



SUPERINTENDENT OF PUBLIC INSTRUCTION

Randy I. Dorn Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

Administration Guidelines for the School Bus Driver Diabetic Exemption Program

Effective April 15, 2008, Washington Administrative Code 392-144-020 (9) was amended to provide for an exemption program for authorized school bus drivers with diabetes being treated with insulin. These guidelines are provided to assist school district supervisory personnel with the administration of the exemption program.

I have a driver whose doctor just told them they need to start insulin treatment for their diabetes. What do I do now?

There are two steps the driver needs to complete. The first step addresses the requirements associated with his/her commercial driver license (CDL) and the other step deals with the requirements associated with his/her school bus driver authorization issued by the Office of Superintendent of Public Instruction (OSPI). The easiest solution to the first step is completing the Department of Licensing (DOL) intrastate medical waiver process. The driver takes this form to their doctor to sign. DOL will issue a medical waiver upon submission of a signed form. The driver can get the intrastate waiver on his/her CDL before completing the exemption process.

If the driver wants to participate in the Federal Diabetes Exemption Program to qualify for interstate transportation, they will need to contact the Federal Motor Carrier Safety Administration (FMCSA). You should let the driver know that they should expect a six (6) month waiting period for the federal program. They may want to proceed with the state paperwork at the same time they apply to the federal program. Then they can drive intrastate until they qualify for the federal exemption, which allows them to drive across state lines (interstate).

For OSPI's Authorized School Bus Driver Diabetes Exemption Program, provide the driver with a copy of (Parts A–D) SPI Form 1643. There is a waiting period after an individual starts insulin treatment. If an individual is already in treatment for diabetes, and are just starting insulin, the waiting period is one month. If an individual is beginning insulin treatment upon initial diagnosis of diabetes, the waiting period is two months. (In either case, the waiting period starts when they begin taking insulin, not when they start talking about it with their doctor.) Assuming that their doctor is a licensed physician, the driver can take SPI FORM 1643 (Parts B–D) to their doctors, who can help them understand how to meet all the requirements.

Once the driver has completed the waiting period and provided you with a completed copy of all the sections of SPI Form 1643, they are ready to go back to work driving a school bus.

Can the driver avoid the waiting period?

No. Once a driver starts an insulin treatment, a waiting period is required before they can return to driving. This is because different individuals respond differently to insulin treatment. The waiting period assures the driver's medical condition has stabilized and there won't be unexpected reactions to the insulin. The driver will need to talk to their doctor about the timing of beginning treatment. The doctor will be able to provide guidance if the beginning of insulin treatment can safely be delayed for convenience ... like starting treatment in the summer, for instance. Obviously, individual situations will vary ... take the doctor's advice!

Can the school bus driver claim sick leave during the waiting period?

The sick leave or other benefits available to drivers will vary from district to district. Determining what leave benefits is available to school bus drivers during the waiting period will require conversations between the employer's personnel office and may depend on the terms of the bargaining agreement (if any). The best advice is to determine the answers to these questions before they get asked, if you can. That way you will not have unnecessary delay assisting your driver through this process.

I have a school bus driver who has brought in a complete SPI Form 1643 package. How can I tell if I can let them drive?

Well, a completed package means the driver has signed Part A, and the doctors have signed the licensed physician or medical examiner's sections:

- (1) (Part B) indicating the physical evaluation is done, the appropriate waiting period has been completed and that the driver has completed a diabetes education program indicating the driver is safe to return to work driving a school bus.
- (2) (Part C) indicating the driver has passed the vision evaluation.
- (3) (Part D) indicating the driver's HbA1c value is between 6.0 and 9.5.

The driver will also need either a Federal Diabetes Exemption or an intrastate waiver from DOL on their CDL (get a copy of the license). Have them show you the method they are going to use to log their blood test results. Thank them for taking good care of themselves, and hand them their bus keys.

So, I have all these forms that the driver brought in. What do I do with them?

Where should I keep them?

All the sections of SPI Form 1643 are personal medical records. They should be kept in the driver's district personnel office, but separate from the driver's personnel records. They should not be in the transportation office's training record files. All medical records are required to be in a secure location, separate from the personnel file.

I have just interviewed an individual who I think would make a great school bus driver. They are an insulin treated diabetic. How will that affect the training process? Is there a waiting period or anything?

Good news, here. There shouldn't be any additional delay in your being able to get this person through your training process (assuming they have been treated with insulin longer than the waiting periods mentioned above ... those waiting periods deal with their initial start date for treatment with insulin, regardless of their license status.) When they

go in for their medical examiner's certificate, have them take the *Commercial Driver License Intrastate Medical Waiver Application* from DOL (Form-DLE-520-066 (R/2/08)W) and SPI Form 1643. When they get their CDL instruction permit, they can get the interstate waiver at the same time (if they take the application form with them). They can do all the training in the bus with just the intrastate waiver, even if they haven't been able to get all the required diabetes training finished. By the time you get them trained, they should be able to complete all the program requirements. (However, they need to get everything finished prior to authorization. You can't use the temporary authorization process for anything except waiting for background check results or first aid training.)

I have a driver who has completed all the requirements for the Diabetic Exemption program. What are they required to do between now and the next scheduled HbA1c report? What are my responsibilities? What is the appropriate district oversight?

Drivers are required to test their blood sugar levels each day prior to starting their first route. The test has to show results between 100 mg/dl and 300 mg/dl in order for them to drive. They need to keep track of the date, time and results of each of their tests and keep the log for at least six months. That six month period is also when the next HbA1c report is due. That should help you to remember to check on their logs. By the way, the HbA1c report will verify that the driver has been able to manage their blood sugar level. If the results of the HbA1c report are between 6.0 and 9.5 the driver has been able to manage their blood glucose levels for the last 120 days or so. The HbA1c report is your verification that the driver has been providing accurate logging of blood sugar levels. Medically, there really isn't a reason why everyone with diabetes treated with insulin would need to have an HbA1c test every six months. It is a good additional verification that the driver is being conscientious about logging results accurately. Still, someone at the district should keep track of who is participating in the program and occasionally verify that the driver is doing a good job of logging their tests. Keep notes on the review of the log. The details for keeping track of the required dates for physicals, vision exams and HbA1c reports will vary from district to district. In some cases, that responsibility will be with the individual driver. The district will still be responsible for ensuring continuing compliance. So the district will have to have some method of tracking expiration dates. Districts can use OSPI's 1799 online School Bus Driver Authorization database to track dates and get customized expiration reports.

What does "occasionally verify" logging results mean? Should I check every day? Once a week?

Well, that is really a personnel decision. Is this a driver you have found to be a dependable employee that can be trusted to independently manage their job requirements? Every day would be VERY extreme. Weekly would still be likely viewed as excessive. How about after the first week of the program to see how the logging process is working for the driver, and then spacing it out so it isn't too burdensome on either the driver or supervisor?

What happens if a driver has a low blood sugar test before they are reporting for duty? Is it safe to have them drive? Do they have to have a blood sugar level above 100 mg/dl for an hour before they drive?

If a driver performs a test and finds their blood sugar is under 100 mg/dl, they will have to have something to eat. Once their blood sugar level is above 100 mg/dl, they will be safe to drive. They don't need to wait an hour after a "good" test. The "good" test just has to be within one hour of their start time. How long it takes to get their blood sugar above 100 mg/dl will depend on the individual and what they eat.

The WAC says they have to check their blood sugar "approximately every four hours while on duty" (WAC 392-144-020 (9)(d)(v)(B)). What's "approximately" mean?

Given the way that school bus routes tend to be broken into shifts and layovers, there should be opportunity for a driver to re-test sometime between three hours and five hours. The closer to four hours, the better. The WAC also includes a requirement that the driver needs to "carry a source of readily absorbable/fast-acting glucose while on duty".

Does this mean I have to let my school bus drivers eat on the job?

Yes, if they need to for their medical condition, it is a "reasonable accommodation".

I have a driver currently in the exemption program. They just informed me they wish to drive a trip bus to Portland for a jazz band festival. How do I know if they are allowed to take this trip?

If the driver has chosen to participate in the Federal Exemption Program, they are able to take trips across state lines. FMCSA will send a document to the driver informing them they have been granted an interstate waiver. If the driver has an intrastate waiver from DOL, it is not legal for them to drive a commercial vehicle outside Washington State. Their driver license wouldn't be legal in Oregon (if they were driving a commercial vehicle like a school bus).

When we discussed this exemption program at inservice, one of our drivers said their brother is a diabetic treated with insulin and is the high school tennis coach. The coach is required to drive students to tennis matches in motor pool vehicles. So, what about non-CDL drivers?

The requirement only applies to authorized school bus drivers. It is up to local school districts to evaluate what policy they should apply to school employees who transport students in motor pool vehicles as part of their job requirements (like tennis coaches, etc.). If the coach drives a school bus to the match, they would need to be an authorized school bus driver and get the exemption.

Our school district contracts for transportation service. Who is responsible for oversight of the contracted drivers who are in the exemption program?

The contractor is the employer and should have the primary responsibility for the administration of the exemption program. There should be provisions in the contract for regular review or audit of the records of the contracted drivers to verify compliance with the requirements of chapter 392-144 WAC. Details for that review or audit process

should include some verification that the employer is providing appropriate oversight of the school bus drivers participating in the exemption program.

This program seems like it is a lot of administrative hassle. I would rather just avoid the headache. Can we have an informal school district policy to not have drivers that require participation in the exemption program?

While this may seem complex, think about how much hassle this person is going through in order to drive your bus. If they can successfully complete all the requirements, regularly self-test and log the results, schedule themselves into doctor appointments and HbA1c tests, they are likely going to be exactly the kind of employee you need: independent, self-reliant, disciplined and self-motivated. And that policy you mentioned? Think ADA or EEOC lawsuit and just forget about it.

Where can I get OSPI, DOL or FMCSA forms? And where do I get any additional questions answered?

For the DOL form and if you have any additional questions regarding the DOL interstate waiver, the Department of Licensing website address is:

<http://www.dol.wa.gov/driverslicense/cdlmedical.html>

The DOL CDL program phone number is (360) 902-3619.

For additional information on the FMCSA Federal Exemption Program (and to get copies of their forms) see their website at: <http://www.fmcsa.dot.gov/>

Or contact:

Federal Motor Carrier Safety Administration
Olympia Branch
501 Evergreen Plaza
711 South Capital Way
Olympia, WA 98501
(360) 753-9875

For assistance on the authorized school bus driver diabetes exemption program, please contact Kim Kimbler, Administrative Program Specialist at OSPI's Student Transportation office at (360) 725-6120 or by email at kim.kimbler@k12.wa.us.

Form SPI 1643 is available at:

<http://www.k12.wa.us/transportation/forms.aspx>.