



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Education - 201
VAC Chapter Number:	70
Regulation Title:	Regulations Governing Pupil Transportation
Action Title:	
Date:	June 4, 2003

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

These regulations were last revised in 1994. Since that time, statutory provisions addressing the content of these regulations have been enacted or amended, resulting in conflicting requirements, which has the potential to mislead the public.

Federal standards addressing bus equipment and construction have, in some instances, changed significantly. Virginia is unable to permit the use of equipment approved in federal standards because it is not permitted by our current regulations.

Technological and manufacturing advancements that are not addressed in our current regulations have resulted in regulations and manufacturing requirements that are too restrictive and that do not support use of "state-of-the-art" equipment.

The 2000 *National School Transportation Specifications and Procedures* are now available. These standards address such issues as school inspections, infants and toddlers, special education and specially equipped school buses. These standards were reviewed as part of the revision process in order to incorporate changes, as appropriate.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Board of Education approved the final proposed Regulations Governing Pupil Transportation on April 29, 2003. These final proposed regulations included changes made to the regulations based on public comments received at the public hearing on October 16, 2002, and comments received during the public comment period held between October 16 and November 25, 2002.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory

authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Article VIII, §4, Constitution of Virginia; *Code of Virginia* §22.1-176; 22.1-177; 22.1-178; 22.1-181; and 22.1-186.

The scope of legal authority is defined by Article VIII, §4 Constitution of Virginia which vests in the Board of Education the general supervision of the public school system.

Section 22.1-16 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-16>, *Code of Virginia*, authorizes the Board to promulgate "such regulations as may be necessary to carry out its powers and duties..."

Section 22.1-177 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-177>, *Code of Virginia*, gives the Board general authority to make regulations relating to the construction, design, operation, equipment, and color of public school buses and the authority to issue an order prohibiting the operation on public streets and highways of any public school bus which does not comply with such regulations.

Further, §22.1-176 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-176> and §22.1-186 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-186>, *Code of Virginia*, authorize the Board to promulgate regulations relating to fees for school transportation.

Section 22.1-178 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-178> additionally sets forth requirements for school bus drivers and authorizes the Board to furnish forms to school divisions to obtain information from applicants for employment as school bus drivers as required in statute."

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Regulations Governing Pupil Transportation need to be revised to reflect the provisions of new state laws passed since 1994 and new federal standards governing transportation included in the *2000 National School Transportation Specifications and Procedures*.

Current law does not require students to ride public school buses nor does it require school divisions to provide transportation. These regulations do, however, govern those instances when transportation is provided and is used by students. Consequently, the revision of these regulations will help to ensure the safety of children riding public school buses. Providing safe, free transportation to and from school for children in Virginia provides a valuable service and eliminates the need for parents to transport their children.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

Substantive changes to the existing regulations include:

1. Definitions have been updated to reflect the *2000 National School Transportation Specifications and Procedures* definitions.

2. The regulations update the minimum requirements for pupil transportation in Virginia. School divisions may exceed these requirements with permission from the Department of Education.
3. Language has been included to accommodate new equipment and technology that will better facilitate the transportation of students safely and efficiently.
4. The revisions include the latest laws passed on the speed limit school buses may travel on any given highway.
5. The revised regulations include the use of flashing amber warning lights to notify motorists that buses are about to stop or are stopped. The regulations also permit the use of a white strobe light. During reduced visibility, the white strobe light assists in identifying the school bus.
6. Training has been increased to forty-eight hours from the forty hours. Every driver who transports students will complete a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 hours of the 24 hours behind-the-wheel would be with students on board. Training will be provided for transit buses and special needs children.
7. Code sites have been added throughout the regulations for clarity purposes.
8. Article 2 (Bus Chassis) and Article 3 (Bus Body) have been removed from the regulations and will be issued by the Department each year as the specifications for school buses. These specifications will be updated each year to reflect changes in technology and equipment.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and

3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The following list of events summarizes the issues that necessitated the changes in the pupil transportation regulations. All of the proposed changes are intended to improve the safety of children riding school buses, which is an advantage to the public, the school divisions, and the agency as well as the children.

- The 2001 General Assembly amended section §22.1-178, *Code of Virginia*, to state that drivers must furnish statements 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 to the school division.
- The 2000 General Assembly added section §46.2-324, *Code of Virginia*. This section addresses requirements for the initial licensure of certain applicants who have Commercial Driver's License (CDL) learner's permits.
- The 1999 General Assembly amended §46.2-871, *Code of Virginia*, permitting a higher speed limit for school buses on certain highways. The 1994 regulations prohibit the higher speed limit.
- The 1998 General Assembly amended §22.1-178, *Code of Virginia*, allowing a licensed nurse practitioner to perform and record the results of the annual school bus driver's physical examination. The 1994 regulations allow only a licensed, Virginia physician to perform the examination and record the results.
- The 1997 General Assembly amended §46.2-1090.1, *Code of Virginia*, to permit the use of the roof-mounted strobe lights anytime students are on board. The 1994 regulations prohibit the use of these lights except when the school bus transports students during periods of reduced visibility caused by conditions other than darkness.

- The 1996 General Assembly amended §22.1-221, *Code of Virginia*, allowing students other than those with special needs to ride a specially equipped school bus without affecting exclusive fund reimbursement.
- The General Assembly amended §46.2-498, *Code of Virginia*, revising the driver improvement clinic.
- The 1995 National Standards on School Transportation recommends eight hours of in-service training for school bus drivers. The 1994 regulations require four hours of in-service training for school and activity bus drivers.
- Section 46.2-340, *Code of Virginia*, requires new or revised data on school bus drivers to be submitted to DMV whenever needed rather than the tenth of each month as currently stated in the 1994 Board regulations.
- Due to the frequency of changes in engineering standards and design, a mechanism is needed that considers modifications to the requirements for equipment that can become obsolete or should be revised to recognize changes in technology.
- The Board of Education should also consider changes related to the requirements for Type A buses due to technological changes in their manufacture.
- The requirement for a back-up alarm installed on all new school buses was approved in 1994, but omitted from the July 1, 1994, State Board Regulations; therefore, the regulations need to permit frequent or routine updates in safety equipment. Examples of the types of changes or improvements that have occurred since the last revision of these regulations include:
 1. Use of equipment such as radios, cellular telephones, and other communications devices.
 2. Changes to address snagging incidents associated with doors and handrails.

3. Use of turn arrows on rear turn signal lenses to eliminate potential confusion caused by the many lights on the school bus.
4. Requirements for use and installation of roof-mounted strobe lights on all new buses.
5. Requirements related to seat belts and other passenger restraint systems.
6. Revisions to driver training requirements.

The regulations should be sufficiently flexible to permit these items to be addressed without having to revise the regulations.

- Due to the increase in the number of infants and toddlers and students with disabilities being transported, the Board should consider changes in training requirements for drivers and equipment specifications.
- Finally, it is not anticipated that the proposed revisions would present any disadvantages to school divisions or their clients.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

The following changes were made to the text of the proposed regulations:

8 VAC 20-70-10. Definitions. The sentence defining a school bus was revised. "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, which is painted yellow with the words "School Bus" in black letters of specified size on front and rear, and which is equipped with the required warning devices as stated in Section 46.2-100 of the Code of Virginia."

8 VAC 20-70-80. Loading or discharging pupils. The following sentence was added: "See Sections 46.2-893 and 46.2-918 of the Code of Virginia."

8 VAC 20-70-90. Safety Belts. The language "in accordance with manufacturer's recommendations" was deleted from the sentence. The sentence will read: "Persons operating a school bus shall wear the appropriate safety belt system while the bus is in motion."

8 VAC 20-70-100. Passenger Restraint Belts. The following sentence was added: "See Federal Motor Vehicle Safety Standards 209 and 210."

8 VAC 20-780-120. Insurance. The wording was changed to: "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 Section 22.1-190 of the Code of Virginia."

8 VAC 20-70-130. Maintenance Inspection. The words "whichever occurs first" were deleted. The sentence now reads: "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 immediately before being used in the fall and at least once every 30 operating days or every 2500 miles."

The wording "Bus Personnel and School Administrators, 1983" were deleted. The word "Buses" was inserted. The sentence now reads: "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."

8 VAC 20-70-140. Crash/Incident Reporting. The word "accident" was replaced with "crash or incident." The sentence now reads: "A crash occurs when property damage is \$1,000 or more or when persons are injured. An incident occurs when property damage is \$999 or less and there are no injured individuals."

8 VAC 20-70-170. Railroad Crossings. The sentence has been changed to the following: "No stop need be made at any grade crossing where traffic is directed by a police officer or a green traffic-control signal as stated in Section 46.2-886 of the Code of Virginia."

8 VAC 20-70-210. Advertising Material. The Department of Education recommended that the language be changed to read: "The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses unless permitted by state law."

8 VAC 20-70-340. Highway Driving. The language has been changed to read: "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 Section 46.2-339 of the Code of Virginia."

8 VAC 20-70-350. Training. The total number of hours of training was changed from 40 to 48. The language will read: "Completed a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 hours of the 24 hours of behind-the-wheel shall involve the operation of a bus with pupils on board while under the direct supervision of a designated bus driver trainer. All drivers shall receive training in the operation of a Type D bus and transportation of students with special needs."

8 VAC 20-70-360. Inservice Training. Based on public comment, the Department of Education recommends reinstating the original language for this section. The language will read: "In-service training (at least two hours before opening of schools 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."

8 VAC 20-70-380. Pre-trip safety inspection. The language was amended to read: "The drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle prior to transporting children."

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

Attachment A is a table that shows the original proposed regulation, public comments received concerning the regulation and the recommendations from the Department of Education approved by the Board of Education.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

Language has been included in the regulations to cover changes due to new equipment and technology. Any new equipment or technology must be approved by the Department of Education before being used on school buses.

8 VAC 20-70-10 - Definitions. The definitions have been updated to include the definitions used in the 2000 National School Transportation Specifications and Procedures. The definitions no longer indicate the passenger capacity of the various types of buses.

8 VAC 20-70-30 - Safe Speeds. This section has been revised to recognize legislative changes and to specifically reference the *Code of Virginia* section that controls school bus speeds. The General Assembly passed legislation in 1999 to allow school buses to go

forty-five miles per hour or the minimum speed allowable, whichever is greater, on any highway where the maximum speed limit is fifty-five miles or less, and fifty-five miles per hour on all interstate highways and on other highways where the maximum speed limit is more than fifty-five miles per hour. The speed of a school bus shall not exceed thirty-five miles per hour between the first stop and the last stop.

8 VAC 20-70-40 - Seating. This section has been revised to make the seating capacity requirements more specific. The seating on a school bus shall not exceed the manufacturer's capacity. The number of students who may ride a bus shall be determined by the total number who can be seated facing forward and within the seating compartment safely. The seats on buses are 39 inches in length. The seats were designed to carry 3 passengers, but due to the size of the children, divisions may not be able to place three children to a seat. Therefore, the number of students that a school bus can carry may differ from the manufacturer's capacity indicator.

8 VAC 20-70-70. Traffic warning devices. This section has been revised to recognize legislative changes and to specifically reference the section of the *Code of Virginia* that addresses traffic warning devices. The 1997 General Assembly passed legislation allowing the use of flashing white or amber warning lights. The lights will be used when transporting students during periods of reduced visibility caused by atmospheric conditions other than darkness. These lights may be used at other times when transporting school children. This device will assist motorists in seeing the bus during times when visibility is not good.

8 VAC 20-70-80. Loading or discharging pupils. This section is amended to stipulate that pupils may be picked up and discharged only at designated school bus stops approved by the local school division. Loading and discharging students at stops other than the designated ones can be dangerous. Drivers of school buses are made aware of the designated bus stops at the beginning of the school year.

8 VAC 20-70-90. Safety Belts. This section has been amended to specify that safety belts shall be worn in accordance with manufacturer's recommendations. Following the correct procedure for wearing safety belts will ensure the safety of the individuals on the bus.

8 VAC 20-70-100. Passenger restraint belts. This section is amended to require that restraint belts will be worn as required by federal or state law. Federal Motor Vehicle Safety Standard No. 209 specifies requirements for seat belt assemblies. The requirements apply to straps, webbing, or similar material, as well as to all necessary buckles and other fasteners and all hardware designed for installing the assembly in a motor vehicle, and to the installation, usage, and maintenance instructions for the assembly.

8 VAC 20-70-110. Pupil rider safety instruction. The regulation has been revised to specify that the second required emergency exit drill must occur during the second semester. It also adds a statement that school divisions should perform summer session evacuation drills as needed. Students need to be trained on the proper way to evacuate a school bus when a problem arises.

8 VAC 20-70-120. Insurance. This section has been amended to reference the statutory code section that establishes the requirements for insurance.

8 VAC 20-70-130. Maintenance Inspection. The regulations are amended to encourage divisions to hire adequate staff to perform maintenance and inspection functions. These individuals are encouraged to attend workshops and training institutes to receive up-to-date information on maintenance and inspections. In order for buses to operate efficiently, adequate staff must be available to work on the buses and must have the most up-to-date information available on the changes in technology and equipment.

8 VAC 20-70-140. Crash/Incident Reporting. The term accident has been changed to crashes or incidents to better distinguish the difference between serious accidents and incidents that are less serious. The Department of Education will be reviewing the data that should be reported and the method of reporting this data.

8 VAC 20-70-150. Route Schedule. The changes specify that routes shall be scheduled to maximize safety and efficiency in divisions. Scheduling routes needs to take into consideration the location of stops as to safety. Routes need to be scheduled so that students spend a minimum amount of time on the bus.

8 VAC 20-70-160. Review of Routes. Requires hazardous or unusual situations to be marked on route sheets and the information to be made available to drivers and substitutes. Drivers need to be aware of these situations in order to ensure the safety of the children on the bus.

8 VAC 20-70-170. Railway crossings. School bus drivers will be required to turn off all noisy equipment and follow procedures for stopping at railway crossings before proceeding across the tracks. The driver needs to be able to hear whether a train is approaching a road.

8 VAC 20-70-240. Funding for Pupil Transportation. The funding for pupil transportation is governed by the Appropriation Act.

8 VAC 20-70-250 through 20-70-270 have been deleted from the regulations as they are no longer needed. The section now refers to the Appropriation Act.

8 VAC 20-70-280. Requirements for School Bus Drivers for both Employment and Continued Employment. The physical examination form describes the physical qualifications for school bus drivers. The 1998 General Assembly passed legislation allowing a licensed nurse practitioner to conduct the physical examination required for all school bus drivers. The information that is on the physical form has been deleted from the regulations since it is contained on the form prescribed by the Board. The 2001 General Assembly passed legislation that the moral character of a driver may be obtained from two persons who reside in the school division or in the applicant's community.

8 VAC 20-70-350. Training. Training for school bus drivers has been increased from 40 hours to 48 hours. Twenty-four hours will be in the classroom and 24 hours behind-the-wheel, with children on board for 10 hours. All drivers will receive training on Type D buses and the transporting of students with special needs.

8 VAC 20-70-390. Misconduct Reports. The section has been deleted to permit school divisions to address student misconduct on school buses as part of their overall student conduct policies. These policies may vary from division to division based upon individual needs and circumstances.

8 VAC 20-70-460. Specifications. The regulations have been revised with changes to accommodate new equipment and technology. The Board of Education shall issue the specifications and standards for public school buses that will reflect any desired technology or safety improvements for the model year. The specifications will be reviewed and adopted by the Board of Education periodically.

8 VAC 20-70-520. Road Speed Control. Deletes unnecessary language that permitted school divisions to set road speed controls at their discretion.

8 VAC 20-70-530 through 8 VAC 20-70-1510. These sections that describe specifications for bus chassis, bus body, and a variety of other bus equipment are deleted. Having this level of detailed equipment specifications in the regulations makes it very difficult to make revisions and updates as necessary due to the length of the regulatory revision process. Changes in equipment are required annually to address safety technology, and manufacturing changes. Instead, the Board will annually adopt the school bus specifications.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Neither current law nor the pupil transportation regulations require students to ride public school buses. However, to the extent that students ride public school buses, these regulations will provide standards and requirements to help ensure the safety of children.

Many changes will help to increase the safety of school buses, thus further ensuring the safety of children being transported to and from our public schools which will promote family well-being. There is no negative impact on the welfare of the family.

The provision of safe, free transportation to and from school can provide economic assistance to parents by eliminating the need for parents to transport their children to and from school.

ATTACHMENT A
SUMMARY OF PUBLIC COMMENT

Table with 3 columns: Original Proposed Regulation, Public Comments, Recommendation from DOE. Row 1: 8 VAC 20-70-10 Definitions. Row 2: 8 VAC 20-70-30 - Safe Speeds.

<p>-----</p> <p>8 VAC 20-70-80 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. <i>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.</i> 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 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 <i>hand</i> signal from the bus driver before starting across the highway.</p> <p>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.</p> <p>-----</p> <p>8 VAC 20-70-90 Safety Belts Persons operating a school bus shall wear the appropriate safety belt system <i>in accordance with manufacturer's recommendations</i> while bus is in motion.</p>	<p>increased. -----</p> <p>VAPT - VAPT recommends adding this statement at the end of the two paragraphs in this section to conform to other sections of the regulations. "The above shall be pursuant to § 46.2-893 and 46.2-918, Code of Virginia."</p> <p>Henrico County - Include "pursuant to Sections 46.2-893 and 46-2.918 of the Code of Virginia." This makes this statement conform to other sections of the regulations.</p> <p>-----</p> <p>VAPT - VAPT recommends adding this statement to conform to other sections of the regulations. "...while bus is in motion" as stated in § 46.2-1091, Code of Virginia.</p> <p>Henrico County - Delete proposed language "in</p>	<p>-----</p> <p>Add sentence:</p> <p>"See Sections 46.2-893 and 46.2-918 of the Code of Virginia."</p>
---	---	--

<p>-----</p> <p>8 VAC 20-70-100 Passenger restraint belts Pupils riding in Type A school buses <i>required by laws</i> to be equipped with passenger restraint belts shall wear them as required by state or federal law while the bus is in motion. <i>See Federal Motor Vehicle Safety Standard No. 209.</i></p> <p>-----</p> <p>8 VAC 20-70-110 Pupil rider safety instruction 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. Summer session evacuation drills should be performed as needed.</p> <p>-----</p> <p>8 VAC 20-70-120 Insurance Section 22.1-190 of the Code of Virginia states that every vehicle used in transporting school pupils and personnel at public expense shall be covered by insurance that will provide</p>	<p>accordance with manufacturer's recommendations" and include "per Section 46.2-1091 of the Code of Virginia." This makes this statement conform to other sections of the regulations.</p> <p>-----</p> <p>VAPT - VAPT recommends adding FMVSS 210 to the end of the statement since 210 refers to seat belt assembly anchorages and complements FMVSS 209. "See Federal Motor Vehicle Safety Standards 209 and 210."</p> <p>Henrico County - Section 46.2-1095 of the Code of Virginia exempts the requirement to install passenger restraint belts on school buses. Delete the words "as required by state or."</p> <p>-----</p> <p>VAPT - VAPT recommends changing "should" to "shall." "Summer session evacuation drills shall be performed as needed."</p> <p>Henrico County - Recommend that the word "should" be changed to "shall." Requiring school bus emergency exit drills will increase the student's safety.</p> <p>-----</p> <p>Henrico County - Start this paragraph with the word "Every" and move "as stated in Section 22.1-190 of the Code of Virginia" to the end of this paragraph. This makes this paragraph consistent with these regulations.</p>	<p>-----</p> <p>Delete "in accordance with manufacturer's recommendations."</p> <p>Sentence will read:</p> <p>"Persons operating a school bus shall wear the appropriate safety belt system while the bus is in motion."</p> <p>-----</p> <p>Change sentence:</p> <p>"See Federal Motor Vehicle Safety Standards 209 and 210."</p> <p>-----</p> <p>Department of Education recommends leaving the proposed language with "should."</p>
---	---	--

<p>financial assistance to pupils and personnel in case of injuries or deaths resulting from an accident.</p> <p>-----</p> <p>8 VAC 20-70-130 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 immediately before being used in the fall and at least once every 30 operating days or every 2500 miles, whichever occurs first. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses-<i>Bus Personnel and School Administrators, 1983</i>" 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.</p> <p><i>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.</i></p>	<p>-----</p> <p>Norfolk - "inspected and maintained...at least every 30 operating days or every 2500 miles traveled, whichever occurs first."</p> <p>We request that the phrase "whichever occurs first" be removed from the regulation. This would add a significant financial burden on localities. In fact, this same language was dropped in 1995 by the State Board of Education.</p> <p>Virginia Beach - The preventive maintenance requirement should remain at every 30 operating days. As the largest city school bus fleet in the Commonwealth with 600 buses on the road each day, the recommended change to 30 operating days or 2500 miles whichever occurs first will significantly increase our bus maintenance budget. The 30 operating day standard was approved in 1995. To my knowledge, there has been no compromise to the safety of our school buses.</p> <p>Fairfax - We request that the language "whichever occurs first" be dropped from the regulation. To comply with the section as currently proposed would cost Fairfax County Public Schools at least an additional \$75,000 a year, as we have 125 buses that typically exceed 2500 miles every 30 operating days. Some of these buses would require as many as four additional services to comply. On May 25, 1995, the State Board of Education granted final approval to dropping this same language from the 1994 regulation. Announcement was distributed in Superintendent's Memo 92, dated June 16, 1995.</p> <p>VAPT - VAPT recommends deleting "whichever comes first." Some school buses travel more than</p>	<p>-----</p> <p>Change wording to:</p> <p>"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 Section 22.1-190 of the Code of Virginia."</p> <p>-----</p> <ol style="list-style-type: none"> 1. Delete the words "whichever occurs first." <p>Sentence should read:</p> <p>"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 immediately before being used in the fall and at least once every 30 operating days or every 2500 miles."</p> <p>School divisions will have the option of choosing the schedule for maintenance inspections.</p> <p>-----</p> <ol style="list-style-type: none"> 2. Delete "Bus Personnel
--	--	--

	<p>2500 miles during a month and could be subject to as many as four additional inspections a year.</p> <p>Loudoun County - As written this is a step backwards and adds additional costs to divisions for no documented reason. I do not believe there has been any concern about the existing schedule. At minimum the words "whichever occurs first" should be removed from the proposal. Additionally, I would recommend extending the service intervals to 6000 miles or 60 days. The 30-day interval has been in place from the initiation of service requirements. The technology has dramatically changed since and the needed service intervals have increased in the truck industry up to around 16,000 mile intervals. I am not suggesting any such levels, but 6000 or 60 days seems much more reasonable and should not decrease safety.</p> <p>Henrico County - Recommends deleting the words "whichever occurs first" at the end of the first sentence. The Board of Education approved deleting this statement in 1994. If this statement is included in this regulation, at least of a quarter of our school bus fleet will require a minimum of three additional maintenance inspections each month. This will have a high fiscal impact on each school division at a time when there is no additional finance support.</p> <p>-----</p> <p>Loudoun County - As proposed, accidents/incidents under \$1000 in damage would still be reportable. I would suggest aligning with the state DMV reporting guidelines, which calls for accidents/incidents resulting in no injury and under \$1,000 in damage being declared not reportable. This would be much more reasonable and would eliminate paperwork for damage to mailboxes, etc. The standard police report should also be adopted as the document used</p>	<p>and School Administrators, 1983" and insert "Buses".</p> <p>Sentence would read:</p> <p>"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."</p>
--	---	---

<p>-----</p> <p>8 VAC 20-70-140 - Report Crash/Incident Reporting</p> <p>A report, on forms or on the format furnished by the Department of Education, of any accidents <i>crashes or incidents</i> involving school buses, pupils, and personnel who ride school or activity buses (including 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 apparent cause of the accident <i>crash or incident</i>, the extent of injuries to pupils or others. The division superintendent or designee shall notify the Pupil Transportation Service of any school bus accident <i>crash or incident</i> involving serious injuries, requiring professional medical treatment, or death within the next working day from the date of the accident.</p> <p>A crash is an accident when property damage is \$1,000 or more or when persons are injured. An incident is an accident when property damage is \$999 or less and there are no injured individuals.</p>	<p>to report accidents.</p> <p>Fairfax County - In most cases, the term "accident" has been changed to "crash." However, in three instances, the term "accident" is retained: The last word of the first paragraph, "... within the next working day from the date of the accident." We recommend that this be changed to "crash." The fifth word of the first sentence in the second paragraph, "A crash is an accident when the property damage..." We recommend that this phrase be changed to read "An occurrence is a crash when..." The fifth word of the second sentence in the second paragraph, "An incident is an accident when..." We recommend that this phrase be changed to read "An occurrence is an incident when..."</p> <p>VAPT - Last line of first paragraph "...within the next working day from the date of the accident crash. VAPT recommends changing the word accident to crash. Last paragraph - VAPT recommends changing definitions to reflect use of word crash. "A crash report is required..." "An incident report is required..."</p> <p>Henrico County - Recommends changing this title to "Crash Reporting." Recommends deleting the words "or incident" in this entire paragraph. Delete the last paragraph of this section and instead state: "A personal injury crash is a crash which results in no fatalities but one or more persons are injured. A property damage crash is a crash which results in no fatalities or injuries, but there is property damage of at least \$1,000. A reportable traffic crash is a crash on a public highway which involves death, injury or property damage in excess of \$1,000." These changes will conform to the definitions of crashes by the Division of Motor Vehicles and law officials. This will allow the collection of accurate information</p>	<p>-----</p> <p>Replace "accident" with "crash or incident" at the end of the first paragraph.</p> <p>Change last paragraph to read:</p>
--	---	--

	<p>and will allow the current law official crash report forms to be used by the local school divisions.</p> <p>-----</p> <p>VAPT - VAPT recommends adding this statement to the end of the last sentence to conform to other sections of the regulations. "... as stated in § 46.2-886, Code of Virginia."</p> <p>Henrico County - Recommends adding at the end of the section "as stated in Section 46.2-886 of the Code of Virginia." This will be consistent with these regulations.</p> <p>-----</p> <p>Loudoun County - Although there is no proposal to modify this section, I would suggest a change in wording that allows for placement of an American Flag decal no larger than four by six inches to be placed to the rear of the bus number near the bus passenger door. This is not advertising and should be included without controversy.</p> <p>-----</p> <p>VAPT - VAPT recommends deleting the words "carrying passengers" and require all school buses to have unrestricted access to exits.</p> <p>Henrico County - Recommends deleting the words "carrying passengers." School buses should not be allowed to restrict access to any exits, at any time.</p> <p>-----</p>	<p>"A crash occurs when property damage is \$1,000 or more or when persons are injured. An incident occurs when property damage is \$999 or less and there are no injured individuals."</p>
--	--	---

<p>-----</p> <p>8 VAC 20-70-170 - Railroad Crossings School buses shall stop, as required by law, at railway grade crossings. The 4-way hazard lights shall be activated when approaching the railway grade crossing and 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 officer or a green traffic-control signal.</p> <p>-----</p> <p>8 VAC 20-70-210 Advertising Material The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses.</p> <p>-----</p> <p>8 VAC 20-70-220 Passage restriction No object shall be placed in the on any bus carrying passengers that will restrict the passage access to the entrance or emergency doors any exit.</p> <p>-----</p>	<p>Norfolk – Under the proposed regulations before you, these too, are suggested for repeal. Generally speaking we do not oppose the repeal with the exception of certain language that is critical to safe school bus questions. Those areas address the annual fleet assessment by the Department of Education and the 12-year replacement cycle for buses. The annual fleet assessment has been a valuable evaluation in the effectiveness of local maintenance and operational programs. Replacement of obsolete and unsafe equipment is fundamental to safety, but often falls victim to local budget constraints and priorities. Statewide oversight is necessary to ensure the safety of children across the Commonwealth.</p> <p>It is our recommendation that if the funding sections are to be repealed, that the above stated requirements be incorporated into another section of the general regulations.</p> <p>Fairfax – Certain state or local requirements as described below may be lost if not re-addressed in other regulations. These requirements were previously tied to transportation funding, but have a great affect on overall school bus safety. Recommend that the provisions listed below be incorporated into another section of the General Regulations.</p> <ul style="list-style-type: none"> • School buses shall meet provisions of the annual fleet assessment by the Department of Education • 12-year replacement cycle for buses <p>The annual fleet assessment has been a valuable evaluation on the effectiveness of local maintenance and operational programs. Replacement of obsolete and unsafe equipment is fundamental to safety, but often falls victim to local budget constraints or priorities. Statewide oversight is necessary to ensure the safety of students across</p>	<p>-----</p> <p>Change last sentence to include "... as stated in § 46.2-886 of the Code of Virginia."</p> <p>Sentence will read:</p> <p>"No stop need be made at any grade crossing where traffic is directed by a police officer or a green traffic-control signal as stated in Section 46.2-886 of the Code of Virginia."</p>
---	---	--

<p>8 VAC 20-70-240 Regular approved school bus fund</p> <p>Section repealed. Text not printed due to length.</p> <p>8 VAC 20-70-250 Fund for Exclusive Transportation of students with Disabilities on approved school buses</p> <p>Section repealed. Text not printed due to length.</p>	<p>the Commonwealth.</p> <p>VAPT – VAPT recommends revisions to this section and further recommends that they are included either in this section or a more logical or appropriate section in the</p> <p>regulations.</p> <p>The fleet assessments performed by the Department of Education represent the “face to face” contact each school division has with Department staff. These assessments serve as a valuable evaluation on the effectiveness of local maintenance and operational programs.</p> <p>The technical assistance that is afforded each school division through these assessments is invaluable. The assessment enables each school division to learn of unsafe equipment, recalls, best practices, and receive “hands on” training about certain maintenance practices.</p> <p>The importance of the replacement cycle is fundamental to preventive maintenance. Obsolete equipment makes it harder to get parts; means children do not have the benefit of newer safety features on newer model units; means school buses may be out of service longer; may result in increased road calls; may mean children are left on the side of the road waiting for the bus; and may mean the school bus body will not withstand the forces of a crash as well as a newer model bus due to metal fatigue.</p> <p>Region 5 – Region 5 Transportation Directors recommend that a statement be included in the regulations concerning the replacement cycle of 12 years.</p> <p>Falls Church – I think it is also important to keep the recommendation of a 12 year replacement cycle in writing. Although it is only a recommendation, it</p>	<p>-----</p> <p>The Department of Education recommends that language be changed to read “The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses unless permitted by state law.”</p> <p>-----</p> <p>Department of Education recommends leaving the language as proposed.</p> <p>-----</p> <p>The Department of Education supports the original proposal to delete the sections on Pupil Transportation funding. Transportation costs are now funded as part of the Standards of Quality through Basic Aid as directed by the Appropriation Act.</p> <p>The current methodology uses a 12-year replacement cycle.</p>
---	--	---

	<p>does help us in transportation to have something in writing when pushing for new equipment.</p> <p>Henrico County – Recommends adding the following: 1. School divisions shall not be eligible for reimbursement for pupils transported on any bus or for any bus which does not meet the provisions of the annual inspections required by the Department of State Police, the fleet assessment by the Department of Education and regulations of the Board of Education. 2. For purposes of determining a local division’s basic aid entitlement, the Board of Education assumes a 12-year school bus replacement cycle.</p> <p>These additions would provide: a. The Department of Education fleet assessments allow one on one contact with every school division with DOE Staff. This serves a valuable evaluation of maintenance operations of the effectiveness of local operation programs. This also is invaluable to share best practice programs between local operations. b. Technical assistance during the annual assessment enables local school divisions to learn of unsafe equipment, recalls and receives one on one training about certain maintenance practices. c. A guideline for establishing a replacement cycle is fundamental to efficient maintenance and safety operations. Older models make it harder to secure replacement parts; newer safety features on newer models are not applied on older models.</p> <p>-----</p> <p>Virginia Beach - The medical requirements of school bus drivers. We need to make absolutely sure the regulations provide the examining physicians the sufficient guidelines to be certain the individuals behind the wheel of the school bus are mentally and physically fit.</p>	
--	--	--

	<p>VAPT - VAPT recommends:</p> <p>1.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 <i>complies with the medical examination and certificate of the physical examination in conformance to the federal Department of Transportation (DOT) Title 49 Transportation; Chapter III Federal Motor Carrier Safety Administration; Part 391, Qualifications of Drivers; Subpart E. Physical Qualifications and Examination; Section 391.41, Physical Qualifications for drivers.</i></p> <p>VAPT recommends changing from the Department of Education's School Bus Driver's Application for Physician's Certificate to the Federal DOT physical examination form and requirements. This issue has been discussed for many years and it is the belief that while the DOT physical examination costs more, the fact that it is required every two years makes the cost closer to what school divisions are used to, if the two-year cost were averaged. The DOT examination is more thorough, gives physicians more guidance for performing the examination, and eliminates confusion among medical personnel about the difference between the Virginia school bus physical examinations and the DOT examination. School divisions can require the physical annually if they are concerned about not performing a physical examination every year.</p> <p>2. VAPT recommends changing the code section reference from §46.2-497 to 46.2-498. Section 46.2-497 was repealed in 1995.</p> <p>Henrico County - Recommends changing this section to say: "1. Have to comply with the medical examination and certificate of the physical examination in conformance to the federal Department of Transportation (DOT) Title 49</p>	
--	--	--

<p>-----</p> <p>8 VAC 20-70-280 - Requirements for school bus drivers</p>	<p>Transportation; Chapter III Federal Motor Carrier Safety Administration; Part 391, Qualifications of Drivers; Subpart E. Physical Qualifications and Examination; Section 391.41, Physical Qualifications for drivers, and furnish a form showing the results of such examination." This meets the federal DOT physical examination form and requirements, and section paragraphs "a" and "b" be deleted. The DOT examination is more thorough, gives physician's more guidance for performing the examination and eliminates confusion among medical personnel about the difference between the current Department of Education school bus physical examinations and the DOT examination. While this physical examination costs more, the fact that it is required every two years makes the cost close to what local school divisions are currently paying.</p> <p>2. Recommends adding the words "convicted of a charge of reckless driving," after the words "convicted of a felony," and between the words "or assigned to any..." This would include that a person convicted of reckless driving within the preceding five years, would not be allowed to employ or continue employment as a school bus and activity bus. Recommends changing the words "Section 46.2-497" to "Section 46.2-498." Section 46.2-497 was repealed in 1995 and replaced by Section 46.2-498 of the Code of Virginia.</p> <p>-----</p> <p>Henrico County - Recommends deleting the words "Section 46.2-339 of the Code of Virginia requires that" and add these words after "A School bus that contains no pupil passengers as required by Section 46.2-339 of the Code of Virginia..." This is consistent with other sections of the regulations.</p>	
--	---	--

both for employment and continued employment -

b. ~~A person is physically qualified to drive a school bus if the individual:~~ *The physical form describes the basic physical qualifications for school bus drivers; however, the examining physician or licensed nurse practitioner shall make the final determination of the individual's physical capacity to operate a school bus based upon their assessment of the individual's overall physical condition.*
(All the language which is included on the physical form has been deleted from the regulations.)

Falls Church - I think that 8-10 additional hours is too much for transit training. As a small school system, there are many times when I am training one on one, which can be a blessing and a curse sometimes. I also would not want to see a specific amount of time allotted to each type of bus. I think that depending on your trainee; the trainer should have the freedom to recognize where more time needs to be spent with each group. I think that 5 additional hours of transit time is sufficient, and anyone who wants to provide more is certainly allowed to do so.

Loudoun County - The proposed requirement for an additional eight hours of behind-the-wheel training for drivers of type-D buses should be worded in a different manner. As in our case, we perform most of the behind-the-wheel training in type-D buses as we are rapidly progressing to a total type-D fleet. I would suggest changing the wording to: "Drivers of type-D school buses must received at least 12 of the required 20 hours of behind-the-wheel training in a type-D school bus" or "drivers must receive the majority of their behind-the-wheel training in the style of school bus they will primarily be operating." My point is additional training needs should be assessed by the trainer. As proposed this is not productive time.

The proposed requirement for an additional six hours of instruction for drivers transporting students with disabilities is also misdirected. Most buses in Loudoun County, as well as in the nation, I imagine, have at least one or two special needs students on the bus. The way the proposal is written all drivers would then need such additional training. The real intent of the proposal, I assume, is meant for those

The Department of Education recommends the revisions originally proposed.

The DOT physical will be reviewed by the Department and recommendations will be made at a later date.

drivers operating primarily bus routes with special needs students. If this is so, I am not sure a generic six hours of training is adequate. Most of such training is directed to the special needs of the students being transported. We provide general training to all drivers concerning the special needs population but specific training must be provided for the needs of the students on board each bus. I also do not believe the Department of Education can provide much in the way of a useful curriculum for this training, as it is very student specific. I would suggest imbedding a generic module in the driver-training curriculum for special needs service and explain how each driver could expect additional student specific training.

We also need to make the entire training program address the importance and training needs of the bus attendants. Even with the additional training provided to the driver, it is the Attendant that cares for these students generally not the driver. Let's address this in the proposed regulations, it will do a lot more good for our special needs students than additional training for drivers.

Norfolk - The new language allows local school divisions to determine the amount of training and a schedule. Current language requires a total of four hours (2 before school begins and 2 during the second half). The original language and training requirements (4 hours) should be reinstated at a minimum.

Virginia Beach - The required in-service training needs to be spelled out in the regulations. In many post-accident cases when litigation follows, one of the things the other side questions most is the low state standard for the continuous training of school bus drivers.

<p>-----</p> <p>8 VAC 20-70-340 - Highway Driving Section 46.2-339 of the Code of Virginia requires that 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.</p> <p>-----</p> <p>8 VAC 20-70-350 Training</p>	<p>Fairfax - We request that the 8 hour minimum be restored as originally proposed by the advisory committee and as contained in the 2000 National School Transportation Specifications and Procedures. Leaving it to local discretion could make it too easy for a locality to reduce or eliminate needed training in ignorance or in the face of budget restrictions.</p> <p>VAPT - VAPT recommends the original revised language that represents a consensus of statewide committees. "In service training (at least four hours before opening of schools and at least four hours during the second half of the school year)... VAPT commends the Board for supporting increased pre-service training for drivers of Type D and specially equipped school buses. However, continuing education is a vital part of the training program. Training of drivers and maintenance of school buses are the "life blood" of the pupil transportation industry. The National School Transportation Specifications and Procedures May 2000 report suggests a minimum of eight hours of in-service training annually. Currently, new Virginia school bus drivers have to meet the minimum requirement established by the National Conference on School Transportation in 1990. If the proposed Board's recommendation is approved, a driver who successfully completes this pre-service training has no requirement to receive any additional training throughout his/her driving career. In fact, in some instances a driver could leave the profession and return to driving without any required additional training.</p> <p>Loudoun County - I agree with this proposed change. We have spent way too much time making sure we</p>	
---	---	--

<p>Drivers of Type D buses must complete eight additional hours of training behind-the-wheel.</p> <p>Every driver who transports students with disabilities shall receive an additional six hours of appropriate instruction, training, and demonstration from an approved instructor using Department of Education approved curriculum.</p>	<p>met the requirements instead of providing the needs as determined at the local level.</p> <p>Henrico County - Recommends that the original language not change. It is important each year that the drivers remind and improve their skills, attitudes and knowledge of safety programs and vehicle safety components to the maximize benefits for the pupils.</p> <p>Chesterfield County (Superintendent) - The Department of Pupil Transportation in Chesterfield offers a training program that exceeds all current state training and in-service requirements, however, I understand that not every school division is in a position to provide this to its drivers. For example, in Chesterfield, drivers receive two days of driver improvement, two days of assertive discipline, and three days of first aid classes every three years. Additionally, each driver receives at least six hours of in-service training in August and another six hours in January. Although classes, workshops, conferences, etc. have improved over the years, there are limited opportunities for school bus drivers to receive staff development beyond the school division's in-service meetings. If the Board's proposed change is approved, it is possible that new drivers may not receive any additional training during their entire career. A May 2000 report suggests a minimum of eight (8) hours of in-service training annually. Current Virginia regulations require two hours prior to the beginning of school and two hours in the second semester. I support the state committee's suggested recommendation to increase the in-service requirement from two hours to four hours prior to the opening of school and from two hours to four hours during the second semester. However, I understand the budget constraints faced by many school divisions and as a minimum, I would</p>	<p>----- Change language to:</p> <p>"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 Section 46.2-339 of the Code of Virginia."</p> <p>----- Change the number of hours from 40 to 48.</p> <p>Language will read: "Completed a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 hours of the 24 hours of behind-the-wheel shall involve the operation of a bus with pupils on board</p>
--	---	--

	<p>support restoring the original language to require two hours prior to the opening of school and two hours during the second semester.</p> <p>-----</p> <p>Loudoun County - I do not like the proposal. This wording seems to be taking the state "off-the-hook" to provide guidance with the conflict of federal law interpreting the pre-trip inspection rules. Do we inspect before each load of students, after each morning, midday, and afternoon run, or what? I was content with the use of the word "daily." This just sets the stage for everyone to interpret the frequency of this inspection in a different manner. Leave "daily" in!</p> <p>-----</p> <p>Norfolk - Under the proposed regulations before you, this section is suggested for repeal. We feel this section is critical to establishing direction and responsibility for discipline on school buses. Schools have the ultimate authority to discipline students; drivers must report infractions. The section also makes it perfectly clear that drivers are not to put students off the bus for disciplinary reasons. This repeal goes against the recommendation of the advisory committee which reviewed these regulations with the department.</p> <p>VAPT - VAPT recommends leaving the original language.</p> <p>Henrico County - Recommends that the original language not change. The importance to provide a safe and secure environment for all students transported on school and activity buses should be the highest priority. The Code of Student Conduct in</p>	<p>while under the direct supervision of a designated bus driver trainer. All drivers shall receive training in the operation of a Type D bus and transportation of students with special needs.”</p>
--	---	---

<p>-----</p> <p>8 VAC 20-70-360 - Inservice Training - Inservice training (at least two hours before opening of schools 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. Prior to the beginning of each school year, school divisions shall determine the amount of training and a schedule that is needed for experienced drivers and new drivers.</p>	<p>Henrico County Public Schools, applies to any student and it is enforced when he/she is on "school property, while traveling to school or from school, to, from and at bus stops, in School Board vehicles, in attendance at school or at any school-sponsored activity." The school principal and/or designee is responsible for addressing the student's behavior.</p> <p>-----</p> <p>Loudoun County - This section is in conflict with many local divisions' personnel policies. As in our case, employees are evaluated each year for three years, then with satisfactory performance we go to every other year. The requirement for "annual" should be amended to allow for the compliance with local policy. This could be accomplished by adding to the end of the first sentence in this section the following: "or at the appropriate interval as dictated by local division policy." Bus drivers are constantly "evaluated." A formal evaluation is just a formality and would be best served to be in line with local personnel policy.</p> <p>-----</p> <p>Henrico County - We request an additional regulation as follows: 20-70-530 Reference and appendices: References: 1. National School Transportation Specifications and Procedures, 2000 Revised Edition 2. Virginia Commercial Driver's Manual, PRO 60 July 2000 3. 49 CFR Parts 382, et al., Controlled Substances & Alcohol Use and Testing, Department of Transportation, Federal Highway Administration (Omnibus Transportation Employee Testing Act of</p>	
--	--	--

	<p>1991)</p> <p>Appendices:</p> <ol style="list-style-type: none"> 1. Appendix A - Terms and Definitions (from the National School Transportation Specifications and Procedures, 2000 Revised Edition, Pages 163 through 183, inclusive.) 2. Appendix B - Motor Vehicle Laws of Virginia (List of references Sections of the Code of Virginia listed in these regulations) 3. Appendix C - Vehicle Specifications (Department of Education publication to provide specifications and standards.) 4. Appendix D - Preventive Maintenance Manual for Virginia School Buses (Department of Education publication to provide information regarding preventive maintenance program.) <p>Appendix E - Virginia School Bus Driver Training Curriculum Guide (Department of Education publication to provide information regarding training and re-training of school bus drivers and attendants.) This regulation is requested to provide a reference source for local school divisions. By including with the regulations this allows a quick look at information.</p>	<p>-----</p> <p>Based on public comments received, the Department of Education recommends reinstating the original language.</p> <p>Section would read:</p> <p>"Inservice training (at least two hours before opening of schools 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."</p>
--	--	--

--	--	--

<p>-----</p> <p>8 VAC 20-70-380 Pre-trip safety inspection The drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle immediately prior to transporting children. The items checked and recorded shall be at least equal to the pre-trip inspection procedure as prescribed by the Department of Education.</p>		
---	--	--

<p>-----</p> <p>8 VAC 20-70-390 Misconduct Reports - The drivers of school and activity buses shall report to the principal the misconduct of pupils on the school bus or at waiting stations or stops on the way to or from school and shall be guided by the principal's advice and direction, subject to the regulations of the school board. When it becomes necessary for the driver to correct pupils, the driver shall stop at the nearest and safest place and restore order before proceeding. In no case shall a driver put a pupil off the bus between the home and school as a disciplinary measure.</p> <p>-----</p>		<p>-----</p> <p>Leave "daily" in and take out the word "immediately."</p> <p>Sentence will read:</p> <p>"The drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle prior to transporting children."</p> <p>-----</p> <p>The Department of Education recommends that this section be deleted as originally proposed.</p> <p>School board policy as well as school policy provide guidelines on how to handle misconduct.</p>
---	--	--

8 VAC 20-70-400 Performance Evaluation

~~The performance of~~ 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.

Appendices

The Department of Education recommends leaving the language as proposed.

		<p>-----</p> <p>The Department of Education recommends no changes to the current Appendices.</p>
--	--	--