

# Board of Education Agenda Item

Item: \_\_\_\_\_ G. \_\_\_\_\_

Date: September 23, 2010

Topic: Final Review of the Proposed Revisions to the Regulations Governing Pupil Transportation (8VAC20-70)

Presenter: Mr. Kent C. Dickey, Assistant Superintendent for Finance and Operations

Telephone Number: (804) 225-2025

E-Mail Address: Kent.Dickey@doe.virginia.gov

## Origin:

\_\_\_\_ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

\_\_\_\_ Board of Education regulation

\_\_\_\_ Other: \_\_\_\_\_

X Action requested at this meeting    \_\_\_\_ Action requested at future meeting: \_\_\_\_\_ (date)

## Previous Review/Action:

\_\_\_\_ No previous board review/action

X Previous review/action

dates October 18, 2007; November 20, 2008; and May 27, 2010

action October 18, 2007: Approval of the Notice of Intended Regulatory Action (NOIRA)

action November 20, 2008: First Review of the Proposed Revisions to the Regulations

action May 27, 2010: Second Review of the Proposed Revisions to the Regulations

## Background Information:

The *Regulations Governing Pupil Transportation* (8VAC20-70) were last revised in 2004. Since that time, statutory provisions related to the content of these regulations have been enacted or amended resulting in inconsistent or conflicting requirements. In addition, areas of the current regulations needing clarification or flexibility have been identified, as well as content from the 2005 National School Transportation Specifications and Procedures and federal requirements for incorporation into the regulations.

At its October 2007 meeting, the Board of Education approved the department to begin the regulatory revision process. In accordance with the Virginia Administrative Process Act (APA), a Notice of Intended Regulatory Action (NOIRA) was published in the Virginia Register of Regulations in January 2008 indicating the Board's intent to conduct a comprehensive review of the current regulations. The NOIRA was posted for 30 days for public comment.

At its November 2008 meeting, the Board accepted for first review proposed revisions to the regulations and approved the department to continue with the regulatory revision process. Key changes proposed in the first review version of the regulations included additional requirements for activity buses similar to those for yellow school buses, restrictions on daily driving hours and students standing on buses, changes to the daily pre-trip safety inspection, changes to the bus preventive maintenance schedule, changes and clarifications to training requirements, and changes to crash reporting requirements.

Initial executive branch review of the proposed regulations occurred during winter-spring 2009. The proposed regulations were published in the Virginia Register in August 2009 and posted on the Town Hall and department Web sites for a 60-day comment period from August 17 through October 16, 2009. Three public hearings were held across the state (Roanoke, Chesapeake, and Fairfax) in September 2009 to receive public comment. Comments were received from two regional transportation directors' groups, 12 school divisions, and one private company, local education association, private citizen, and school bus dealer. Most of the comments focused on the proposed changes to driving restrictions, standing on buses, student instruction on vehicle operation around buses, maintenance inspection schedules, crash reporting, route review, and pre-trip inspection requirements.

The public comments were compiled and a local review committee was convened to review the comments and provide recommendations for further revisions to the regulations. The review committee consisted of 18 local pupil transportation personnel representing school divisions from all eight superintendents' regions, one representative from the State Police, and three department pupil transportation staff. The committee reviewed and discussed the public comments and made recommendations on further revisions to the regulations.

At its May 2010 meeting, the Board accepted for second review proposed revisions to the regulations. The second review version of the regulations maintained most of the changes proposed in the first review version and reduced or streamlined the pre-trip inspection, preventive maintenance, crash reporting, and bus route review requirements. Due to further proposed changes to the regulations, the Board approved another 30-day public comment period on the proposed changes. The comment period was from June 7, 2010, to July 7, 2010. Comments were received from four school divisions, primarily focusing on proposed changes to the maintenance inspection requirements in the regulations.

### **Summary of Major Elements**

Attachment A shows the most recent public comments received on particular sections of the regulations, with the currently proposed section of the regulation shown for reference. The changes recommended by the department in response to the comments are shown in the last column.

The major change proposed compared to the second review version is to 8VAC20-70-130 (Maintenance Inspection). The current Maintenance Inspection section requires school divisions to conduct bus maintenance inspections every 30 operating days or every 2,500 miles. After reviewing the comments received, and researching this requirement, the proposed change is to require maintenance inspections every 45 school days (with school days based on the school division's approved yearly calendar) or every 5,000 miles. Based on additional staff research, this change will not reduce the safety of the school buses being used to transport students. The proposed change is consistent with manufacturer recommended maintenance schedules, the current diagnostic technology present on school buses, and the maintenance schedules mandated in other states. In addition, the current daily pre-trip safety inspection provides additional safeguards on safe bus operation. Further, school divisions may realize cost savings due to the proposed change in the maintenance schedule. Attachment B contains the final proposed revisions to the regulations.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education adopt the attached *Regulations Governing Pupil Transportation* as the final version and authorize Department of Education staff to proceed with the remaining steps of the Administrative Process Act prior to the regulations becoming effective.

**Impact on Resources:**

The final proposed regulations are not expected to have a significant fiscal or administrative impact on local school divisions.

**Timetable for Further Review/Action:**

The timetable for further action will be governed by the requirements of the Administrative Process Act. The adopted version of the regulations will continue with the remaining steps of the APA before becoming effective.

**Comments Received During Second Public Comment Period (June 7 – July 7, 2010)  
May 2010 Proposed Changes to *Regulations Governing Pupil Transportation***

<b>Proposed Change to Regulations (2<sup>nd</sup> Review Version – May 2010)</b>	<b>Public Comments Received</b>	<b>Committee/Staff Proposed Language Changes</b>
<p><b>8VAC20-70-10. Definitions.</b> The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:</p> <p>“Color-black” means federal standard No. 595, black.</p> <p>“Color-yellow” means national school bus yellow SBMTC color standard 008.</p> <p>“Nonconforming bus” means any vehicle designed to carry more than 10 passengers that is used to transport children to or from school or school-related activities that does not meet the federal standards, 49 CFR part 571, specific to school buses <u>or multifunction school activity buses</u>. These vehicles are not approved for transporting students to and from school or school-related activities.</p> <p>“Vehicle” means any vehicle owned or operated by, or owned or operated by any person under contract with, a county, city, town or school board in which any school pupils or personnel are transported at public expense to or from any public</p>	<p><b>Roanoke County</b> – The word “identification” should be removed from the definition of Multifunction School Activity Bus in 8VAC20-70-10 because it contradicts what is in Specifications Item 80, page 42. The definition of activity buses, page 4, of the current specifications contradicts what is currently in regulation providing an exception of “Identification” and what is in the body of the document, page 42, item 80b.</p>	<p><b>Agree with comment.</b> The word “identification” will be removed from 8VAC20-70-10 to be consistent with the Specifications.</p> <p><b>Language in Regulations will become:</b></p> <p><u>“Multifunction School Activity Bus (MFSAB)”/(school activity bus) means a school bus whose purposes do not include transporting students to and from home or school bus stops, as defined in 49 CFR 571.3. This subcategory of school bus meets all Federal Motor Vehicle Safety Standards (FMVSS) for school buses, except the traffic control devices, identification, color, use of cruise control, and seating requirements.</u></p> <p><b>Clarify the wording of “Vehicle” as follows:</b></p> <p><u>“Vehicle” means any vehicle owned or operated by, or owned or operated by any person under contract with, a county, city, town or school board in which any school pupils or personnel are transported at public expense to or from any public</u></p>

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<p><u>school.</u></p> <p>"School bus" means any motor vehicle described in this chapter as "Type A1 and A2," "Type B1 and B2," "Type C," or "Type D," <del>which is designed and used for the transportation of pupils, other than a station wagon, automobile, truck, or commercial bus,</del> which is: (i) <u>designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop;</u> (ii) <u>painted yellow and bears the words "School Bus" in black letters of a specified size on the front and rear, and</u> (iii) <del>which is equipped with the required warning devices as stated</del> <u>prescribed in §46.2-100 1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.</u></p> <p>Note: <del>This definition includes school buses owned and operated by school boards, private contractors, local governments, and</del></p>		<p><u>school or public school activity.</u></p>

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<p><del>transit systems that are used for the transportation of public school pupils.</del></p> <p>"Specially equipped bus" means a school bus designed, equipped, or modified to accommodate students with special needs.</p> <p><u>“Multifunction School Activity Bus (MFSAB)”/school activity bus means a school bus whose purposes do not include transporting students to and from home or school bus stops, as defined in 49 CFR 571.3. This subcategory of school bus meets all Federal Motor Vehicle Safety Standards (FMVSS) for school buses and meets all regulations for school buses, except the traffic control devices, identification, color, use of cruise control, and seating requirements.</u></p> <p><u>“Type A school bus” means is a van conversion of bus constructed utilizing a cutaway front-section vehicle with a left side driver’s door. The entrance door is behind the front wheels. This definition includes two classifications. Type A1, with a Gross Vehicle Weight Rating (GVWR) less than or equal to 10,000 of</u></p>		

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<p><u>14,500 pounds or less; and Type A2, with a GVWR greater than 14,500 pounds but less than or equal to greater than 10,000 21,500 pounds.</u></p> <p><del>“Type B school bus” means a bus with a body</del> <u>is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B1, with a GVWR less than or equal to of 10,000 pounds or less; and Type B2, with a GVWR greater than 10,000 pounds.</u></p> <p><del>“Type C (Conventional) school bus” means a bus with</del> <u>is a body constructed utilizing an installed upon a flat-back cowl chassis with a hood and front fender assembly fenders. The entrance door is behind the front wheels. This definition shall include two classifications: Type C1, with a GVWR range of 17,500 pounds with a design seating capacity range from 16 to 30 persons; and Type C2 with a GVWR of more than 21,500 pounds, designed for carrying more than 30 persons. The engine is in front of the windshield and the entrance door is behind the front wheels. Both Type C1 and Type C2 must be</u></p>		

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<p><u>equipped with dual rear tires.</u></p> <p>"Type D school bus" means a bus with a body constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels. <u>This bus is also known as a rear engine or front engine transit style school bus.</u></p> <p><u>“Classroom instruction” means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student.</u></p>		
<p><b>8VAC20-70-40. Seating</b>                      The number of pupils who may ride a school bus shall be determined by the total number who can be seated on the seat cushion facing forward, safely seated within the seating compartment and shall not exceed the manufacturer’s capacity. <del>During the first 30 instructional days of the school year standees may be permitted for</del></p>	<p><b>Fairfax County Administration</b> – This a longstanding regulation that has allowed standees on buses during the first few weeks of school when planning meets reality on the bus will soon be abolished. The 30 Day Role, as it has been called for decades, has allowed a grace period for local school divisions to balance unforeseen overloads and make routing</p>	<p><b>Leave as proposed. Consistent with Review Committee input and standards in other states.</b></p>

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<p><del>short distances in the aisle back of the driver's seat.</del> Pupils may not be permitted to stand <del>after the first 30 instructional days</del> except under unforeseen <u>temporary emergency conditions</u> and <u>short distances</u> as identified <u>in policy</u> by the local school board.</p>	<p>adjustments while minimizing disruption, service, and risk. If approved, it appears that under the new rule, each locality will need to adopt a new policy to allow any standees for any period but only for unforeseen temporary emergency conditions and for short distances. While I am sure this may save some calls to VDOE, this appears to create a new and unnecessary hardship for local school divisions.</p>	
<p><b>8VAC20-70-130. Maintenance Inspection.</b>  <del>All school buses and school activity vehicles</del> buses used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics <del>immediately before being used in the fall</del> and at least once every 30 <del>operating school days</del>, <u>as denoted by the school division's approved yearly calendar</u>, or every <del>2,500</del> <u>3,000</u> miles. <u>In no case shall the preventive maintenance scheduled for the 2500 3,000 miles exceed 90 regular calendar days.</u> Any bus that is removed from service or <del>deadlined so as to disrupt</del></p>	<p><b>Frederick County</b> - Recommend "90 regular calendar days" be changed to "90 regular operating days." This would still require that buses are inspected at least twice per year, and it doesn't penalize school divisions for the months buses are parked during the summer.</p> <p><b>Fairfax County Maintenance</b>– Fairfax County and Fairfax County Public Schools continue to support a definitive and authoritative regulation for school bus maintenance. The thorough and careful review of maintenance standards remains essential to the safe, reliable and cost – effective operation of these critically</p>	<p><b>After additional comment and research, propose that this section to read:</b></p> <p><b>8VAC20-70-130. Maintenance Inspection.</b>  <del>All school buses and school activity vehicles</del> buses used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics <del>immediately before being used in the fall</del> and at least once every 30 <del>operating</del> <u>45 school days</u>, <u>with "school days" as denoted determined by the school division's approved yearly calendar or modifications in the calendar as approved by the division</u></p>

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<p><u>the scheduled maintenance shall be inspected prior to being returned to service.</u> The inspections and maintenance shall be conducted in accordance with provisions of the “Preventive Maintenance Manual for Virginia School Buses” and recorded on the prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent. <u>School division compliance with the foregoing maintenance inspection requirement shall be subject to verification by the Department of Education.</u></p> <p><u>Subject to funds being available, the Department of Education shall conduct random operational assessments during the school year of school divisions’ pupil transportation operations to ensure statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the</u></p>	<p>important vehicles. Revised PM inspection intervals proposed by the Department relax the mileage interval to 3,000 miles but continue to impose an operating day interval (30 days) that is unnecessarily restrictive. Furthermore, the proposed definition of the time interval as “school days” requires some amplification.</p> <ul style="list-style-type: none"> <li>• The “school days” definition does not directly address calendar modifications due to snow or other emergencies, nor does it directly address summer school.</li> <li>• The definition can be clarified by adding a notation that modifications to the calendar approved by the division superintendent are considered part of the approved calendar. In that way maintenance schedules can be adjusted to account, for example, for days lost to snow or added to make up for snow days.</li> <li>• Summer school days should count as “school days” only for vehicles actually used for summer school.</li> <li>• The attachment outlines PM</li> </ul>	<p><u>superintendent or their designee, or every <del>2,500-3,000</del> 5,000 miles. Any bus that is removed from service or deadlined so as to disrupt the scheduled maintenance shall be inspected prior to being returned to service. At no point shall any bus go without an inspection during a school semester and such inspections shall be no more than 90 days apart excluding summer sessions.</u> The inspections and maintenance shall be conducted in accordance with provisions of the “Preventive Maintenance Manual for Virginia School Buses,” and recorded on the prescribed inspection forms or in a format approved by the Department of Education. <u>Additional Original Equipment Manufacturer (OEM) inspection and maintenance recommendations should be maintained during the service life of each bus to ensure safety and warranty requirements are met. Maintenance consideration should be given to buses operated during the summer session.</u> If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections, and require a copy of</p>

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<p><u>random operational assessments.</u></p> <p>Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced.</p>	<p>inspection recommendations of the three U.S. school bus manufacturers and the manufacturers of major components of those buses. Based on those recommended intervals, most school buses (those manufactured by Blue Bird Corporation or IC Bus Corporation, but not those from Thomas Built Buses) could be safely placed on a PM schedule of 3 months or 5,000 miles. Many (but not all) divisions in Virginia have found that a time interval based on operating days (or “school days”) is far easier to manage than one based on calendar days. We therefore recommend the time interval be defined as <b>“45 school days” and the mileage interval be increased to 5,000 miles.</b> Such a time interval equates to 9, 5-school-day weeks, or 63 calendar days. That number leaves a margin of 17 days without exceeding the 3-month OEM standard. Those 17 days can absorb up to 13 scheduled or unscheduled non-school weekdays</p>	<p>the results of the inspections to be furnished to the division superintendent. <u>School division compliance with the foregoing maintenance inspection requirements shall be subject to verification by the Department of Education.</u></p> <p><b>Change the wording in the second paragraph and remove the word “school”:</b></p> <p><u>Subject to funds being available, the Department of Education shall conduct <del>random</del> on an on-going basis operational assessments during the school year of school divisions’ pupil transportation operations to ensure applicable statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the <del>random</del> operational assessments and shall conduct the assessments in school divisions on a periodic cycle as resources permit. As part of the operational assessments, the Department of Education shall provide technical assistance to school divisions in a manner that will assist them with achieving and maintaining</u></p>

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	<p>plus the intervening weekend days within a 3-month period. Divisions that prefer a calendar day interval can set that interval at 63 days or fewer and remain within the 45-school-day standard.</p> <ul style="list-style-type: none"> <li>• According to e-mail correspondence with company representatives, Thomas Built Buses reviewed their recommended maintenance practices, including recommended PM intervals, in the second quarter of 2009. Their decision was to retain the 30-calendar-day/3,000 mile PM interval. In view of the unique position of that company, Fairfax County and FCPS believe Thomas Built Buses can fairly be singled out for exception to a 45-school-day/5,000 mile prescribed PM interval. We furthermore believe that long experience throughout the commonwealth provides strong confidence that Thomas Built Buses can be safely and reliably maintained on a 30-operating-day PM schedule even though that</li> </ul>	<p><u>compliance with applicable statutes, regulations, and specifications.</u></p>

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	<p>interval exceeds the manufacturer’s recommended interval by at least 50 percent. Thomas Built’s recommended mileage interval is 3,000 miles. We recommend, therefore, that <b>vehicles carrying an OEM-recommended PM interval more restrictive than the (proposed) state standard of 45 school days or 5,000 miles be inspected on a schedule of 30 school days or 3,000 miles.</b></p> <p>In summary, Fairfax County and FCPS recommend the following amendments to the wording proposed by the Department.</p> <ol style="list-style-type: none"> <li><b>1. In the definition of “school days,” add provision for calendar modification by the division superintendent and notation that summer school days are considered “school days” only for vehicles actually used for summer school.</b></li> <li><b>2. Increase the time-based PM inspection interval from “30 school days” to “45 school days.”</b></li> <li><b>3. Increase the mileage-based PM inspection interval from 3,000 to 5,000 miles.</b></li> </ol>	

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	<p><b>4. Except vehicles with a more restrictive OEM-recommended PM interval from the 45-school-day/5,000 mile intervals and impose a 30-school-day/3,000 mile interval on them.</b></p> <p>Fairfax County and Fairfax County Public Schools recommend these provisions be reflected as the following amendment to this excerpt from the Virginia Administrative code (deletions struck through; additions underscored):                      8VAC20-70-130. Maintenance inspection. All school buses and school activity vehicles used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics <del>immediately before being used in the fall</del> <u>and at least once every 30 operating 45 school days or every 2,500 5,000 miles traveled, with the exception of school buses and school activity vehicles carrying a more restrictive manufacturer's recommended interval. Those school buses and school activity vehicles shall be inspected and maintained at least once every 30 school days or 3,000 miles.</u>                      "School days" are those denoted by the</p>	

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	<p>division’s approved yearly calendar and as modified during the year by authority of the division superintendent. Summer school “school days” apply only to school buses and school activity vehicles actually used for summer school. The inspections and maintenance shall be conducted in accordance with provisions of the “Preventive Maintenance Manual for Virginia School Buses, <del>March 2003</del>” and recorded on the prescribed inspection forms or in a format approved by the Department of Education.</p> <p>The recommended amendment would increase the currently prescribed PM interval for Virginia school buses and school activity vehicles (except Thomas Built Buses) by 50 percent for buses on the time interval and up to 100 percent for buses on the mileage interval without degrading the level of safety now experienced. The cost saving for each fleet of school buses could be substantial. The current economic situation and the resulting pressures on our budgets add a dimension of urgency to this issue. In view of the fiscal challenges all our school districts must be facing, we request a high</p>	

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	<p>priority be placed on your consideration of this recommendation.</p> <p><i>Attachment</i></p> <p>Below are some examples of manufacturer-prescribed service intervals for the buses that represent the large majority of our fleet:</p> <ul style="list-style-type: none"> <li>• The predominant model in the Fairfax County school bus fleet is the IC Bus RESB. IC Bus prescribes a minimum body/chassis service interval of 10,000 miles/6 months.</li> <li>• The IC Bus FESB and CESB, also prominent in our fleet, have the same service interval requirements.</li> <li>• The engines we have installed in these buses – International models VT365, T444E, DT466, DT570, HT570, and MaxxFace DT – all require oil and filter changes at 12,000 miles/6 months, with fuel strainer service requirement varying from 10,000 miles/6 months (T444E) to 30,000 miles/12 months (MaxxFace DT).</li> <li>• The Caterpillar 3116 engine, installed in most of our Thomas</li> </ul>	

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	<p>built MVP-ER buses, requires service at 10,000 miles/6 months.</p> <ul style="list-style-type: none"> <li>• The Caterpillar 3126 engine, installed in most of our front engine Thomas Built buses, also requires service at 10,000 miles/6 months.</li> <li>• The Cummins 5.9L engine in virtually all our other buses, requires service at 6,000 miles/6 months.</li> <li>• The Cummins ISB, predominant engine in Blue Bird buses, requires service at 15,000 miles/6 months (except under severe duty with smallest oil pan capacity: 9,000 miles/6 months).</li> <li>• ArvinMeritor, manufacturer of most of our brake systems, recommends a service interval for automatic slack adjusters of 4-6 months or 50,000 – 100,000 miles depending on model and use.</li> <li>• Bendix, another manufacturer of our brake systems, recommends a service interval on automatic slack adjusters of 3 months or 25,000 miles.</li> <li>• Our next most populous bus</li> </ul>	

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	<p>models, the Thomas built MVP-ER, MVP-EF, and Saf-T-Liner, require body/chassis service at 3,000 miles/30 days. We have operated most of these buses over 10 years on the state-mandated interval of 30 operating days, or about 42 calendar days, with only the rarest occurrences of events that might have been prevented by more frequent inspections. <b>We recommend that the PM interval for these buses remain at the current “30 operating days” interval. The mileage interval, however, can be extended to 3,000 miles.</b></p> <ul style="list-style-type: none"> <li>• The only other U.S. manufacturer of Type C and Type D school buses is Blue Bird Corporation. Blue bird has a range of intervals for PM inspections by vehicle system. Most components require inspection at intervals no less than 3 months or 5,000 miles. The few that require more frequent inspection could (and appear to be intended to) be inspected by a</li> </ul>	

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	<p>driver or other person not trained as a technician, and referred to a technician for correction if found to be discrepant.</p> <p><b>Fairfax County Administration</b> – 1. The revised language proposed for 8VAC20-70-130 regarding Maintenance Inspections still appears to create a new problem. As I read it, the addition of “as denoted by the school division’s approved yearly calendar” has the potential to create confusion on whether the local board approved yearly calendar is used to just to indicate the total number of days when schools are intended to operate or whether it is intended to account for changes in the actual days when schools were later closed by the administration and any subsequent make-up days were added as subsequently approved by a local school board. The primary concern is the possible deadline of massive numbers of buses that would have been considered safe to operate prior to the addition of this new phrase. The use of “operational days” or “school days” represents no impact, but adding the reference to days approved on a yearly calendar before school even begins</p>	

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	<p>has no foundation or merit.</p> <p>If the intent is to simply identify or count actual days that schools operated during the year, then I would recommend deleting the words identified above or substituting with “every 30 school days including any make-up days and excluding any student holidays or days when schools were closed by order of the school administration due to weather or other emergency conditions.”</p> <p>If schools are closed a bus is not operated. Neither does it incur any use, significant wear, or any miles. According the mileage criteria, a bus can go up to 90 calendar days as long as it does not exceed the mileage limit before concern from wear due to sitting is raised. Why then should not a bus scheduled for service based upon school days operated be allowed to go up to 90 calendar days so long as it does not exceed the maximum of 30 actual days of operation?</p> <p>For example: The school calendar calls for 30 operation days over the next month and a half, but a blizzard hits the area and 10 days of days scheduled by the approved school calendar do not occur. If your buses can operate on the miles criteria, there is no affect on when the bus must be</p>	

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	<p>inspected. However, if the 30 day criteria is used and if the intent of the new wording is to count the local board approved calendar days without consideration of administrative changes to the calendar during the course of the year, then every bus due for an inspection during the 10 days when schools were closed could be considered overdue for inspection when school reopens.</p> <p>I know the intent is to clear up misinterpretations, but this new wording just creates different possibilities for misinterpretation.</p> <p>2. Deletion of “school vehicles” used to transport public school pupils from maintenance inspection requirements is another example of the state failing to provide leadership and abdicating responsibility to local school divisions that choose to use other school vehicles in transporting pupils.</p> <p>Fairfax maintains the position that the established PM interval of 30 days should be increased for efficiency and to avoid unnecessary wear and tampering with components in order to inspect that is no longer needed at current intervals for modern components. At a minimum,</p>	

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	<p>VDOE staff should be directed to conduct a formal review of the maintenance program, equipment, technology improvements, and requirements in order to make recommendations to the board for the future.</p> <p><b>DOE</b> – Use of “random” in this context may be confusing or unclear. Propose striking “random” and adding other language clarifying the intent of the DOE operational assessments.</p>	
<p><b>8VAC20-70-110. Pupil <del>ride</del> <u>transportation</u> safety instruction.</b>                      Pupil transportation instruction shall be included in the school curriculum, including demonstration and practices of safety procedures.</p> <ol style="list-style-type: none"> <li>At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training on a periodic basis during the year. <del>Students in grades 9-12 shall receive additional</del></li> </ol>	<p><b>Fairfax County Administration</b> - 1. This change/deletion appears to reduce emphasis on such training for students in grades 9 – 12 and removes specific guidance for the instruction of older students who will soon become motorists regarding the school bus stop law from the school curriculum. These are important items that must be retained in order to ensure emphasis is made by curriculum specialists who may not understand the significance of the issue.</p> <p>2. This change appears to require that the bus</p>	<p><b>Leave as proposed.</b>                      The instruction for grades 9-12 has been incorporated into the VDOE Driver Education Training Manual.</p>

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<p><del>training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle.</del></p> <p>2. Emergency exit drills shall be practices by all pupil riders at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester, <u>and shall include the bus driver.</u></p>	<p>driver be present and participate in the drill at the same time with the students. The need for the driver and students to demonstrate knowledge and ability to exit the bus in an emergency is important but, it is not always appropriate, practical, or safe to have both students and the driver practice at the same time. Local school divisions need the flexibility to allow separate or group specific training and practice as appropriate.</p>	
<p><b>8VAC20-70-190. Policies</b>                      Local school boards shall adopt policies, consistent with provisions of the Code of Virginia, before establishing a practice of collecting transportation fees from pupils or receiving contributions from other sources for activities sponsored by schools under their authority. No pupil whose parent or guardian is financially unable to pay the pro rata cost of the trip may be denied the opportunity to participate. See §22.1-176 of the Code of Virginia.</p>		<p><b>Include the following language at the end of this section:</b></p> <p><u>Each disabled child enrolled in and attending a special education program provided by the school division shall be entitled to transportation at no cost if such transportation is necessary to enable such child to obtain the benefit of educational programs and opportunities. See §22.1-221 A. of the Code of Virginia.</u></p>
<p><b>8VAC20-70-360 – In-Service Training.</b>                      In-service training (<u>at least two hours before the beginning opening</u> of the</p>	<p><b>Chesterfield County</b> - "...In-service training shall include, but not be limited to, the following topics:..."</p>	<p><b>Change the wording to:</b></p> <p><u>....In-service training shall should include,</u></p>

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<p>schools year and at least two hours during the second half of the school year) devoted to improving the skills, attitudes, and knowledge including orientation to maximize benefits of using safety programs and safety components shall be provided to all school or activity bus drives. <u>In-service training shall include, but is not limited to, the following topics: Basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures and student information and confidentiality and local policies and procedures as required by the division’s transportation department. A copy of the agenda for each in-service training event shall be on file.</u></p>	<p>The entire section is worded in such a way that requires the ten topics to be covered at every in-service training. If the intent is to require these topics to be covered at every in-service then the local school divisions will be severely restricted in offering staff development and training that meet the needs of that particular school division. If the intent is to require the discussion of these topics during one of the two required in-service meetings, perhaps re-wording of the section will improve the section’s clarity.</p>	<p><u>but is not limited to, the following topics: basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures, and student information and confidentiality, and local policies and procedures as required by the division’s transportation department. A copy of the agenda for each in-service training event shall be on file in the school division.</u></p>
<p><b>8VAC20-70-411. Driver Trainers.</b> <u>Behind-the-wheel driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least 2 years experience operating a Class B vehicle.</u></p>	<p>DOE – Modify the language to “... must have maintained a Class B license for two years.” The justification for the change is that it is difficult to document and verify actual driving operation time for individual personnel and also to operationally define “two years experience.” Documenting and</p>	<p><b>Change the wording as follows:</b></p> <p><u>Behind-the-wheel driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least 2 years experience operating a Class B vehicle must have maintained a Class B</u></p>

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	verifying the time period during which a license has been held is less burdensome and is a reasonable proxy for driving experience.	<u>license for two years prior to functioning as a behind-the-wheel driver trainer.</u>
<p><b>8VAC20-70-31 – Driving Time.</b>  <b>8VAC20-70-130 – Maintenance Inspection.</b>  <b>8VAC20-70-140 – Crash/<del>incident</del> Reporting.</b>  <b>8VAC20-70-230 – Required Materials.</b></p>	<p><b>Chesterfield County</b> - In some cases refer to <i>school bus, school activity bus and activity vehicle</i>. In other references, it's <i>all vehicles used primarily...</i>  This may be the preferred requirement. However, in 8VAC20-70-230 – Required Materials, <b>All vehicles used primarily to transport...</b> shall carry reflective triangles, first aid kit, body fluid clean-up kit and fire extinguisher. Yet, for crash report, inspections, or driving time, some vehicles used primarily to transport students will not be required to follow these requirements.</p>	<p><b>Leave wording as is as each section pertains to different types of vehicles.</b></p>

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**Regulations Governing Pupil Transportation**

**Virginia Administrative Code 8VAC20-70**

8VAC20-70-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Color-black" means federal standard No. 595, black.

"Color-yellow" means national school bus yellow School Bus Manufacturers Technical Council (SBMTC) color standard 008.

"Nonconforming bus" means any vehicle designed to carry more than 10 passengers that is used to transport children to or from school or school-related activities that does not meet the federal standards, 49 CFR Part 571, specific to school buses or multifunction school activity buses. These vehicles are not approved for transporting students to and from school or school-related activities.

"Vehicle" means any vehicle owned or operated by, or owned or operated by any person under contract by a county, city, town or school board in which any school pupils or personnel are transported at public expense from any public school or public school activity.

"School bus" means any motor vehicle ~~described in this chapter as "Type A1 and A2," "Type B1 and B2," "Type C," or "Type D,"~~ which is designed and used for the transportation of pupils, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or physically handicapped to and from a sheltered workshop; (ii) painted yellow with the words "School Bus" in black letters of a specified size on the front and rear, and (iii) which is equipped with the required warning devices as stated prescribed in §46.2-100 1090 of the Code of Virginia. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations and specifications of the Department of Education.

~~Note: This definition includes school buses owned and operated by school boards, private contractors, local governments, and transit systems that are used for the transportation of public school pupils.~~

"Specially equipped bus" means a school bus designed, equipped, or modified to accommodate students with special needs.

"Multifunction School Activity Bus (MFSAB)"(school activity bus) means a school bus whose purposes do not include transporting students to and from home or school bus

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stops, as defined in 49 CFR 571.3. This subcategory of school bus meets all Federal Motor Vehicle Safety Standards (FMVSS) for school buses and meets all regulations for school buses, except the traffic control devices, identification, color, use of cruise control, and seating requirements.

"Type A school bus" ~~means is a van conversion of~~ bus constructed utilizing a cutaway front-section vehicle with a left side driver's door. ~~The entrance door is behind the front wheels.~~ This definition includes two classifications. Type A1, with a Gross Vehicle Weight Rating (GVWR) ~~less than or equal to 10,000~~ of 14,500 pounds or less; and Type A2, with a GVWR greater than 14,500 pounds but less than or equal to ~~greater than 10,000~~ 21,500 pounds.

"Type B school bus" ~~means a bus with a body~~ is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B1, with a GVWR ~~less than or equal to~~ of 10,000 pounds or less; and Type B2, with a GVWR greater than 10,000 pounds.

"Type C (Conventional) school bus" ~~means a bus with~~ is a body ~~constructed utilizing an installed upon a flat-back cowl~~ chassis with a hood and ~~front fender assembly~~ fenders. ~~The entrance door is behind the front wheels.~~ This definition shall include two classifications: Type C1, with a GVWR range of 17,500 pounds with a design seating capacity range from 16 to 30 persons; and Type C2 with a GVWR of more than 21,500 pounds, designed for carrying more than 30 persons. The engine is in front of the windshield and the entrance door is behind the front wheels. Both Type C1 and Type C2 must be equipped with dual rear tires.

"Type D school bus" means a bus with a body constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels. This bus is also known as a rear engine or front engine transit style school bus.

"Classroom instruction" means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student.

**Part II**

**General Regulations**

8VAC20-70-20. Transportation of children.

The greatest care shall be exercised at all times in the transportation of school children.

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8VAC20-70-30. Safe speeds.

A school bus transporting school pupils shall be operated at a safe speed as stated in §46.2-871 of the Code of Virginia.

8VAC20-70-31. Driving Time.

Driving time for operators of any school bus, school activity bus, or school activity vehicle, shall be pursuant to Section 46.2-812, Code of Virginia.

8VAC20-70-40. Seating.

The number of pupils who may ride a school bus shall be determined by the total number who can be seated on the seat cushion facing forward, safely seated within the seating compartment, and shall not exceed the manufacturer's capacity. ~~During the first 30 instructional days of the school year standees may be permitted for short distances in the aisle back of the driver's seat.~~ Pupils may not be permitted to stand ~~after the first 30 instructional days,~~ except under unforeseen temporary emergency conditions and for short distances as identified in policy by the local school board.

8VAC20-70-50. Written employment agreement.

A written employment agreement shall be made by the school board with all regular school bus drivers before they begin their duties. Substitute drivers shall meet the requirements prescribed for regular bus drivers and shall be approved and paid by the local school board.

8VAC20-70-60. Entrance door.

The school bus driver shall open and close the entrance door and keep it securely closed while the bus is in motion. This responsibility shall not be delegated to any other person.

8VAC20-70-70. Traffic warning devices.

Every school bus operated at public expense for the purpose of transporting school children shall be equipped with traffic warning devices as stated in §§46.2-1090 and 46.2-1090.1 of the Code of Virginia.

8VAC20-70-80. Loading or discharging pupils.

When loading or discharging pupils on the highway, stops shall be made in the right-hand lane and shall be made only at designated points where the bus can be clearly seen for a safe distance from both directions. Pupils shall be picked up and discharged only at designated school bus stops approved by the local school division except in the case of an emergency. While stopped, the driver shall keep the school bus warning devices in operation to warn approaching traffic to stop and allow pupils to cross the highway

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safely. Pupils who must cross the road shall be required to cross in front of the bus. They shall be required to walk to a point 10 feet or more in front of the bus, stop before reaching a position in line with the left side of the bus, and wait for a hand signal from the bus driver before starting across the highway.

On dual highways divided by a physical barrier, unpaved area, or five lane highway with turning lane, buses shall be routed so that pupils will be picked up and discharged on the side of the road on which they live. (See §§46.2-893 and 46.2-918 of the Code of Virginia.)

8VAC20-70-90. Safety belts.

Persons operating a school bus shall wear the appropriate safety belt system while bus is in motion.

8VAC20-70-100. Passenger restraint belts.

Pupils riding in school buses required by federal law to be equipped with passenger restraint belts shall wear them as required by state or federal law while the bus is in motion. ~~See Federal Motor Vehicle Safety Standards No. 209 and 210.~~

8VAC20-70-110. Pupil ~~rider~~ transportation safety instruction.

Pupil ~~rider safety~~ transportation instruction shall be included in the school curriculum, including demonstration and practices of safety procedures.

1. At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training on a periodic basis during the year. ~~Students in grades 9–12 shall receive additional training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle.~~
2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester, and shall include the school bus driver. Summer session evacuation drills should be performed as needed.
3. A copy of bus rider safety rules shall be sent to parents at the beginning of the school year. The information shall include a request that parents or their designee accompany their young children to and from the bus stop.

8VAC20-70-120. Insurance.

Every vehicle used in transporting school pupils and personnel at public expense shall be covered by insurance that will provide financial assistance to pupils and personnel in case of injuries or deaths resulting from an accident as stated in §22.1-190 of the Code of Virginia.

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8VAC20-70-130. Maintenance inspection.

All school buses and school activity ~~vehicles and school vehicles~~ buses used to transport public school pupils to and from school and school activity events shall ~~undergo a Level 2 maintenance inspection as prescribed in the Preventive Maintenance Manual for Virginia School Buses~~ be inspected and maintained by competent mechanics ~~immediately before being used for each new school year, and a Level 1 inspection at least once every 30 45 operating days operating school days, with “school days” as denoted~~ determined by the school division’s approved yearly calendar or modifications in the calendar as approved by the division superintendent or their designee, or every 2,500 3,000 5,000 miles. traveled calendar days after the start of the new school year. Any bus that is removed from service or deadlined so as to disrupt the scheduled maintenance shall be inspected prior to being returned to service. At no point shall any bus go without an inspection during a school semester and such inspections shall be no more than 90 days apart excluding summer sessions. In no case shall the 3,000 mile preventive maintenance exceed 90 regular calendar days. Any bus that is removed from service so as to disrupt the scheduled maintenance shall be inspected prior to being returned to service. The inspections and maintenance shall be conducted in accordance with provisions of the “Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~” and recorded on the prescribed inspection forms or in a format approved by the Department of Education. Additional Original Equipment Manufacturer (OEM) inspection and maintenance recommendations should be maintained during the service life of each bus to ensure safety and warranty requirements are met. Maintenance consideration should be given to buses operated during the summer session. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent. School division compliance with the foregoing maintenance inspection requirements shall be subject to verification by the Department of Education.

Subject to funds being available, the Department of Education shall conduct ~~random~~ on an on-going basis operational assessments ~~during the school year~~ of school divisions’ pupil transportation operations to ensure applicable statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the ~~random~~ operational assessments and shall conduct the assessments in school divisions on a periodic cycle as resources permit. As part of the operational assessments, the Department of Education shall provide technical assistance to school divisions in a manner that will assist them with achieving and maintaining compliance with applicable statutes, regulations, and specifications.

Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced.

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8VAC20-70-140. Crash/~~incident~~ reporting.

A report, on forms or in a format furnished by the Department of Education, of any ~~vehicle~~ crashes or ~~incidents~~ involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the Pupil Transportation Service, Department of Education by the division superintendent or designee at least once a month. The report shall give the apparent cause of the crash or ~~incident~~ and the extent of injuries to pupils or others. The division superintendent or designee shall notify the Pupil Transportation Service of any school bus crash or ~~incident~~ involving serious injuries, requiring professional medical treatment, or death within the next working day from the date of the crash or ~~incident~~.

A vehicle crash occurs when property damage is ~~\$1,000~~ \$1,500 or more or when persons are injured. ~~An incident occurs when property damage is \$999 or less and there are no injured individuals.~~

The Department of Education shall publish on its Web site an annual report of the number of crashes involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) in each division.

8VAC20-70-150. Route schedule.

All school buses in operation shall be scheduled to maximize safety and efficiency. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are picked up, ~~and~~ the time of arrival at school, and the time of drop off in the afternoon. One copy of such schedule shall be kept in the bus ~~and secured when the bus is unattended.~~ and one copy shall be kept in the office of the division superintendent or designee and shall meet student records and information security requirements as stated in federal, state and local policy.

8VAC20-70-160. Review of routes.

School bus routes, school sites, and safety of pupils at designated school bus stops shall be reviewed at least ~~once~~ twice each year, once each semester ~~once a year and as changes occur.~~ Bus Routes shall be reviewed for safety hazards, fuel conservation, and to assure ~~maximum~~ the most efficient use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and shall at the request of the local school board report the results annually to the school board. Hazardous or unusual situations, to include railway crossings, shall be marked on the route sheet and made available to drivers and substitutes.

A written vehicular and pedestrian traffic control plan for each existing school site shall be reviewed annually for safety hazards. All new school site plans shall include provisions that promote vehicular and pedestrian safety.

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8VAC20-70-170. Railway crossings.

School buses shall stop, as required by law, at railway grade crossings. School buses equipped with a non-sequential lighting system must have these lighting systems deactivated when approaching a railroad grade crossing and ~~the 4-way hazard lights shall be activated when approaching the railway grade crossing and shall be deactivated before crossing the track.~~ The bus driver shall turn off all noisy equipment, open the entrance door of the bus and determine when it is safe for the vehicle to cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a ~~police~~ law enforcement officer or a ~~green~~ traffic-control signal as stated in §46.2-886 of the Code of Virginia.

8VAC20-70-180. ~~Driver reports.~~ Ridership and Miles Report.

School boards shall require that a report on the number of pupils transported and miles traveled be ~~made by all school bus drivers to principals or other designated school officials.~~ submitted to designated school officials.

8VAC20-70-190. Policies.

Local school boards shall adopt policies, consistent with provisions of the Code of Virginia, before establishing a practice of collecting transportation fees from pupils or receiving contributions from other sources for activities sponsored by schools under their authority. No pupil whose parent or guardian is financially unable to pay the pro rata cost of the trip may be denied the opportunity to participate. See §22.1-176 of the Code of Virginia. Each disabled child enrolled in and attending a special education program provided by the school division shall be entitled to transportation at no cost if such transportation is necessary to enable such child to obtain the benefit of educational programs and opportunities. Each disabled child enrolled in and attending a special education program provided by the school division shall be entitled to transportation at no cost if such transportation is necessary to enable such child to obtain the benefit of educational programs and opportunities. See §22.1-221 A. of the Code of Virginia.

8VAC20-70-200. Identification and lights covering.

The lettered identification and traffic warning lights on the front and rear of school buses shall be covered with opaque detachable material when ~~they~~ school buses are used for purposes other than to transport pupils on regular routes to and from school, ~~or~~ on special trips to participate in contests of various kinds, ~~and~~ or for supplementary education purposes as required by §22.1-183 of the Code of Virginia. This does not apply when the bus is being used to transport elderly or mentally or physically handicapped persons.

8VAC20-70-210. Advertising material.

The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses unless permitted by law.

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8VAC20-70-220. Passage restriction.

No object shall be placed on any bus carrying passengers that will restrict the access to any exit, or restrict the freedom of motion of the driver for proper operation of the vehicle., or where displacement of such objects may result in personal injury to passengers. Drivers shall be observant of items that may cause injury.

8VAC20-70-230. Required materials.

All vehicles used primarily to transport students to and from school or school-related activities shall carry reflective triangles, first aid kit, body fluid clean-up kit and fire extinguisher.

8VAC20-70-235. Funding for pupil transportation.

Funding for pupil transportation shall be pursuant to the provisions of the appropriation act.

8VAC20-70-240 to 8VAC20-70-270. [Repealed]

8 VAC 20-70-271. Records Retention

School division documents related to pupil transportation shall be retained in accordance with local policy and guidelines from the Virginia State Library.

**Part III**

**Requirements For School Bus Drivers**

8VAC20-70-280. Requirements for school bus drivers both for employment and continued employment.

Section 22.1-178, ~~46.2-339~~, and ~~46.2-340~~ of the Code of Virginia requires drivers of school and activity buses to:

1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnished on a form prescribed by the Board of Education showing the results of such examination.

a. No person shall drive a school bus unless that person is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed by the applicant and the doctor or a licensed nurse practitioner for the applicable employment period.

b. The physical form describes the basic physical qualifications for school bus drivers; however, the examining physician or licensed nurse practitioner shall make the final

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determination of the individual's physical capacity to operate a school bus based upon their assessment of the individual's overall physical condition.

2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to §18.2-271.1 of the Code of Virginia or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or has not been required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to §46.2-~~497~~ 498 of the Code of Virginia.
3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character.
4. Exhibit a license showing the person has successfully undertaken the examination prescribed by §46.2-339 of the Code of Virginia.
5. Be at least 18 years old.
6. Submit to testing for alcohol and controlled substances that is in compliance with the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143, Title V) as amended and that is in compliance with 49 CFR Parts 40 and 382.

8VAC20-70-290. First aid course.

Any school board may require successful completion of the American Red Cross first aid course or its equivalent as a condition to employment to operate a school bus transporting pupils as required by §22.1-178 of the Code of Virginia.

8VAC20-70-300. Required documents.

The documents required pursuant to 8VAC20-70-280, parts 1 and 2, shall be furnished annually prior to the anniversary date of the employment to operate a school bus.

8VAC20-70-310. Filing. [Repeal]

~~The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.~~

8VAC20-70-320. Forms for applicants.

The Department of Education shall furnish to the division superintendents the necessary forms for applicants to use to provide the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of

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mistakes, and furnish all parties involved with a complete and accurate record of the information required.

8VAC20-70-330. Health certificate.

As a condition to employment, every school and activity bus driver shall submit a certificate signed by a licensed physician or nurse practitioner stating that the employee appears free of communicable tuberculosis. The school board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

8VAC20-70-340. Highway driving.

No person shall drive a school or activity bus upon a highway in the Commonwealth unless such person has had a reasonable amount of experience in driving motor vehicles, and shall have passed a special examination indicating the ability to operate a school bus without endangering the safety of pupil passengers and persons using the highway as stated in §46.2-339 of the Code of Virginia. To prepare for the examination required by this section, any person holding a valid operator's license and Commercial Driver's License (CDL) Instruction Permit issued under the provisions of §46.2-325 of the Code of Virginia, may operate, under the direct supervision of a person holding a valid school bus license endorsement, a school bus that contains no pupil passengers. The Department of Motor Vehicles is required to adopt such rules and regulations as may be necessary to provide for the examination of persons desiring to qualify to drive such buses in this Commonwealth and for the granting of permits to qualified applicants.

8VAC20-70-350. Training.

No person shall operate a school or activity bus transporting pupils unless the person has:

1. Received classroom, demonstration, and behind-the-wheel instruction in accordance with a program developed by the Department of Education pursuant to §22.1-181 of the Code of Virginia.
2. Completed a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 of the 24 hours of behind-the-wheel time shall involve the operation of a bus with pupils on board while under the direct on-board supervision of a designated bus driver trainer. ~~Drivers of Type D buses must complete eight additional hours of training behind the wheel.~~ All drivers shall receive training in the operation of a Type D buses representative of the type used in the school division in which they will be employed and in the transportation of students with special needs. Classroom instruction means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom qualifies as classroom instruction if it does not involve actual operation of a school bus and its components by the trainee. Behind-the-wheel training does not include the time spent riding in a school

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bus or observing the operation of a school bus when the trainee is not in control of the vehicle.

The superintendent or his designee shall maintain a record showing that the applicant has completed the training and has been approved to operate a school or activity bus.

3. New transportation directors/supervisors employed by school divisions shall complete the “Train the Trainer” class conducted by the Department of Education within a year after being employed in this position.

~~8VAC20-70-359. Requirements for School Bus Driver Instructors/Trainers.~~

~~Instructors must meet the requirements of a school bus driver, the training, and have at least 2 years experience operating a Class B type vehicle.~~

8VAC20-70-360. In-service training.

In-service training (at least two hours before the beginning the opening of the schools year and at least two hours during the second half of the school year) devoted to improving the skills, attitudes, and knowledge including orientation to maximize benefits of using safety programs and safety components shall be provided to all school or activity bus drivers. In-service training shall should include, but is not limited to, the following topics: basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures, and student information and confidentiality, and local policies and procedures as required by the division’s transportation department. A copy of the agenda for each in-service training event shall be on file in the school division.

8VAC20-70-370. Supervision.

The drivers of school and activity buses shall be under the general direction and control of the division superintendent or designee, and shall also be accountable to the principal of the school to which pupil transportation is provided.

8VAC20-70-380. Pre-trip safety inspection.

Prior to the initial transporting of children each day, tThe drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle. ~~prior to transporting children.~~ The items checked and recorded shall be at least equal to the pre-trip inspection procedure ~~as prescribed by~~ in the Preventive Maintenance Manual for Virginia School Buses issued by the Department of Education.

8VAC20-70-390. [Repealed]

8VAC20-70-400. Evaluation.

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Each school and activity bus driver shall be evaluated by the transportation director or designee at least once each year. The results of the evaluation shall be discussed with the driver and included in the driver's personnel file.

8VAC20-70-410. Emergency equipment.

The driver of activity or extracurricular trip buses shall advise the pupils and/or sponsors of the location of the required emergency equipment and exits prior to the beginning of any such trip.

8VAC20-70-411. Driver Trainers.

Behind-the-wheel driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least 2 years experience operating a Class B vehicle must have maintained a Class B license for two years prior to functioning as a behind-the-wheel driver trainer.

8VAC20-70-420. Instructor course certificate.

Local school bus driver training instructors shall hold a certificate for completion of an instructor course conducted or approved by the Department of Education and shall attend a recertification course every five years. Certification expires at the end of the calendar year five.

8VAC20-70-430. Driver data.

The names and driver license numbers of persons operating school and activity buses and other vehicles used to transport pupils shall be submitted to the Department of Motor Vehicles annually as required by §46.2-340 of the Code of Virginia.

8VAC20-70-435. Filing.

The documents required pursuant to 8VAC20-70-280, 8VAC20-70-350, 8VAC20-70-360, 8VAC20-70-400 and 8VAC20-70-420 shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

8VAC20-70-440. Responsibility for compliance.

The responsibility for compliance with the school bus and activity vehicle specifications issued by the Department of Education rests with dealers and manufacturers. If any dealer or manufacturer sells school buses or school activity vehicles that do not conform to any or all of the specifications issued by the Department of Education, a general notice will be sent to all school divisions advising that equipment supplied by such dealer or manufacturer will be disapproved for school transportation until further notice. A copy of the notice will be sent to the dealer or manufacturer and will remain in effect until full compliance by the dealer or manufacturer is assured.

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Dealers and manufacturers shall be given at least 30 days' notice of any changes in the specifications.

### **Part IV**

#### **General Requirements for School Buses In Virginia**

8VAC20-70-450. Minimum ~~standards~~ specifications.

Minimum ~~standards~~ specifications are applicable to all school buses and school activity ~~vehicles buses~~, new or used, procured by purchase, lease or operational contract from another person or entity.

8VAC20-70-460. Specifications.

It is the intent of the Board of Education to accommodate new equipment and technology that will better facilitate the safe and efficient transportation of students. When a new technology, piece of equipment, or component is desired to be applied to ~~the a~~ school bus, it must have the approval of the ~~Virginia~~ Department of Education and must meet the following criteria:

1. The technology, equipment, or component shall not compromise the effectiveness or integrity of any major safety system.
2. The technology, equipment, or component shall not diminish the safety of the interior of the bus.
3. The technology, equipment, or component shall not create additional risk to students who are boarding or exiting the bus or are in or near the school bus loading zone.
4. The technology, equipment, or component shall not require undue additional activity or responsibility for the driver.
5. The technology, equipment, or component shall generally increase efficiency or safety, or both, of the bus, generally provide for a safer or more pleasant experience for the occupants and pedestrians in the vicinity of the bus, or shall generally assist the driver and make his many tasks easier to perform.

School b~~B~~uses and school activity ~~vehicles buses~~ must conform to the specifications relative to construction and design effective on the date of procurement. Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Department of Education, is prohibited. The Department of Education shall issue specifications and standards for public school buses to reflect desired technology or safety improvements for the then current model year.

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8VAC20-70-470. Adjustments.

The Superintendent of Public Instruction is authorized to make such adjustments from time to time in technical specifications as are deemed necessary in the interest of safety and efficiency in school bus operation. This includes the issuance of chassis specifications by size, type and model year. Authority is also granted for conducting investigations and field tests of certain pertinent vehicle components.

8VAC20-70-480. Bus identification.

All publicly owned, part publicly owned, or contract school buses, transporting pupils to and from public school, shall be painted a uniform color, national school bus yellow, and shall be identified and equipped as outlined in the ~~standards and~~ specifications.

8VAC20-70-490. Purchase.

The responsibility for purchasing school buses and school activity ~~vehicles~~ buses which meet state and federal requirements rests with division superintendents and local school boards.

A schedule for the replacement of buses on a continuing basis shall be developed and implemented by each school division.

8VAC20-70-500. Sale of surplus school buses.

A. Before a surplus school bus is sold or released for nonschool transportation purposes, the bus shall have the traffic warning signal system and crossing control arm removed and all school bus lettering shall be covered by an opaque paint. A written notice shall be attached to the Certificate of Title stating that the vehicle does not meet the requirements of §§46.2-100 and 46.2-1089 and that its operation on the highway would be in violation of §46.2-917 of the Code of Virginia.

B. In the event that the bus is sold to a private school or a licensed dealer, the written notice shall contain a reminder that the bus shall be painted a different color, and shall have the bus signal systems and lettering removed before release for nonschool transportation purposes.

8VAC20-70-510. Vehicles powered by alternative fuels.

A. The Board of Education will continue to promote the use of alternative fuels for school buses. Any vehicle powered by alternative fuels will be subject to inspection and approval by the Virginia Department of Education.

B. Local school divisions, in consultation with the Department of Education, may purchase and use school buses using alternative fuels as covered in §22.1-177 of the Code of Virginia.

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C. Installation of alternative fuel tanks and fuel systems shall comply with all applicable Federal Motor Vehicles Safety Standards (FMVSS) 301, 49 CFR Part 571, and all applicable fire codes.

~~D. A sign with black letters on clear or school bus yellow background, indicating the type of alternative fuel being used, may be placed on the side of the bus near the entrance door. No sign shall be more than 4 3/4 inches long or more than 3 1/4 inches high.~~

8VAC20-70-520. [Repealed]

**Part V**

**School Activity Vehicles Buses**

8VAC20-70-525. Regulations and standards.

School aActivity vehicles buses owned or operated under contract by or for the school board, which are used solely to transport pupils to and from school activity events, shall comply with all applicable regulations and standards prescribed for school buses except as noted in this part.

1. Exceptions, general regulations.

a. Pursuant to §46.2-871 ~~A~~an activity vehicle bus transporting school pupils shall be operated at a safe, legal speed ~~not in excess of 55 miles per hour.~~

b. No standees shall be permitted.

~~c. The eight inch school bus lettered identification and traffic warning devices shall be removed by the local school division as required by §§46.2-100 and 46.2-1090 of the Code of Virginia. The name of the school division or individual school shall be placed on both sides of the vehicle.~~

d. Stops for the purpose of loading or discharging pupils on the travel portion of the highway shall not be permitted.

~~2. Exceptions, minimum standards for school buses in Virginia.~~

~~a. School activity vehicles shall not be painted national school bus yellow.~~

~~b. Other types of seats and increased spacing may be used provided all provisions of FMVSS 222, 49 CFR §571.222, are met.~~

8VAC20-70-530 to 8VAC20-70-1510. [Repealed].

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DOCUMENTS INCORPORATED BY REFERENCE

Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~, Virginia Department of Education.

PROPOSED – NOVEMBER, 2008

FORM EB.001

SCHOOL BUS DRIVER'S APPLICATION FOR PHYSICIAN'S CERTIFICATE

This form is required under the provision of Section 22.1-178 of the Code of Virginia and Regulations of the Virginia Board of Education

APPLICANT NAME \_\_\_\_\_ SCHOOL DIVISION \_\_\_\_\_

APPLICANT SOCIAL SECURITY NO. \_\_\_\_\_ BIRTH DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

Medical History (to be completed by the Applicant)

Please check if you have any history of the following:

- Diabetes, Seizure Disorder, Head Injury causing symptoms, Brain Tumor, Muscle Disease, Heart Disease, High Blood Pressure, Paralysis of any Type, Loss of Vision, Loss of Hearing, Tuberculosis, Back Injury, Shoulder Injury

Have you every received treatment for or been recommended by a physician for treatment of alcoholism or drug abuse? Do you currently feel that you use alcohol to excess? Do you currently use psychoactive drugs such as marijuana, cocaine, or other similar drugs? Are you currently taking any prescribed medications? If yes, identify the medication(s): Do you have hay fever or other minor illnesses which require you to take over the counter (nonprescription) medications at times? If so, identify the medication(s):

I certify I have answered the above questions truthfully and to the best of my ability. I hereby authorize the physician to release the information contained on this certificate to the school division. Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

Comments on History of Applicant by Examining Physician/Nurse Practitioner: \_\_\_\_\_

PHYSICAL QUALIFICATIONS FOR SCHOOL BUS DRIVERS

- 1. No person shall drive a school bus unless that person is physically qualified to do so and has submitted a Certificate signed by the applicant and the doctor for the applicable employment period.
2. A person is physically qualified to drive a school bus if the individual:
a. Has no loss of a foot, a leg, a hand, or an arm which interferes with the ability to control and safely drive a school bus without reasonable accommodations;
b. Has no impairment of the use of a foot, a leg, a hand, finger, or an arm, and no other structural defect or limitation likely to interfere with the ability to control and safely drive a school bus without reasonable accommodations;
c. Has no known medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control likely to interfere with the ability to control and safely drive a school bus without reasonable accommodations;
d. Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;
e. Has no known medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to control and drive a school bus safely without reasonable accommodations;
f. Has no known current clinical diagnosis of high blood pressure likely to interfere with the ability to operate a school bus safely without reasonable accommodations;
g. Has no known medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which would interfere with the ability to control and operate a school bus safely without reasonable accommodations;
h. Has no known medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a school bus without reasonable accommodations;
i. Has no known mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with the ability to drive a school bus safely without reasonable accommodations;
j. Has both distant and near visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses, and field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;
k. First perceives a forced-whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951; and
l. Does not use an amphetamine, narcotic, or any habit-forming drug without appropriate physician supervision.

