



**Washington County School
District**
121 West Tabernacle Street
Saint George, Utah 84770
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District Policy 7010

Accident/Incident Review and Prevention

Transportation Management Washington County School District - Adopted 5-10-98

1. Purpose

To establish a fair and equitable accident/incident review and prevention policy for the Washington County School District.

2. Policy:

2.1. This policy applies to all career or provisional bus drivers of the district.

2.2. At-will, temporary and substitute employees serve at the will of the District. This policy will not affect, apply, or determine action taken to release an at will employee.

2.3. The School District shall establish orderly procedures for reporting, investigating, and documenting all accident/incidents involving Transportation Department vehicles.

2.4. The District will not tolerate gross negligence. Drivers who are found grossly negligent in their duties will not only assume personal liability for their actions; they will be subject to immediate termination.

3. Procedure:

3.1. Definitions

3.1.1. Accident/Incident Review Board (ARB): The ARB consists of a mechanic, one or two District manager(s) or administrator(s), two drivers (from the ARB roster), and a bus driver trainer.

3.1.2. Association: As defined in policy 1600.

3.1.3. Bus Driver Representatives (ARB Driver Roster): The association and management will mutually agree to the selection of qualified bus drivers to serve on the ARB. Qualified bus

drivers must have a satisfactory driving record. In the event management and the association cannot agree upon a driver representative the Superintendent will make the final decision for appointment. At least 6 drivers shall be selected as representatives to be placed on the ARB roster. Drivers will serve on the ARB in the next available consecutive order from the roster by last name. Appointment to the ARB may end at anytime but will not exceed two years, unless re-appointed.

3.1.4. Categories of Preventable Accident/Incidents:

3.1.4.1. Minimal: Damage up to \$500 and no injuries

3.1.4.2. Minor: Damage from \$500 - \$2,500, and no injuries

3.1.4.3. Major: If there is a injury not requiring hospitalization or if damage cost is \$2,501 to \$7,000

3.1.4.4. Extensive: If there is a injury that requires hospitalization or if damage cost is over \$7,000

3.1.5. Gross Negligence: Gross negligence is found if the incident is related to, or the result of, wanton (reckless) conduct. The test for such a determination is if a reasonable person (trained driver) would have clearly known that the actions were inappropriate and continued with the actions anyway. Such negligence may be the result of, but not limited to, willful misconduct or conduct so reckless as to demonstrate a substantial lack of concern for whether an injury, damage, or accident/incident results. Gross negligence is also found when the mental attitude accompanying the conduct amounts to conscious indifference to the rights, welfare, and safety of others. Such a mental attitude can be inferred from an intentional failure to perform a manifest duty that was imposed to protect others from injury.

3.1.6. Driver liability: Unless otherwise determined by the Superintendent, drivers have responsibility for citations and fines. Drivers will assume personal liability for property damages if gross negligence is found. Such liability will be administered at the discretion of the Superintendent.

3.1.7. Negligence: Negligence is the omission to do something which a reasonable person would do (guided by commonly understood practice such as, but not limited to, a district, state, or federal policy) or doing something that a reasonable and prudent person would not do. It is the failure to use ordinary care in a given set of circumstances even if the individual did not actually intend to omit such care. The definition of negligence rests on the duty of every person to exercise due care in his conduct. The distinction between negligence and gross negligence is based on an evaluation of the nature of the conduct. Willful or reckless conduct may be considered gross negligence. Negligence is found if the incident is related to or the result of inattentive actions.

3.1.8. Non-Preventable Accident/Incidents: An accident or incident is considered non-preventable if negligence was not found and the circumstances were unforeseen. The test to find a non-preventable accident/incident (based on circumstances, excluding negligence) is that a reasonable person (bus driver) would have acted in a similar manner. Following a non-preventable accident/incident determination, the supervisor and employee will review the

incidents leading to the accident/incident that may have been avoided with additional training or precautions. Such non-preventable incidents will be followed up with district sponsored training, if required.

3.1.9. Office Review Board (ORB): The ORB consists of at least a transportation supervisor and a mechanic.

3.1.10. Preventable Accident/Incidents: An accident/incident is considered preventable if a reasonable person would have been able to avoid the accident/incident or if it was a result of negligence.

3.2. Evacuation Training:

All drivers must conduct regular scheduled evacuation training twice a year with all passengers and students regardless of age. This must include a review of proper evacuation procedures.

3.3. Injury to the Bus Driver:

Each driver should discuss with a few of the older passengers the procedures and actions to take in the event of injury or disability of the bus driver. Such communication should not burden the student with unrealistic fears or expectations. Students should never have the burden of more responsibility than what is necessary to avoid injury in an emergency where the driver is incapacitated. This should include general information on how to stop and shut off the bus and use the radio. Such instructions must not go so far as providing behind the wheel driving instructions.

3.4. Accident/Incident or Mechanical Failure Procedures:

In the event of an accident/incident or mechanical failure in which a school bus is involved, the driver is required to know and observe the following procedures. Additionally, drivers should apply good common sense to the situation.

3.4.1. Do not move the bus from the place of the accident/incident; or, if needed, stop the bus as far as possible out of the driving lane or on the shoulder of the road.

3.4.2. Remain at the scene.

3.4.3. Secure the accident/incident/breakdown scene. Use emergency triangles if necessary. Activate four-way hazard lights. Place warning devices in accordance with D.O.T regulations.

3.4.4. Shut the bus off, but leave the key in the "on position" so that you will be able to have radio contact.

3.4.5. Make contact with the Transportation Office as soon as possible and collect the following information if related to an accident/incident:

3.4.5.1. Name of the driver of other vehicle(s).

3.4.5.2. License number of other vehicle(s).

3.4.5.3. Obtain names of witnesses.

3.4.5.4. Make a list of names of students on the bus.

3.4.5.5. Notify local Police or State Highway Patrol and paramedics as needed.

3.4.6. Report if you need a bus to pick-up or deliver students for you.

3.4.7. Keep passengers in the bus unless it is unsafe to do so. If the location or the condition of the bus is unsafe, remove the children to a safe location at least 100 ft. from the bus.

3.5. Notification and Reporting Requirements:

Any accident/incident shall be reported immediately to both the transportation supervisor and the police. The driver shall file reports in accordance with Department of Transportation, State, and District policy. Failure to report an accident/incident within one working day (no matter how minor) may be cause for disciplinary action.

3.6. District Accident/incident Procedure:

3.6.1. Drug Testing: All accident/incidents will be followed with post accident/incident drug testing. If the following criteria exists;

3.6.1.1. human fatality,

3.6.1.2. bodily injury with immediate medical treatment away from the scene,

3.6.1.3. citation issued to the school bus driver, or

3.6.1.4. disabling damage to any motor vehicle requiring tow away.

3.6.2. Pre and Post Vehicle Inspection: Drivers found negligent in pre or post vehicle inspection that results in accident/incident, damage to District or other property, or injury will be disciplined according to district procedure.

3.6.3. The Office Review Board (ORB): The ORB will meet and consider information related to an accident/incident.

3.6.3.1. Based on review of that information the ORB will decide if it is reasonable to conclude that an accident/incident was preventable or non-preventable or the result of negligence or gross negligence, and will make a recommendation for action.

3.6.3.2. The ORB will make a determination and notify the driver within five working days of receiving all relevant previous records, information, reports, and statements related to the accident/incident.

3.6.3.3. The Transportation supervisor shall follow District procedure for discipline in administrating recommendations for action from the ORB.

3.6.3.4. Drivers may request a review of an ORB decision by filing a written appeal to the transportation department manager within five working days of receipt of the ORB determination.

3.6.4. Accident/Incident Review Board (ARB): The ARB meets at the request of a bus driver wishing to file an appeal of an ORB decision. The driver has the right to representation, review documentation related to the accident/incident, and the right to present additional information to the ARB. The driver's representative will have the right to be present but not to vote in the ARB review.

3.6.4.1. The ARB shall hold a fact-finding meeting to determine if the accident/incident was preventable or non-preventable, or if negligence or gross negligence was involved.

3.6.4.2. The ARB shall report its findings and recommendations for action to the Transportation Supervisor.

3.6.4.3. The Transportation Supervisor will inform the driver of the ARB findings with-in five working days of the final ARB review.

3.7. Factors for ORB and ARB Consideration:

3.7.1. category of accident/incident,

3.7.2. drivers record of past preventable incidents,

3.7.3. driver negligence,

3.7.4. driver's D.O.T. record,

3.7.5. preventability of the accident/incident, and

3.7.6. any other relevant conditions, incidents, past driving record, evaluations, training, and/or driver moving violation record.

3.8. Recommendation for Disciplinary Action:

The ORB or ARB will make a recommendation, as appropriate, related to the action that should be taken. The transportation supervisor will follow district discipline policy and procedures in taking action or recommending action to the Superintendent.

3.9. Unpaid Training:

Additional or repeat specialized uncompensated training may be required by the ORB or as modified or recommended by the final ARB decision. Blocks of training are assigned either alone or in conjunction with other disciplinary action taken. Negative driver evaluations may also result in the assignment of training blocks to the driver.