

**ARKANSAS DEPARTMENT OF EDUCATION
NEW ADMINISTRATIVE REGULATION**

NUMBER: ADE 128

TITLE: Mobile Phone Usage by School Bus Drivers

EFFECTIVE DATE: September 14, 2001

STATUTORY AUTHORITY: Ark. Code Ann. § 6-19-101

NECESSITY AND FUNCTION: To prohibit the use of a mobile phone while operating a school bus.

PAGES FILED: ADE 128-1 through ADE 128-2

Raymond Simon, Director
Arkansas Department of Education

PROMULGATION DATE: August 13, 2001

CONTACT PERSON: Patricia Martin
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Little Rock, AR 72201
501-682-5124

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM
COMMITTEE

DEPARTMENT/AGENCY Department of Education
DIVISION Public School Finance & Administrative Support
DIVISION DIRECTOR Patricia Martin
CONTACT PERSON Annette Berry
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INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after Short Title of this Rule below.
- D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule?
Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers

2. What is the subject of the proposed rule?
To prohibit the use of mobile telephones while operating a school bus

3. Is this rule required to comply with federal statute or regulations?
Yes _____ No X _____

If yes, please provide the federal regulation and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedures Act? Yes _____ No X _____
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the regular provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes No
- Does this repeal an existing rule? Yes No
 If yes, please provide a copy of the repealed rule.
- Is this an amendment to an existing rule? If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes.
6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation.
 A.C.A. 6-19-101 (Repl. 1999)
7. What is the purpose of this proposed rule? Why is it necessary?
 To govern the use of mobile phones by school bus drivers
8. Will a public hearing be held on this proposed rule? Yes No
 If yes, please give the date, time, and place of the public hearing.
 May 10, 2001 – 1:30 to 2:00 PM – Arch Ford Education Building, Rm. 201-A
9. When does the public comment period expire?
 May 28, 2001
10. What is the proposed effective date of this proposed rule?
 August 31, 2001
11. Do you expect this rule to be controversial? Yes No
 If yes, please explain.
12. Please give the names of persons, groups, or organizations which you expect to comment on these rules. Please provide their position (for or against) if known.
- School District Superintendents
 School District Transportation Directors

PLEASE ANSWER ALL QUESTIONS COMPLETELY

July 28, 1995

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT
OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers

Summary Description of Regulatory Proposal:

To prohibit the use of mobile telephones while operating a school bus

Cite Statutory Authority for this Regulatory Proposal: - 6-19-101 (Repl. 1999)

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.

- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.

- III. Additional Comments.

Prepared by: Patricia Martin
Assistant Director – PSF&AS
April 17, 2001

Arkansas Department of Education
Rules and Regulations
Governing Mobile Phone Usage by School Bus Drivers
August 13, 2001

1.00 Regulatory Authority

1.01 These Rules and Regulations shall be known as the Arkansas Department of Education Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers.

1.02 These regulations are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §6-19-101.

2.00 Purpose of Regulations

The purpose of these regulations is to prohibit the use of a mobile phone while operating a school bus.

3.00 Definitions

3.01 "School Bus". For purposes of this regulation, a school bus means every motor vehicle owned by a public or government agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school or school sponsored activity.

3.02 "School Bus Driver". Anyone operating a vehicle that meets the definition of a school bus.

3.03 "Mobile phone". Any wireless communication device used to make or receive telephone calls, including hands free headphones.

4.00 Requirements

4.01 Mobile phones shall not be used by the bus driver while the vehicle is in motion or stopped for a traffic-signaling device.

4.02 Usage shall only be when the school bus is safely off the roadway with the parking brake engaged.

4.03 Only district authorized mobile phones shall be operated on an Arkansas school bus.

4.04 The Arkansas Association of Pupil Transportation shall emphasize this prohibition in its annual school bus driver training.

5.00 Penalty

In compliance with the procedures established in Ark. Code Ann. §6-17 Subchapter 17 (Repl. 1999), if a school bus driver violates this regulation, the school superintendent shall impose the appropriate discipline or penalty, as approved by the local board.