1 or IC 9-21-12-2

Sec. 9. A person who violates section 1 of this chapter commits a Class A infraction. A person who violates section 2 of this chapter commits a Class C misdemeanor.

Meets, or overtakes from any direction on a roadway implies that **same roadway**, **NOT** the intersecting roadway. It is reckless to think that a vehicle that is traveling Northbound on a roadway would see and realize that a bus stopped at the intersecting roadway has its stop arm out and forward/rearward facing warning lights are activated. Many good drivers barely see what is directly ahead of them, nonetheless what is occurring on an intersecting roadway.

Please, for the safety of the students if this is a practice that you, your school, or anyone associated with School Transportation promotes, condones, or participates in, please stop now. The last thing I want to see is for a student to be struck and injured or killed, that had been told (incorrectly) by their bus driver that they can cross that North/South roadway because the vehicles must stop for him/her. Nor do I want for that driver to live with the horror of that crash when they were driving within their legal rights when the student ran across the intersecting roadway thinking (incorrectly) that the traffic had to stop. Do not give the students this false sense of security; it will not end well for anyone.

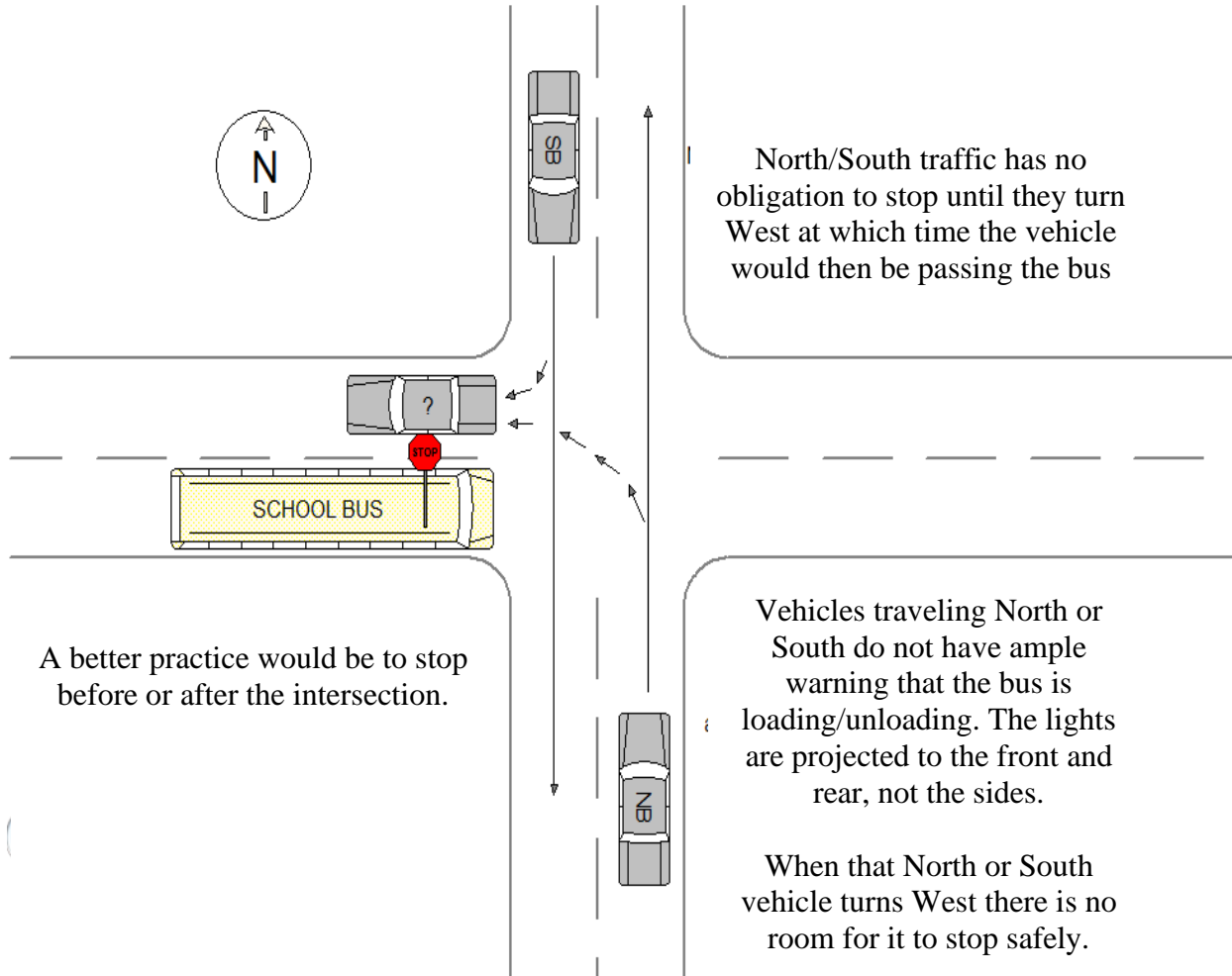
Below are some examples of good stops versus bad stops.



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Bad Example, Bus stopped at/near/too close to intersection.

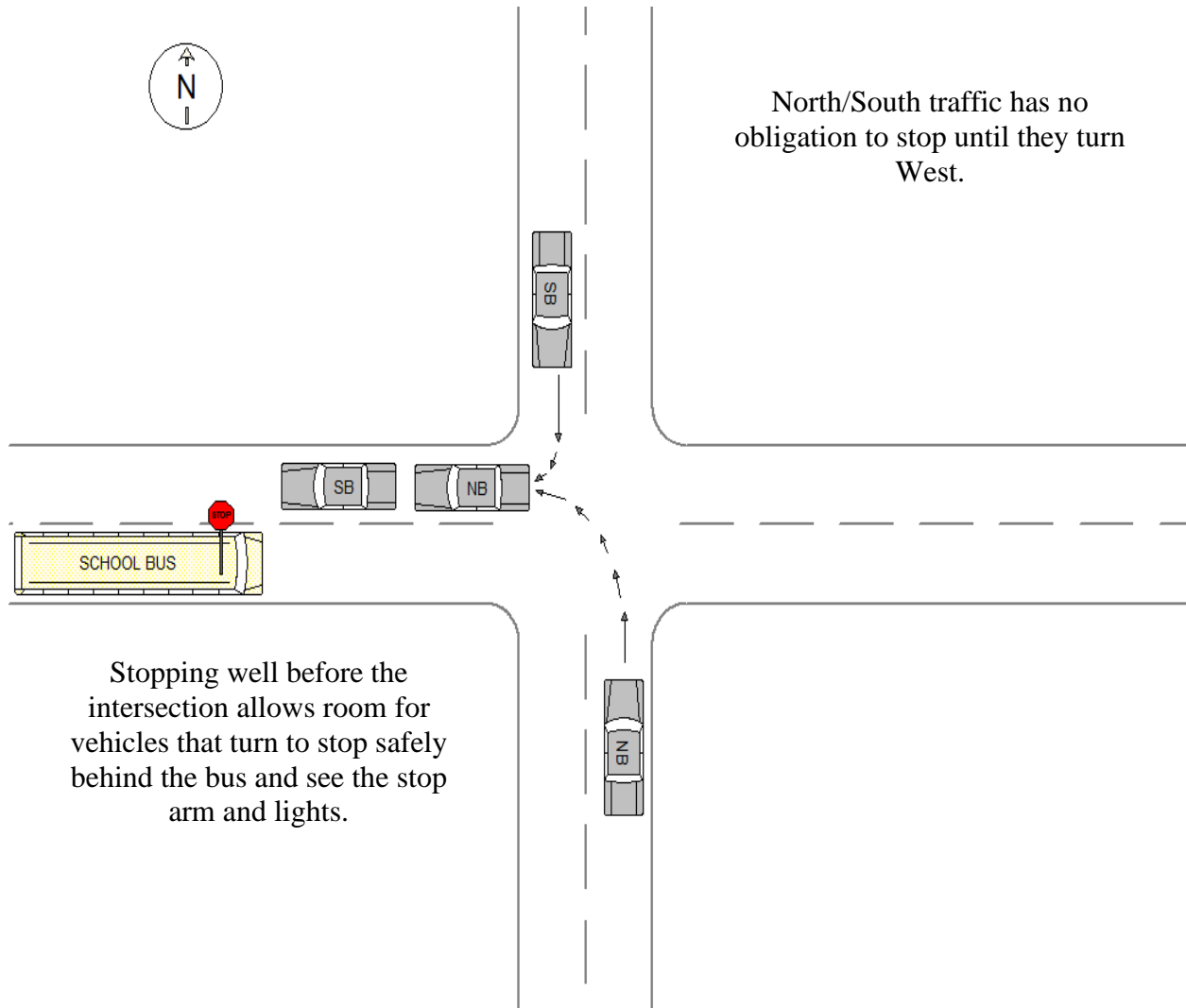




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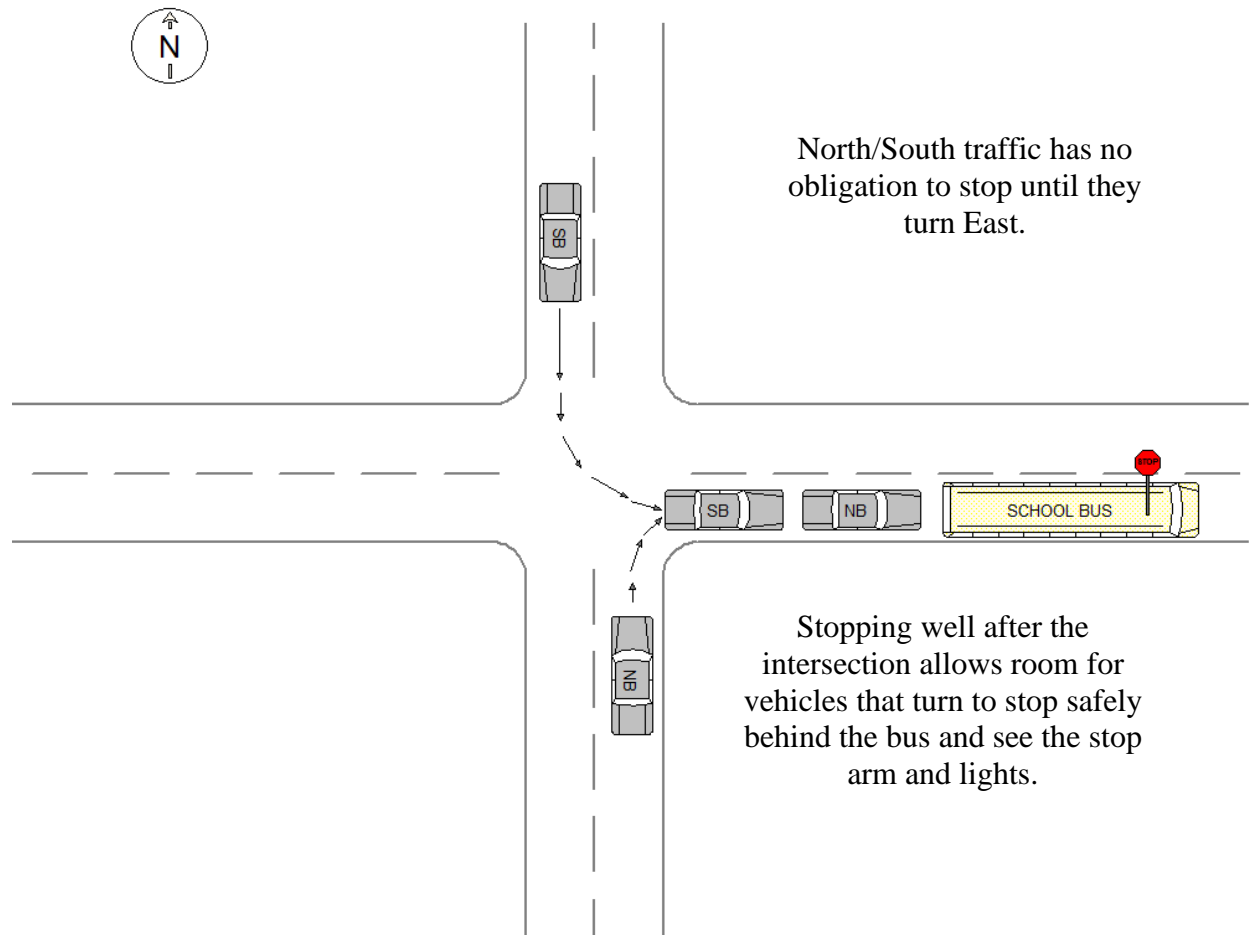
Good Example, Bus stopped before the intersection.







Good Example, Bus stopped after the intersection.



Should the guidance just provided still not convince you about the inappropriateness of blocking intersections please note the law below that specifically prohibits blocking an intersection.

**IC 9-21-16-5 Avoiding conflict with traffic or law enforcement officers; directions of police officers or traffic control devices**



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Sec. 5. A person may not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or to avoid conflict with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within twenty (20) feet of a crosswalk at a intersection.
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone unless the traffic authority indicates a different length by signs or markings.
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (10) Within twenty (20) feet of the driveway entrance to a fire station and, on the side of a street opposite the entrance to a fire station, within seventy-five (75) feet of the entrance (when properly sign posted).
- (11) Alongside or opposite a street excavation or obstruction if stopping, standing, or parking would obstruct traffic.
- (12) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
- (13) Upon a bridge or other elevated structure upon a highway or within a highway tunnel.
- (14) At any place where official signs prohibit stopping.

The situations covered in this guidance document so far only cover a portion of the issues that should be considered when looking at the location of bus stops. As bus stops are set or reviewed, please keep the following issues in mind:

- 1) Crossing students to load or unload students should be avoided, if at all possible, particularly for the following:
  - a. High speed roads at or above 40 mph.
  - b. Multiple lane roads (more than one lane in each direction).
  - c. Obstructed views – blind curves, hills, valleys.



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- d. Roads with wide shoulders.
- 2) Students ability to walk to the bus stop safely:
  - a. Are sidewalks available?
  - b. Is street lighting available and appropriate?
  - c. Passing at or near sexual predator residences?
  - d. Crossing intersections?
- 3) Is the bus properly positioned in the roadway at the bus stop beyond the situations already covered:
  - a. If there is a turn lane to the right is the bus in that turn lane for the bus stop?
  - b. If it is a one-way street is the bus all the way to the right – best practice is “as far right as practicable”?
  - c. Is there enough room for the student to load and unload the bus without stepping into a ditch?
- 4) Bear in mind that when looking at a bus stop you not only have to consider the safety of the child at the stop, but the safety of all the riders already on the bus, as well as the motorists encountering the bus.

Despite careful bus stop locations there is still the possibility of students being hit at the bus stop since many of the students that were hit at the bus stop were hit due to motorists not paying attention while driving, the last, and probably most important part of this guidance is about properly training drivers who will then properly train their students about proper bus stop safety practices.

- 1) Students should always stand at least 20 feet away from the bus stop.
- 2) Students should always be waiting at the bus stop before the bus arrives at its scheduled time, which means that the bus driver should be on time as well.
- 3) There should be no horseplay at the bus stop.
- 4) Drivers should only pickup and drop-off at district designated bus stops.
- 5) If students are crossing, they should always be loaded and unloaded first.
- 6) Students should never board the bus, or cross the street, unless signaled to do so by the driver.
  - a. All drivers in a district must use the same hand signal to let students know when to load or cross.



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- 7) Students crossing the road at the bus should be held on the bus until all traffic has definitively come to a stop.
- 8) If students are crossing, it is recommended they stand in front of the bus far enough that the driver can see the feet of all of the students.
- 9) Drivers should reinforce proper crossing procedures constantly.
- 10) Drivers must report any bus stops that they consider to be unsafe!**

Another requirement in SEA 2 is that each school corporation, charter school, and accredited nonpublic school shall review their bus routes and policies each year prior to September 1 of that year per the law below. Hopefully anyone providing school transportation will find this document helpful in that review process.

### **IC 20-27-10-0.5 Annual review of school bus routes and school bus safety policies; information on Internet web site**

Sec. 0.5. (a) On or before September 1, 2019, and each September 1 thereafter, each school corporation, charter school, and accredited nonpublic school that provides transportation for students must review the school's school bus routes and school bus safety policies to improve the safety of students and adults.

(b) The state school bus committee, in consultation with the department, shall develop and post on the department's Internet web site school bus safety guidelines or best practices. The guidelines or best practices must include procedures to be taken to ensure that students do not enter a roadway until approaching traffic has come to a complete stop.

(c) In addition to the requirements under subsection (b), the department, in consultation with the department of transportation, shall include on the department's Internet web site information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure that students are safely loaded onto or unloaded from a school bus.

When you are going through that continual process of reviewing your school bus routes and school bus safety policies remember to include other resources such as those listed below to assist in achieving the most comprehensive review possible and make sure you empower your drivers as the resource closest to bus stop and are critical in this review process.



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### Additional Route Review Resources:

- District's lawyer
- Insurance carrier
- Local police department
- County Safe Schools committee
- Local traffic planning and highway departments

Finally, when your yearly route review is completed for that year, even though the law does not require it, report on your review process and conclusions to your district administration and school board. This is an opportunity to ensure that the entire school district leadership is made aware of what has been done and has the opportunity to address any issues that may rise above the level of the district transportation director (e.g. turnarounds in accordance with IC 20-27-10-1 Loading conveniences, school traffic patterns, etc.). The very last thing you want the district administration or school board say in a crash situation is that they were not aware of a potential issue.

On March 31, 2020, the National Transportation Safety Board (NTSB) adopted its report "Vehicle Collision With Student Pedestrians Crossing High-Speed Roadway to Board School Bus Rochester, Indiana, October 30, 2018, NTSB/HAR-20/02" concerning crashes in October 2018 in Rochester, Indiana; Hartsfield, Georgia; and Baldwin, Mississippi. All three crashes involved a school bus and resulted in multiple fatalities and occurred under similar circumstances; in that report were two recommendations that are being added to this guidance document. The first recommendation was for the local district to implement a process to track school bus driver and parent (or caregiver) complaints regarding the safety of school bus routes and stops, as well as any other safety concerns about bus operations, from initial submission of an issue to its resolution. Without an ability to track complaints, and their resolution, a district cannot show that they are providing a process of diligence that directly relates to the ongoing requirement to check bus stops and routes, and policies and procedures as required under IC 20-27-10-0.5. It is recommended that all school districts implement this recommendation so that you have a mechanism to properly address safety concerns from external stakeholders.



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The second recommendation for school districts was to train school bus drivers and students on crossing procedures, including the crossing hand signal and the danger signal, which are to be used when a student roadway crossing cannot be avoided. There were two specific issues related to crossing procedures that were specifically mentioned in the NTSB report. The biggest issue here was a failure to establish a clear policy regarding surrounding traffic for school bus drivers to follow in determining when it was safe to signal students to cross a roadway to board a school bus. The recommendation from the Office of School Transportation is that students are not to be signaled to cross the road until all motorist traffic has come to a complete stop. Even if a car is a significant distance away from the bus stop, you cannot assume that the driver will stop in time or even recognizes that your vehicle is a school bus loading or unloading students; as was claimed by the motorist in the Rochester fatalities.

Additionally, the danger signal at the bus stop was for the driver to honk the horn which would warn the students to go back to where they started from prior to the driver signaling. The parent at the bus stop and the students confirmed they were aware of the danger signal. Unfortunately, many times there were motorists at the stop that were honking their horns impatiently to get students to hurry up so the bus could continue the route and the motorists could go about their day. This led to confusion at the bus stop as the parent and students were never sure as to whether the horn being honked on this day was a danger signal or other motorists honking. This means that each district should take a close look at their crossing procedures, at those stops where crossing is allowed, to ensure that the danger is clearly understood at all times.

The full NTSB report will be included on our website in the same location as this guidance document for your review and reference.

## **Alternative Transportation Options**

House Enrolled Act (HEA) 1251, passed during the 2022 legislative session and contained allowances for different type of vehicles that can now be used for transportation which will have an impact on bus stop locations because these



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alternative vehicles cannot load or unload on the roadway since they do not have functional overhead warning lights and stop arms. This guidance pertains specifically to:

- Section 3 of HEA 1251, which addresses an updated definition of an “appropriate vehicle”.
- Section 7 of HEA 1251, which addresses an updated definition of a motor coach as part of the category of vehicles called special purpose buses.
- Section 9 of HEA 1251, which addresses updated uses for special purpose buses and appropriate vehicles, and mandated requirements for drivers of those vehicles.

***Section 3 modified the definition of an appropriate vehicle to include a 9 – 15 passenger full size van. This violates federal regulation disallowing the purchase and use of those full-size vans, so the guidance from this office is that those vans are not to be used for the transportation of students.***

SECTION 3. IC 20-18-2-1.7, AS ADDED BY P.L.216-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Sec. 1.7. (a) "Appropriate vehicle" means a vehicle that:

(1) is owned by a school corporation or contracted for by the school corporation; and

(2) has a seating capacity of not more than **fifteen (15)** passengers, including the driver.

(b) The term includes a car, truck, sport utility vehicle, or minivan, **or van.**

***Section 7 modifies the definition of a special purpose, specifically as it relates to a motor coach, by removing the capacity and weight specifics for the motorcoach.***

SECTION 7. IC 20-27-2-10, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Sec. 10. "Special purpose bus" means a motor vehicle:

(1) that is designed and constructed for the accommodation of more than ten (10) passengers;

(2) that:



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(A) meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:

(i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and

(ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;

(B) when owned by a school corporation and used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set forth in 49 CFR Chapter III Subchapter B; or

(C) when owned by a school corporation and used to transport students, is a motor coach type bus; **with a capacity of at least thirty (30) passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds;** and

(3) that is used by a school corporation for transportation purposes appropriate under IC 20-27-9-5.

***Section 9 expands the use of appropriate vehicles and special purpose buses (commonly referred to as activity buses). Under HEA 1251 appropriate vehicles and special purpose bus can now be used for the transportation of any student for any reason, this would include home to school transportation for regular education students.***

***However, since these vehicles do not have overhead warning lights and stop arms they cannot be used to load or unload students on the roadway.***

***As part Section 9 of HEA 1251, IC 20-27-9-5 now specifies that the driver of an appropriate vehicle, or special purpose bus, must be 21 years old and pass an expanded criminal history check and expanded child protection index check.***

***There was no change in which special purpose bus drivers would still be required to meet the requirements for a school bus certification, better known as a yellow card, but nothing in the law addresses any additional requirements for a driver of an appropriate vehicle.***





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SECTION 9. IC 20-27-9-5, AS AMENDED BY P.L.155-2020, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Sec. 5. (a) A special purpose bus **or an appropriate vehicle** may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not **or** between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling;

(4) to transport homeless students under IC 20-27-12;

(5) by a school corporation to provide regular transportation of an individual described in section 4 or 7 of this chapter between the individual's residence and the school; and

(6) to transport students to career and technical education programs under IC 20-27-12.1.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus **or appropriate vehicle** must be at least twenty-one (21) years of age, be authorized by the school corporation, **pass an expanded criminal history check and expanded child protection index check as provided under IC 20-26-5-10**, and meet the following requirements:

(1) Except as provided in subdivision (2)(B) and in addition to the license required under this subdivision, if the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid:

(A) operator's;

(B) chauffeur's;

(C) public passenger chauffeur's; or

(D) commercial driver's;

license.

(2) If the special purpose bus:



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(A) has a capacity of more than fifteen (15) passengers; or

(B) is used to provide transportation to an individual described in subsection (a)(3) or (a)(5);

the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

In conclusion, please bear in mind that the Office of School Transportation for the IDOE is available to provide assistance and/or training on appropriate bus stop locations and loading and unloading procedures, as well as any other school transportation subject you would like help with, whenever and wherever you want that training. Please do not hesitate to contact the office if you are looking for training assistance.

Should you have any questions about this document, or any other school transportation related issue please do not hesitate to contact the Office of School Transportation at any of the following contact points:

Office of School Transportation Main Line (317) 232-0890

Callihan, Lisa	Training & Support Specialist	<a href="mailto:lcallihan1@doe.in.gov">lcallihan1@doe.in.gov</a>	(317) 232-1377
LaRocco, Michael	Dir. School Transportation	<a href="mailto:mlarocco@doe.in.gov">mlarocco@doe.in.gov</a>	(317) 232-0891
White, Reggie	Trans. Training Specialist	<a href="mailto:rwhite@doe.in.gov">rwhite@doe.in.gov</a>	(317) 234-7215



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For your use and reference here are some other materials you may find helpful about bus stops:

### **National Congress on School Transportation (NCST):**

National School Transportation Specification and Procedures -  
<http://www.ncstonline.org/>

**National Association of State Directors of Pupil Transportation Services (NASDPTS)** - <https://nasdpts24.wildapricot.org/Position-Papers>

**National Association for Pupil Transportation (NAPT)** - <https://www.napt.org/>

### **Safe Routes to School -**

<http://guide.saferoutesinfo.org/school-bus-locations/determining-school-bus-top-locations.cfm>

### **National Highway Safety Administration (NHTSA):**

<https://www.nhtsa.gov/road-safety/school-bus-safety>

<https://www.nhtsa.gov/road-safety/school-bus-safety#topic-school-bus-regulations>

Uniform Guidelines for State Highway Safety Programs – Select Number 17 Pupil Transportation Safety:

<https://icsw.nhtsa.gov/nhtsa/whatsup/tea21/tea21programs/>