

Log H-496A



# National Transportation Safety Board

Washington, D.C. 20594  
Safety Recommendation

Date: June 5, 1987

In reply refer to: H-87-21

To the Governors of  
31 Selected States and  
the Mayor of the District of Columbia  
(see attached list)

About 2:43 p.m. central standard time on November 11, 1985, a schoolbus owned by R. W. Harmon and Sons, Inc. was eastbound on I-70 transporting 13 high school students to their homes in St. Louis, Missouri, from the Parkway North Senior High School. As the schoolbus was approaching the Lucas and Hunt Road exit, it went out of control, swerved to the right, and the right front of the schoolbus struck a guard rail, a concrete pedestal, and a sign support pillar located adjacent to the right eastbound roadway. The schoolbus body and the steering axle separated from the chassis during the collision. The weather was cloudy and the pavement was dry. The schoolbus did not catch fire. Two students were killed; the schoolbus driver and one student sustained serious injuries, and the remaining 10 students sustained minor to moderate injuries. 1/

Nineteen (38 percent) of the States require, either by statute or regulation, that a schoolbus driver applicant's criminal history be obtained from a State central records authority; 14 States (28 percent) and the District of Columbia have guidelines or recommendations that this be done. Eighteen States (36 percent) have neither a requirement nor a recommended practice that a schoolbus driver applicant's criminal conviction record be obtained as a part of preemployment screening procedures.

In 1986, after a schoolbus driver employed by the Dallas, Texas, County Schools (DCS) allegedly molested a 13-year-old special education student, all 1,000 of the schoolbus drivers employed by the DCS were checked for criminal records in Dallas County, Texas. As a result of these criminal record checks, 42 schoolbus drivers were dismissed after it was determined that these drivers had one or more felony convictions on their records, including possession of drugs, felonious assaults, sex crimes, and driving while under the influence of alcohol.

Before the alleged molestation, the DCS policy was to check each schoolbus driver's driving record annually; no criminal record checks were performed. After the incident, the DCS changed its policy and now all new schoolbus driver applicants' driving and criminal records are checked State-wide. In addition, all presently-employed schoolbus drivers' driving records are checked three times each

1/ For more detailed information, read -- Highway Accident Report -- "Schoolbus Loss of Control and Collision with Guard Rail and Sign Pillar, U.S. Highway 70 Near Lucas and Hunt Road, St. Louis County, Missouri, November 11, 1985" (NTSB/HAR-87/2).

school year, and twice each school year all drivers are checked for criminal convictions in Dallas County. The superintendent of the Dallas County Schools reported that State-wide criminal conviction checks could not be made on currently-employed schoolbus drivers.

As is the case concerning driving records, the National Transportation Safety Board believes that knowledge of a schoolbus driver applicant's criminal history provides a useful means of predicting future performance, and that a person with a recent history of crimes committed against persons, serious crimes committed against property, sex-related crimes, alcohol abuse, or illicit drug use or involvement should be prohibited from operating a schoolbus.

The Safety Board believes that the criminal record of a schoolbus driver applicant should be made available to or determined by either the licensing jurisdiction at the time a license to operate a schoolbus is issued or renewed, or the criminal record should be made available to and should be used by a prospective employer as a part of a required preemployment screening process.

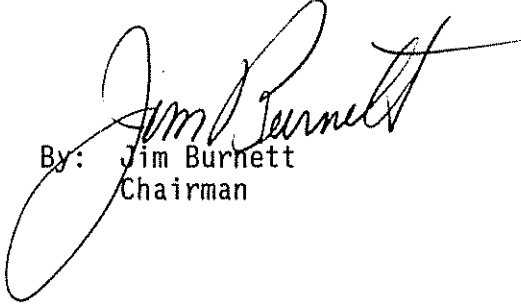
Therefore, as a result of its investigation, the National Transportation Safety Board recommends that 31 selected States and the Mayor of the District of Columbia:

Require that the criminal records of schoolbus driver applicants be examined, either by the licensing agency in your jurisdiction when a schoolbus driver's license or permit is issued or renewed, or by a prospective employer as part of a preemployment screening procedure. (Class II, Priority Action) (H-87-21)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-87-21 in your reply.

Also as a result of its investigation, the Safety Board issued Safety Recommendations H-87-18 to the Federal Highway Administration, H-87-19 to the Governor of the State of Missouri, H-87-21 to the Governors of Alabama, Connecticut, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, South Carolina, Vermont, Wyoming, and the Mayor of the District of Columbia.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and LAUBER and NALL, Members, concurred in this recommendation.

By:   
Chairman

Honorable Harold Guy Hunt  
Governor of Alabama  
Montgomery, Alabama 36130

Honorable Steve Cowper  
Governor of Alaska  
Juneau, Alaska 99811

Honorable Bill Clinton, Jr.  
Governor of Arkansas  
Little Rock, Arkansas 72201

Honorable Roy Romer  
Governor of Colorado  
Denver, Colorado 80203

Honorable William A. O'Neill  
Governor of Connecticut  
Hartford, Connecticut 06115

Honorable Michael N. Castle  
Governor of Delaware  
Dover, Delaware 19901

Honorable Bob Martinez  
Governor of Florida  
Tallahassee, Florida 32301

Honorable Joe Frank Harris  
Governor of Georgia  
Atlanta, Georgia 30334

Honorable Cecil D. Andrus  
Governor of Idaho  
Boise, Idaho 83720

Honorable Robert Orr  
Governor of Indiana  
Indianapolis, Indiana 46204

Honorable Terry Branstad  
Governor of Iowa  
Des Moines, Iowa 50319

Honorable John Michael Hayden  
Governor of Kansas  
Topeka, Kansas 66612

Honorable Martha Layne Collins  
Governor of Kentucky  
Frankfort, Kentucky 40601

Honorable Edwin Edwards  
Governor of Louisiana  
Baton Rouge, Louisiana 70804

Honorable John R. McKernan, Jr.  
Governor of Maine  
Augusta, Maine 04330

Honorable Michael S. Dukakis  
Governor of the Commonwealth  
of Massachusetts  
Boston, Massachusetts 02133

Honorable James J. Blanchard  
Governor of Michigan  
Lansing, Michigan 48909

Honorable William A. Allain  
Governor of Mississippi  
Jackson, Mississippi 39205

Honorable John Ashcroft  
Governor of Missouri  
Jefferson City, Missouri 65101

Honorable Ted Schwinden  
Governor of Montana  
Helena, Montana 59620

Honorable Kay A. Orr  
Governor of Nebraska  
Lincoln, Nebraska 68509

Honorable Richard H. Bryan  
Governor of Nevada  
Carson City, Nevada 89710

Honorable George Sinner  
Governor of North Dakota  
Bismarck, North Dakota 58505

Honorable Richard F. Celeste  
Governor of Ohio  
Columbus, Ohio 43215

Honorable Carroll A. Campbell, Jr.  
Governor of South Carolina  
Columbia, South Carolina 29211

Honorable George S. Mickelson  
Governor of South Dakota  
Pierre, South Dakota 57501

Honorable William P. Clements, Jr.  
Governor of Texas  
Austin, Texas 78711

Honorable Madeleine M. Kunin  
Governor of Vermont  
Montpelier, Vermont 05602

Honorable Gerald L. Baliles  
Governor of the Commonwealth  
of Virginia  
Richmond, Virginia 23219

Honorable Booth Gardner  
Governor of Washington  
Olympia, Washington 98504

Honorable Michael Sullivan  
Governor of Wyoming  
Cheyenne, Wyoming 82002

Honorable Marion S. Barry, Jr.  
Mayor of the District of Columbia  
Washington, D.C. 20004