

## School Bus Detention

By Cathy Tyson

Although it was quite a small incident, it had major ramifications. Earlier this month there was a minor fender, or rather mirror-bender, by a school bus from Joaquin Moraga Intermediate School making its afternoon rounds. It would have been a non-event, but for the hour it took for the California Highway Patrol (CHP) to document the accident, and the driver's insistence that the children were not allowed to leave the bus without CHP approval. No one was hurt, and by all accounts, it was a very minor accident. The driver asserted he was following Durham Bus Company protocol in not releasing the children.

Tired of waiting, some of the students used their cell phones to call parents for rides home. As parents arrived at the scene, the driver informed them that the children would not be released until the CHP arrived. Parents insisted that they had every right in the world to take their

children home.

What happened next is the reason for our current investigation into exactly what are parents' rights and what are bus company policies and what's required for the CHP to document an accident. Some parents were angry that they were barred from picking up their kids. The driver, followed what he believed was state law and company regulations, refused to let the kids disembark.

Lamorinda School Bus Program contracts with Durham School Services to provide 22 buses that serve Lafayette, Moraga and Orinda. Durham General Manager Joe Cebillas was adamant that Durham follows all state laws. "It's frustrating, but we follow the law," mentioned Cebillas. When asked exactly what law that would be, he was unable to specify.

After extensive research, neither the California Vehicle Code, nor the California Code of

Regulations mentions anything about detaining children. However there are regulations that require the CHP to be notified in the event of an accident, even a very minor one, along with a slew of other rules.

CHP Public Affairs Officer Scott Yox said, "It is not absolutely necessary to hold the children." He went on to say that he was unaware of a specific regulation that prohibited the bus company from releasing the children, and that Durham was probably trying to protect itself from liability. Officer Rick Weaver, who is the School Pupil Safety Officer and is in charge of the school bus program said, "as far as the law's concerned, we can't hold up the kids any longer than necessary."

Just before deadline, Lamorinda School Bus Program (LSBP) Program Manager Juliet Hansen reported that Durham's CHP contract instructs company drivers specifically to hold chil-

dren prior to release by the CHP. In addition, Hansen noted that LSBP is responsible for its student passengers and is clearly concerned with which bus stop they exit to ensure their safety. Students are required to have permission to get off at a different stop than their usual location.

Although a Moraga Police Officer was at the scene, CHP has jurisdiction over all school bus incidents.

Bottom line, two out of three CHP officers report that parents can demand the release of their children. Holding children may just be a Durham policy, although when parents sign up for the service, they are not informed that their children may be detained indefinitely on a bus. It's still a bit unclear what LSBP's policy is, in part because school bus accidents are so rare, but according to Hansen, they will definitely be looking for clarification.