

School Transportation Safety Update

October 13, 2023

 @EducateIN

Trespassing

LAW – SCHOOL BUS TRESPASS

IC 35-43-2-2 Criminal trespass; denial of entry; permission to enter; exceptions

Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation to act on behalf of the agricultural operation.

(b) A person who: ...

commits criminal trespass, ... However, the offense is a Level 6 felony if it is committed ... on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property.

DISTRICT POLICY

Does your district policy empower drivers to close the service door and leave the bus stop should a hostile parent approach the bus?

MEMPHIS, TENNESSEE

Woman smashes school bus windows with bat, beats up driver

Updated: Jul 11, 2023 / 10:00 AM CDT

MEMPHIS, Tenn. — A woman was taken into custody for allegedly beating up a school bus driver after he refused to drop her son off at a different location, Memphis Police say.

On May 24, the bus driver was taking students home from Lucy E. Campbell Elementary School. One of the students wanted the driver to take him somewhere else, and the driver told him he was not allowed to do that.

MPD says the student called his mother, Jasmine Moton, who arrived moments later. Moton exited her car with a baseball bat and broke out the glass of the bus door. She then entered the bus and swung at the driver, hitting him three times in the arm and breaking the rearview mirror. Moton got in her car and fled the scene, reports say.

According to court documents, the cost to repair the bus is \$1,500. The bus driver went to the hospital and suffered severe swelling and bruising to his right arm and hand.

Jasmine Moton was taken into custody Monday and charged with Vandalism \$1,000-\$2,5000, Aggravated Assault and Burglary of a Vehicle. She is set to appear in court Tuesday.

LOUISVILLE, KENTUCKY

Video of Angry Parent Assaulting School Bus Driver

August 10, 2011, 4:02 PM

The video of the frustrated parent attacking a school bus driver in Louisville, Ky., in March 2010, was released on Tuesday. Jefferson County public school bus drivers are responsible for 66,000 children who ride the bus to and from school each day. But what do those responsibilities entail? One angry parent, Chesica White, thought the driver of bus no. 0243 failed in her duties because she didn't intervene when White's 7-year-old son was being bullied.

"Nothing was being done, and my son was being tormented for a whole year," said White.

So, she took matters into her own hands -- literally. In the video, White and her 12-year-old daughter board the bus and drag the struggling bus driver, Johnetta Anderson, by her ankles as the doors close behind her. Children are screaming, frightened by their bus driver's being pulled off the bus and hit on the head by the angry parent.

Young students on the bus flocked to the windows and watched in shock until a boy in a red shirt runs to pry the doors open to help Anderson. Finally, Anderson stumbles back onto the bus, notifying dispatch that she needs help. Anderson remains on leave due to injuries she suffered during the attack.

FLORIDA – OCTOBER 3, 2023

Alabama police charged a 23-year-old Florida man with several crimes after he pretended to be a teenager so he could board a school bus to meet with a 15-year-old girl.

On Sept. 27, an Enterprise High School teacher contacted police after observing an adult man riding on a shuttle bus that was transporting students from the Enterprise Career and Technology Center back to the high school.

Police stated that the man, identified as Dennis Wimberly of Pompano, Florida, previously had an alleged sexual encounter with a 15-year-old girl, who helped him board the bus so the two could meet up.

Police did not reveal how the teen and Wimberly met or when they initially began interacting. However, Wimberly and the teen had allegedly exchanged sexual materials, which led to his arrest. Wimberly was taken into custody and charged with second-degree rape, trespassing on a school bus, transmitting obscene material to a child, and possession of drug paraphernalia.

“ECS does not take situations like this lightly and understands the concern that a situation like this can cause for our students, parents/guardians and staff members,” Enterprise City Schools said in a social media post.

The district also said officials are reviewing bus loading procedures and protocols.

Stop Arm Violations

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STOP ARM VIOLATION

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 or a private road 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 a Class A infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges:

(1) for ninety (90) days; or

(2) if the person has committed at least one (1) previous offense under this section or IC 9-21-8-52(b), for one (1) year.

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

(d) ...

STOP ARM VIOLATIONS - 2023

One Day Statewide Total - 2023 (April 25th)										
Districts	Incident #	AM	Mid-Day	PM	# Veh. Pass	Front of Bus	Rear of Bus	Left Side of Bus	Right Side of Bus	Number of Buses
195	2,149	934	44	1,171	2,149	1,786	363	2,114	35	6,408
School Year Statewide Total										
195	386,820	168,120	7,920	210,780	386,820	321,480	65,340	380,520	6,300	6,408

Bus Stops

STOP LOCATION RESTRICTIONS

IC 9-21-12-20 [EFFECTIVE JULY 1, 2019]:

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

(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.

ANNUAL REVIEW OF ROUTES

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.

ROUTE REVIEW - REPORTING

Nothing addressing this in law!

- District administration
- School board

STANDEE LINE

IC 9-21-12-16 Forward area of school bus off limits to children

Sec. 16. (a) When a school bus is in motion, students are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus must:

(1) be marked with a line or otherwise equipped in order to indicate the prohibited area to students; and

(2) have clearly posted, at or near the front of the bus, a sign stating that it is a violation of Indiana law for a school bus to be operated with any students occupying the prohibited area.

(b) A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.

Bus Evacuation Drills

BUS EVACUATION DRILLS

IC 20-27-3-6.5 Committee to adopt and enforce rules concerning proper fastening of safety belt on school bus passenger's body and conducting a school bus passenger evacuation drill

Sec. 6.5. The committee shall adopt and enforce rules under IC 4-22-2 to require that a school bus driver operating a school bus do the following at least one (1) time each semester:

- (1) If the school bus is equipped with safety belts meeting the standards set forth in IC 9-19-10-2, provide instruction to the passengers on the school bus on the proper fastening of the safety belt about the passenger's body.
- (2) Conduct a school bus passenger evacuation drill.

BUS EVACUATION DRILLS

2022 – 2023 School Year

**53.04% of districts reporting
completion of evacuation drills**

Student Left on Bus

STUDENT LEFT ON BUS

IC 9-21-12-19 School bus; special purpose bus post trip inspection

Sec. 19. (a) A person who operates a school bus or a special purpose bus shall visually inspect each seat within the interior of the school bus or special purpose bus at the end of a trip during which students or passengers are transported to determine that no student or passenger has remained on the school bus or special purpose bus.

(b) The visual inspection required under subsection (a) must be conducted:

- (1) at the conclusion of each trip during which students or passengers are transported; and
- (2) before the operator exits the school bus or special purpose bus.

(c) A student or passenger is considered to have been left on a school bus or special purpose bus if:

- (1) the operator has reached the end of a trip during which students or passengers are transported and exited the school bus or special purpose bus; and
- (2) the student or passenger remains inside the school bus or special purpose bus.

(d) A school bus or special purpose bus owner shall report all instances of a student or passenger being left on the school bus or special purpose bus to the superintendent or the superintendent's designee immediately after the incident occurred.

(e) The superintendent or the superintendent's designee shall report all instances of a student or passenger being left on the school bus or special purpose bus to the department of education not later than five (5) working days after the incident occurred.

STUDENT LEFT ON BUSES - STATISTICS

Total incidents September 2009 – present:

298

Average incidents per year:

21

Highest number of incidents for one year:

30

Average years of service of drivers:

6.15

Railroad Crossing

RAILROAD CROSSING - LAW

IC 9-21-12-5 Version b Railroad crossings; duty to stop

Sec. 5. (a) This section does not apply to the following:

... (b) A person who drives:

- (1) a motor vehicle, not including a school or private bus, carrying passengers for hire;
- (2) a school or private bus that is carrying passengers; or
- (3) a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo;

shall, before crossing at grade a track of a railroad, stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the nearest rail of the railroad.

(c) While stopped in accordance with subsection (b), the person shall do the following:

- (1) Listen through an open window or door.
- (2) Look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment.
- (3) Not proceed until the person can proceed safely.

After stopping, the person shall cross only in a gear of the vehicle so there will be no necessity for changing gears while traversing the crossing. The person who drives the vehicle may not shift gears while crossing the track or tracks.

(d) If a police officer or traffic control signal directs traffic to proceed at a railroad crossing, the person who drives a vehicle subject to this section shall proceed in accordance with the instructions of the police officer or traffic control signal.

...

RAILROAD CROSSING – FIVE ALIVE

- 1. Prepare to Stop**
 - 1. Slow down**
 - 2. Tap the brake**
 - 3. Turn on hazard flashers**
- 2. Quiet**
- 3. Stop 15 – 50, open window and door**
- 4. Double take**
- 5. Go !**

RAILROAD CROSSING – EXTRA

- Far right lane
- Close the door before crossing tracks

Miscellaneous Laws

SUSPECTED ABUSE REPORTING

IC 31-33-5-2 Report; notification of individual in charge of institution, school, facility, or agency

Sec. 2. (a) This section does not apply to an individual required to make a report under this article in the individual's capacity as a member of the staff of a hospital licensed under IC 16-21-2. An individual required to make a report under this article in the individual's capacity as a member of the staff of a hospital licensed under IC 16-21-2 is subject to section 2.5 of this chapter.

(b) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately make a report to:

- (1) the department; or
- (2) the local law enforcement agency.

After making the report, the individual shall notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency that the report was made.

CELL PHONE USE

IC 9-21-8-59 Use of telecommunications device while operating a moving motor vehicle

Sec. 59. (a) Except as provided in subsections (b) and (c), a person may not hold or use a telecommunications device while operating a moving motor vehicle.

(b) A telecommunications device may be used in conjunction with hands free or voice operated technology.

(c) A telecommunications device may be used or held to call 911 to report a bona fide emergency.

(d) A police officer may not, without the consent of the person:

(1) confiscate a telecommunications device for the purpose of determining compliance with this section;

(2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section; or

(3) extract or otherwise download information from a telecommunications device for a violation of this section unless:

(A) the police officer has probable cause to believe that the telecommunications device has been used in the commission of a crime;

(B) the information is extracted or otherwise downloaded under a valid search warrant; or

(C) otherwise authorized by law.

(e) The bureau may not assess points under the point system for a violation of this section occurring before July 1, 2021.

FIREARMS ON SCHOOL BUS

IC 35-47-9-2 Possession of firearms on school property or a school bus; defense to a prosecution; possession of firearms in a motor vehicle parked in a school parking lot

Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:

- (1) in or on school property; or
- (2) on a school bus;

commits a Level 6 felony.

(b) It is a defense to a prosecution under subsection (a) that:

- (1) the person is permitted to legally possess the firearm; and
- (2) the firearm is:

- (A) locked in the trunk of the person's motor vehicle;
- (B) kept in the glove compartment of the person's locked motor vehicle; or
- (C) stored out of plain sight in the person's locked motor vehicle.

(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

FIREARMS - SCHOOL BUS

Posted at 5:44 AM, Oct 05, 2023

NASHVILLE, Tenn. (WTVF) — A convicted killer serving a life sentence in a high-profile school bus shooting has been released from prison. Jason Clinard was 14 when he shot and killed Stewart County school bus driver Joyce Gregory back in 2005. Clinard was sentenced to at least 51 years in prison but is now free after serving 18 years.

The question is how could this happen? Many will remember the awful case. It was March 2, 2005.

Clinard was angry that Gregory had reported him the day before for using smokeless tobacco on the school bus. So when she pulled up and opened the loading doors Clinard shot Gregory three times with a 45-caliber automatic pistol killing her. Clinard ran off into the woods, but was quickly caught. He was a juvenile, but his case was transferred to adult court. At trial he was convicted of felony murder and sentenced to life in prison.

But now, 18 years later — the Sixth Circuit Court of Appeals has vacated his conviction and ordered him immediately released at the age now of 32. There was no question Clinard killed Gregory, a jury convicted him. The appellate judges found Clinard had poor legal representation and that he likely never should have been transferred to adult court.

A juvenile conviction would have locked Clinard up until he turned 19 — just five years. He's served 18 now — so that led to the immediate release.

As you can imagine — the Gregory family is very upset.

It is worth noting: Gregory is thought to be the first U.S. school bus driver murdered in the line of duty.

FIREARMS – POST TRIP INSPECTION

Tuesday, March 28, 2023

HAMMOND, Ind. (WLS) -- A gun was found on a school bus in Indiana on Tuesday afternoon, district officials said in an email to parents and guardians.

Hammond elementary school students found the gun and gave it to the bus driver. District officials said a high school student left the gun on the bus during its previous route.

The bus driver returned to the school, where Hammond police arrived, district officials said. Officials identified a suspect based on video footage from the bus.

No students were injured during the incident and the gun was not discharged, officials said.

School City of Hammond officials said they will continue to cooperate with police during their investigation.

KNIFE ON SCHOOL BUS

IC 35-47-5-2.5 Possession of a knife on school property

Sec. 2.5. (a) As used in this section, "knife" means an instrument that:

(1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and

(2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, gravity knife, or throwing star.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:

(1) school property (as defined in IC 35-31.5-2-285);

(2) a school bus (as defined in IC 20-27-2-8); or

(3) a special purpose bus (as defined in IC 20-27-2-10);

commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Level 6 felony if the offense results in bodily injury to another person.

KNIFE ON SCHOOL BUS - EXCEPTION

IC 35-47-5-2.5 Possession of a knife on school property

- ...
- (d) This section does not apply to a person who possesses a knife:
- (1) if:
 - (A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and
 - (B) the person uses the knife for a purpose authorized by the school corporation;
 - (2) if the knife is secured in a motor vehicle.



QUESTIONS?



THANK YOU!

Office of School Transportation

Michael A. LaRocco

mlarocco@doe.in.gov

(317) 232 – 0890 Office

(317) 232 – 0891 Direct Line

www.in.gov/doe/school-operations/transportation/