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## Exempt Action Final Regulation Agency Background Document

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|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agency name                                    | Virginia Department of Education (Virginia Board of Education)                                                                                                                        |
| Virginia Administrative Code (VAC) citation(s) | 8 VAC20-70-350                                                                                                                                                                        |
| Regulation title(s)                            | Regulations Governing Pupil Transportation                                                                                                                                            |
| Action title                                   | New regulations to govern the training requirements of school division school bus drivers and school bus aides as required by Chapters 203, 389, and 586 of the 2018 Acts of Assembly |
| Final agency action date                       | September 20, 2018                                                                                                                                                                    |
| Date this document prepared                    | August 17, 2018                                                                                                                                                                       |

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The intent of this exempt action is to amend the *Regulations Governing Pupil Transportation* to adopt new minimal training requirements for public school bus drivers and school bus aides. Chapter 586 from the 2018 Acts of Assembly requires the Board of Education to establish a training program for school board employees who assist in the transportation of students on school buses, including individuals employed to operate school buses and school bus aides, on autism spectrum disorders, including the

characteristics of autism spectrum disorders, strategies for interacting with students with autism spectrum disorders, and collaboration with other employees who assist in the transportation of students on school buses. The bill requires each school board employee who assists in the transportation of students with autism spectrum disorders on school buses to participate in such training program.

Chapter 203 and Chapter 389 of the 2018 Acts of Assembly require any school bus operator applicant who does not possess a commercial driver's license to receive (i) a minimum of 24 hours of classroom training and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers and requires any school bus operator applicant who possesses a commercial driver's license to receive (a) a minimum of four hours of classroom training and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Previous law left the setting of such hourly training requirements to the Board of Education.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

**The Virginia Board of Education approved the revisions to the *Regulations Governing Pupil Transportation* (8VAC 20-70-350) to conform to 2018 General Assembly Legislation (Exempt Action) at their September 20, 2018, meeting.**

**Periodic Review  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

N/A

| Commenter | Comment | Agency response |
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