

School Bus and Alternative Vehicle Driver Compliance with 2003 Wisconsin Act 280 Fact Sheet

On April 19, 2004, [2003 Wisconsin Act 280](#) was enacted. This act significantly modifies the criminal background check procedures that apply to school bus and alternative vehicle drivers. It also requires school boards to release the name of each driver who transports a pupil upon written request of the pupil's parent or guardian. These changes are applicable on several different dates. This fact sheet is provided to assist school districts, private schools and contractors in complying with Act 280, especially as it relates to [Wisconsin Statutes §121.555](#).

I. Click on the link for the text of [2003 Wisconsin Act 280](#)

II. Click on the link for the text of [Wisconsin Department of Transportation Administrative Rules related to Act 280](#)

III. Click on the link for [additional information from the Wisconsin Legislative Council](#) (Wis. Leg. Council Act Memo)

IV. School Bus Endorsement Changes

The Department of Transportation (DOT) issues school bus endorsements (S endorsements). Click on the link for an [information sheet provided by DOT](#) about the changes. An individual must have an S endorsement to operate a school bus. The [Department of Transportation website](#) provides information concerning the requirements to obtain an S endorsement. The biggest change as a result of Act 280 is the criminal background check that is required and the list of crimes that disqualify a person from obtaining an S endorsement. Click on the link for a complete [list of crimes](#). When a person applies for an S endorsement, he or she is now required to certify that he or she is not disqualified due to a prior criminal conviction. The DOT has developed a new background information form that drivers must complete when applying for a new or renewal S endorsement. To apply for or renew a school bus endorsement the driver must contact the [Department of Transportation](#).

V. Alternative Vehicle Drivers

The law has been amended to require any person that employs or contracts with an individual, who does not already have a school bus endorsement, to transport pupils in an alternative vehicle to obtain a completed background information form from the driver and conduct a criminal and driver's record background check. [Wisconsin Statutes §121.555\(3\)](#)

[Wisconsin Statutes § 121.52\(2\)\(b\)](#) requires that any contract entered into, modified or renewed on or after February 1, 2005, between a school board and an owner or lessee of privately owned motor vehicles transporting pupils for compensation must include a requirement for the owner or lessee to take any action necessary for the school board or the owner or lessee to comply with these requirements. If the driver was hired on or after February 1, 2005, the check must be done and the driver must be

qualified before he or she may drive. If the driver was hired before February 1, 2005, the employer has until September 1, 2005 to collect the form, conduct the background check and ensure that only qualified drivers are operating alternative vehicles. Completion of the background information form and background checks must be repeated every four years.

[Wisconsin Statutes §121.555\(3\)\(a\)](#).

A. Background Information Form

Just like a school bus driver, if the alternative vehicle driver has been convicted of any of the disqualifying offenses, he or she cannot drive an alternative vehicle. An alternative vehicle driver must use the [School Bus or Alternative Vehicle License Information Request](#) form - MV3740 from the DOT, dated 4/2013. The applicant should keep a copy for him or herself and submit the original to the employer.

B. Conducting Background Checks

Any person that employs or contracts with an individual is required to conduct both a criminal background check and driver record check for drivers of alternative vehicles who do not have a school bus endorsement (S endorsement).

The *driver record check* must be done through the Department of Transportation. [Wisconsin Statutes §121.555\(3\)\(a\)2](#). Many school districts are already familiar with this type of check. Click on the link for [information from the DOT on obtaining driver records](#). For further information, contact the Department of Transportation.

The *criminal background check* must be done through the Department of Justice. [Wisconsin Statutes §121.555\(3\)\(a\)1](#). Some school districts are familiar with this process. If you are not, click on the link to go to the [DOJ website](#) to learn how to set up an account and obtain the required information.

Employers are required to make a good faith effort to obtain additional criminal history information from any state in which the individual has resided in the last two years, or from any other applicable federal or state agency. [Wisconsin Statutes §121.555\(3\)\(a\)1](#). While the law does not require a particular kind of record check, the Department of Public Instruction strongly recommends using the process available through the Department of Justice under the 1998 Volunteers with Children Act that provides access to the federal record database. The DOJ provides this information on their website (<http://www.doj.state.wi.us/dles/cib/crimback.asp>).

Once the employer has the background information about the applicant or driver, it must be compared to the [disqualification list](#). This list is very detailed. Depending on the circumstances, you may want to seek the assistance of your company or district legal counsel in comparing the list to the conviction record. If the person is convicted of a crime listed on the disqualified list, the person may not drive an alternative vehicle until the period of disqualification has passed. There is no process in the law that provides for early reinstatement of privileges or appeal of the determination. The background information form and the background check results should be maintained by the employer as long as it is necessary to show or determine compliance with these laws. [Wisconsin Statutes §121.555\(7\)](#)

C. Continuing Duty to Report

Under [Wisconsin Statutes §121.555\(4\)](#), an individual employed or under contract to transport pupils in an alternative vehicle shall report to his or her employer within 10 days of the occurrence of any of the following:

1. Any accident in which the individual was involved as the operator of a motor vehicle, regardless of whether the individual received a citation, was charged with any offense or whether the individual was transporting children under the contract.
2. Any conviction or operating privilege revocation that would make the person ineligible under these laws to transport pupils as either an alternative vehicle driver or school bus driver.
3. Any suspension or revocation of the individual's operating privilege or cancellation of a school bus endorsement in Wisconsin or any other jurisdiction.

If an individual fails to report this information or operates an alternative vehicle when he or she is disqualified could be prosecuted by the local authorities and fined up to \$100 for the first offense and \$200 for each subsequent offense. If a person provides false or incomplete information with respect to any material fact on the background information form, he or she may be prosecuted by the local authorities and fined up to \$1,000.

VI. Disclosure of Bus Driver's Name to parents

Effective February 1, 2005, [Wisconsin Statutes Section 121.52\(5\)](#) requires school boards to release the name of each driver who transports a pupil upon written request of the pupil's parent or guardian. [Wisconsin Statutes §121.52\(2\)\(b\)](#) requires that any contract entered into, modified or renewed on or after February 1, 2005, between a school board and an owner or lessee of privately owned motor vehicles transporting pupils for compensation must include a requirement for the owner or lessee to take any action necessary for the school board or the owner or lessee to comply with this requirement.