



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

EDUCATION ACT STUDENT TRANSPORTATION REGULATIONS

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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EDUCATION ACT
Chapter E-.02

STUDENT TRANSPORTATION REGULATIONS

Pursuant to section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

1. Definitions

- (1) In these regulations,
- (a) “**Act**” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
 - (b) “**contracted vehicle**” means a vehicle that is to be used by a contractor for the conveyance of students;
 - (c) “**contractor**” means a person, not an employee of the education authority, who has entered into a contract with an education authority for the conveyance of students by means of a vehicle owned or leased by the contractor;
 - (d) “**driver’s license**” means a license to drive issued pursuant to the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
 - (e) “**Highway Safety Division**” means the Highway Safety Division of the Department of Transportation, Infrastructure and Energy;
 - (f) “**school bus**” means a school bus or other vehicle that is under the management of an education authority and used primarily for the conveyance of students;
 - (g) “**school bus driver**” means a person who drives a school bus assigned by an education authority for the conveyance of students to or from school and for other authorized use, and includes a substitute school bus driver, except as limited by section 5;
 - (h) “**school bus driver training course**” means a course of instruction for trainees of a driver education school that
 - (i) is approved by the Director of the Highway Safety Division under the *Highway Traffic Act* Driving Schools Regulations, and
 - (ii) provides trainees with instruction on the operation of a school bus.

Interpretation

- (2) A reference in these regulations to the Director, education authority or principal is a reference to the relevant Director, education authority or principal, as applicable. (EC533/16)

2. Application

Except as otherwise provided, these regulations apply when school buses and contracted vehicles are used to transport students. (EC533/16)

3. Requirements to drive a school bus

- (1) Every person, when initially employed by an education authority as a school bus driver, shall
- (a) have held a Class 5 driver's license for at least five years;
 - (b) hold a current Class 2 driver's license;
 - (c) have met the standards required for school bus drivers by the Highway Safety Division before commencing employment; and
 - (d) have passed a medical examination documented by a medical practitioner in accordance with standards set out in these regulations, on the form approved by the Minister.

Annual vision test

- (2) School bus drivers and substitute school bus drivers shall annually meet the standards of a vision test required by the Highway Safety Division. (EC533/16)

4. Requirements, permanent employee

- (1) Where a school bus driver has been hired as a permanent employee by an education authority, the driver shall be required by the education authority to successfully complete a school bus driver training course at the next available opportunity and not later than one year from the date of hiring.

Dismissal if not completed

- (2) A school bus driver who has not successfully completed the school bus driver training course in accordance with subsection (1) shall be dismissed from employment by the education authority, on 10 days' written notice, with reasons for the dismissal, served personally or by registered mail.

Notice by registered mail

- (3) A notice sent by registered mail shall be deemed to have been received by the school bus driver five days after mailing.

Education authority may require courses

- (4) An education authority may require a school bus driver to enrol in
- (a) defensive and other safe driving courses;
 - (b) one or more first aid courses;
 - (c) one or more student management courses; and
 - (d) other courses related to the operation of a school bus. (EC533/16)

5. Not applicable to substitute drivers

- (1) Subsections 4(1) and (2) do not apply to persons employed as substitute school bus drivers.
- (2) An education authority shall require a substitute school bus driver to take a school bus driver training course as a condition of being employed as a substitute school bus driver. (EC533/16)



6. Emphasis on safety in driving school bus

- (1) Education authorities shall emphasize safety in driving under the variety of circumstances that arise in the course of driving a school bus.

Driver examination requirements

- (2) An education authority may require a school bus driver to complete a school bus driver examination conducted by the Highway Safety Division, at any time.

Requirements from age 60

- (3) A school bus driver, upon reaching age 60, shall successfully complete any examination required under clause 70(6)(c) of the *Highway Traffic Act* for bus drivers aged 60 or over, as often as required by the Registrar of Motor Vehicles. (EC533/16)

7. Regular medical examinations

- (1) School bus drivers shall have regular medical examinations which shall emphasize the importance of the school bus driver being fit and able to engage in all types of activities that may be required in the performance of the driver's duties, including consideration of the driver's ability to function under high stress conditions.

Required medical examinations

- (2) Unless otherwise provided in this section, a school bus driver shall have any regular medical examination that is required under the *Highway Traffic Act* to maintain his or her driver's license.

Other exams and tests

- (3) A school bus driver with a medical condition shall submit to any medical examinations and tests that are required by the Registrar of Motor Vehicles under *the Highway Traffic Act*, as often as required by the Registrar of Motor Vehicles.

Examination required by education authority

- (4) An education authority may, at any time, require a school bus driver to be examined by a medical practitioner chosen by the education authority.

Further tests

- (5) Any medical practitioner who examines a school bus driver in accordance with these regulations may recommend further physical or psychological tests or examinations of the driver, and the education authority may require the driver to attend at such further testing or examinations.

Idem

- (6) An education authority may require a school bus driver to undergo psychiatric, psychological or addictions tests or treatment as recommended by the medical practitioner who examines the driver in accordance with these regulations.

Leave required

- (7) Where necessary, an education authority may place a school bus driver on leave with or without pay, at the discretion of the education authority, pending the outcome of required tests or examinations, or until the school bus driver is no longer employed by the education authority. (EC533/16)

8. Driver dismissed

An education authority shall not continue to employ a school bus driver if, after reviewing a report respecting any examination or test of the school bus driver required under these regulations, the education authority is satisfied that the school bus driver cannot safely fulfil all of his or her responsibilities under these regulations. (EC533/16)

9. Driver responsible for safety of students

- (1) Every school bus driver is responsible for the safety of students while in a vehicle under the driver's control and may assign seats to students.

Driver to report misconduct of a student

- (2) A school bus driver shall report to the principal misconduct of a student on the school bus or entering or leaving the school bus. (EC533/16)

10. Driver responsibilities

- (1) A school bus driver shall
- (a) operate the school bus in accordance with the *Highway Traffic Act*, the *Criminal Code* (Canada) and any other applicable law;
 - (b) notify the Director immediately of the suspension of his or her driver's license or the loss of his or her driver's Class 2 driver's license, or if charged with any offence involving driving or assault;
 - (c) notify the Director immediately of any medical condition of, or medication taken by, the school bus driver that could affect the school bus driver's ability to safely operate a school bus;
 - (d) operate the school bus efficiently and economically;
 - (e) exercise good judgment in handling the school bus and in controlling students;
 - (f) conduct a pre-trip inspection and make any necessary minor repairs before the school bus is to be used;
 - (g) conform to all rules and regulations and perform such duties as may be established by education authority policy;
 - (h) comply with these regulations;
 - (i) practise defensive driving at all times;
 - (j) be courteous to other drivers;
 - (k) ensure that all doors are secure when the school bus is in motion;
 - (l) at least annually, in co-operation with the principal or designate, instruct students respecting the correct procedures of emergency evacuation from a school bus;
 - (m) annually, and whenever else required by the education authority, conduct a simulated emergency evacuation of students from a school bus;
 - (n) operate and park the school bus according to the route plan and schedule determined by the education authority;
 - (o) where any part of a school bus appears defective, request authorization from the school bus depot
 - (i) to move the school bus for the purpose of obtaining repairs, or
 - (ii) to correct or cause the defect to be corrected;
 - (p) inspect the wheel bolts of the school bus before any use;



- (q) ensure that every school bus used for transporting students is maintained in a clean condition;
- (r) conform to a plan for receiving and discharging students on school buses;
- (s) submit, as required by the education authority, regular reports on the operation of the school bus;
- (t) operate the school bus at a reasonable speed within posted speed limits;
- (u) have in mind the safety of the students when stopping for the purpose of receiving or discharging students;
- (v) use the front door of the school bus, if it is a bus, for the receiving and discharging of students and allow the use of the emergency exit only in the case of an emergency or during practice exercises authorized by the principal or the education authority;
- (w) not, for any reason or by any means, unnecessarily delay the passing of other vehicles on the highway;
- (x) where practicable to do so, report to the education authority the license numbers or descriptions of vehicles that pass the school bus when its red lights are flashing; and
- (y) perform such other duties as may be required by the education authority.

Out-of-province trips

- (2) A school bus driver shall, on out-of-province trips,
 - (a) ensure that affixed to the outside of the school bus is a notice stating “This vehicle stops at all railway crossings”;
 - (b) at every railway crossing
 - (i) bring the school bus to a stop,
 - (ii) open the door of the school bus and the window on the driver’s side or, if it is a van, the window on the driver’s side of the van,
 - (iii) check for clearance of right-of-way,
 - (iv) cross with the school bus so geared that there is no need to change gears while proceeding across the railway tracks, and
 - (v) not shift gears while crossing the railway tracks;
 - (c) conform with the *Highway Traffic Act* Commercial Vehicle Drivers (Hours of Work) Regulations; and
 - (d) comply with legislation of the jurisdiction in which the school bus is being operated. (EC533/16; 180/20)

11. Driver prohibitions

A school bus driver shall not

- (a) transport any animal other than a guide dog, any weapon or any explosive or other hazardous material in a school bus;
- (b) while driving a school bus, tow any other vehicle;
- (c) operate a school bus on school premises at an excessive speed;
- (d) operate a school bus in reverse on school premises when students are present, except when authorized by the principal or designate;
- (e) coast a school bus;
- (f) allow excessive traffic build-up behind a school bus;
- (g) fill the fuel tank while students are inside a school bus or while the motor is running;

- (h) leave a school bus unattended while students are passengers, except during an emergency or an accident;
- (i) park a school bus on a highway when not being used for conveying students;
- (j) smoke while on a school bus;
- (k) consume alcohol within 12 hours before driving a school bus;
- (l) on days on which the driver is scheduled for regular conveyance, consume any alcoholic beverage or take any drug or medication that could impair the driver's driving ability, before completing the school bus route for the day;
- (m) on days on which the driver is required to convey students on a school-sponsored activity, consume any alcoholic beverage or take any drugs or medication that could impair the driver's driving ability, before completing the transportation of the students;
- (n) drive a school bus without a valid Class 2 driver's license; or
- (o) use a school bus for unauthorized travel except in an emergency. (EC533/16)

12. Duties of driver, upon an accident

- (1) Where a school bus is involved in an accident, the school bus driver shall,
 - (a) if reasonable, endeavour to obtain or administer assistance, if required, to or for any injured person;
 - (b) stop the vehicle at the scene of the accident;
 - (c) report the accident immediately
 - (i) in compliance with the *Highway Traffic Act*, and
 - (ii) to the principal and the Director;
 - (d) take note of
 - (i) the name and address of every person involved in the accident,
 - (ii) the names and addresses of witnesses, if any,
 - (iii) the license plate numbers of other vehicles involved,
 - (iv) the names and driver's license numbers of the operators of such other vehicles, and
 - (v) the name and address of every person injured in the accident;
 - (e) not sign any document or make any admission of liability in any manner to any third party with respect to the accident; and
 - (f) wait with the students for transfer to another bus and then proceed, if the school bus is in a safe mechanical condition and such movement is not contrary to law, to deliver it to the school bus depot.
- (2) Where a school bus is mechanically disabled or otherwise not operable, the driver shall wait with the students for transfer to another bus.

Contracted vehicle inoperable

- (3) Where a contracted vehicle is mechanically disabled or otherwise not operable, the driver shall wait with the students for transfer to another vehicle authorized by the education authority. (EC533/16)



13. Grounds for suspension or dismissal

- (1) An education authority may suspend or dismiss a school bus driver if the driver violates clause 10(1)(a), (b) or (c) or clause 11(k), (l) or (m).

Idem

- (2) Where a school bus driver's driving privileges are suspended under the *Highway Traffic Act* or the *Criminal Code* (Canada), the education authority
- (a) shall suspend the driver without pay for a period of time concurrent with the period of the driver's license suspension; or
- (b) may dismiss the driver.

Grounds for disciplinary action

- (3) Infractions of sections 10 or 11 may be grounds for disciplinary action against the school bus driver by the education authority. (EC533/16)

14. Contracted vehicles

- (1) An education authority may provide an arrangement for transporting students in a vehicle or vehicles supplied by a contractor.

Parents

- (2) Despite subsection (1), a parent who receives compensation from the education authority for transporting that person's own child is not a contractor for the purposes of sections 15 to 21. (EC533/16)

15. Requirements for contract

No contract with a contractor shall be entered into until there has been filed with the education authority a policy of insurance as required by these regulations. (EC533/16)

16. Driver to have appropriate class of license

- (1) A driver of a contracted vehicle shall hold
- (a) a valid Class 4 driver's license, if transporting less than 24 passengers; and
- (b) a valid Class 2 driver's license, if transporting 24 or more passengers.

Class 5 driver's license for five years

- (2) A driver of a contracted vehicle shall have held a Class 5 driver's license for at least five years. (EC533/16)

17. Contract may be terminated where impaired driving

- (1) An education authority may terminate, without penalty, the contract under which a contracted vehicle operates if the driver of the contracted vehicle violates clause 11(k), (l) or (m) or section 16.

Clauses 11(k), (l) and (m) apply

- (2) Clauses 11(k), (l) and (m) apply with any necessary changes to a driver of a contracted vehicle.

- (3) An education authority shall immediately terminate a contract for transporting students if the driver's driving privileges are suspended under the *Highway Traffic Act* or the *Criminal Code* (Canada). (EC533/16)

18. Contractor responsible for driver's violation

- (1) A contractor is responsible for the compliance or non-compliance with these regulations by the driver of the contracted vehicle.

Vehicle must meet requirements

- (2) Every contractor and driver of a contracted vehicle shall ensure that the vehicle meets the requirements in these regulations. (EC533/16)

19. Contract must be in required form

Every contract for transporting students by a contracted vehicle shall be in the form approved by the Minister. (EC533/16)

20. Examination of vehicle or driver

- (1) Any contracted vehicle used to transport students and the driver of such vehicle shall be subject to such examination at any time by any person authorized by the education authority or by the Minister.

Unsafe vehicle

- (2) Where an examination conducted pursuant to subsection (1) shows that a vehicle is unsafe or cannot pass inspection under the laws of the province, the education authority may give notice to the contractor that the vehicle shall pass inspection or be replaced before transporting any more students.

Failure to replace vehicle

- (3) Notwithstanding any provision of a contract between the education authority and the contractor, where the contractor fails to replace the vehicle or to have it pass inspection within 5 days of the notice under this section, the education authority may give notice of immediate termination of the contract and immediately terminate the contract with the contractor.

Notice to replace driver

- (4) Notwithstanding any provision of a contract between the education authority and a contractor, where an examination under subsection (1) results in a recommendation that the driver should not transport students, the education authority may give notice to the contractor to replace the driver before transporting any more students or give notice of immediate termination of the contract and immediately terminate the contract with the contractor. (EC533/16)

21. Stickers required

No vehicle shall be used to transport students unless it displays current inspection and registration stickers issued in accordance with the *Highway Traffic Act*. (EC533/16)

22. Identifying number

Each school bus shall carry a unique identifying number designated by the education authority. (EC533/16)



23. Standards

All new school buses assigned to an education authority shall comply with the current Canadian Standards Association standards for school buses. (EC533/16)

24. model year, defined

- (1) In this section, “model year”, in respect of a school bus, means the model year designated by the manufacturer of the school bus or, if there is no such designation, the calendar year in which the manufacture of the school bus is completed.

Measuring age of school bus

- (2) For the purposes of these regulations, the age of a school bus shall be determined by measuring its age from the model year of the school bus to September 1st of the school year in which the school bus is used.

Age of school bus

- (3) Subject to subsection (4), an education authority shall ensure that any school bus used by the education authority for the transportation of students does not exceed 11 years of age.

Exceptions

- (4) An education authority may use a school bus that exceeds 11 years of age for the transportation of students if the school bus does not exceed 13 years of age and the school bus is used
- (a) for a school-sponsored activity; or
 - (b) as a temporary bus to replace another school bus that
 - (i) is taken out of service by an education authority for the purposes of repairs, maintenance or an inspection, or
 - (ii) is being used for a school-sponsored activity. (EC533/16)

25. Condition of buses

An education authority shall ensure that every vehicle used by the education authority for transporting students is maintained in good mechanical condition. (EC533/16)

26. Motor Vehicle Inspection Regulations apply

Every vehicle used by an education authority for transporting students shall be inspected in accordance with the *Highway Traffic Act* Motor Vehicle Inspection Regulations. (EC533/16)

27. Bus service records

An education authority shall maintain written service records and maintenance and inspection schedules of school buses, and shall ensure compliance with such schedules. (EC533/16)

28. Motor vehicle liability policy, education authority

An education authority shall have a motor vehicle liability policy of insurance for school buses for not less than \$5,000,000, exclusive of interest and costs, for public liability and property damage and \$5,000,000, exclusive of interest and costs, for passenger hazard insurance. (EC533/16)

29. Motor vehicle liability policy, contractor

- (1) Subject to subsection (2), every contractor shall have in force a motor vehicle liability policy of insurance for the contracted vehicle for not less than \$2,000,000, exclusive of interest and costs, for public liability and property damage and for not less than \$2,000,000, exclusive of interest and costs, for passenger hazard insurance, with an insurer licensed to transact the business of insurance in the province.

Motor vehicle liability policy, more than 18- student capacity

- (2) A contractor using a passenger bus with capacity for more than 18 student passengers shall have in force a motor vehicle liability policy of insurance for the bus for not less than \$5,000,000, exclusive of interest and costs, for public liability and property damage and for not less than \$5,000,000, exclusive of interest and costs, for passenger hazard insurance, with an insurer licensed to transact the business of insurance in the province.

Endorsement

- (3) A policy of insurance required under this section shall be endorsed with the requirement that the insurer provide the education authority with 30 days notice of cancellation or material change in the policy. *(EC533/16)*

30. Pick-up and drop-off points

- (1) An education authority shall designate pick-up and drop-off points for receiving and discharging students.

Plan for receiving and discharging students

- (2) An education authority shall establish a plan for receiving and discharging students on school premises and at authorized pick-up and drop-off points. *(EC533/16)*

31. Revocation

The *School Act* Student Transportation Regulations *(EC485/98)* are revoked. *(EC533/16)*

