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Fast-Track Regulation Agency Background Document

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-70
VAC Chapter title(s)	Regulations Governing Pupil Transportation
Action title	Fast-track action to update 8VAC20-70
Date this document prepared	June 25, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

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.

8VAC20-70 will be amended to align with both state and federal requirements, to update language to better reflect current industry standards, and to make certain technical changes to increase consistency in the regulatory language.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Board – Virginia Board of Education

Department – Virginia Department of Education

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On June 25, 2026, the Board adopted final amendments to 8VAC20-70

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

The mandate for this regulatory change is the necessity to align with practices in place at the Department of Motor Vehicles as well as those at the federal level.

This rulemaking is expected to noncontroversial and therefore appropriate for the fast-track rulemaking process because it is aligning the regulation’s language with that of other sources which are already in effect or aligning with industry standards.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Board’s overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that “[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia].”

Further, § 22.1-176 § 22.1-177 of the Code of the Virginia authorize the Board to promulgate regulations concerning the transportation of pupils and “make regulations relating to the construction, design, operation, equipment, and color of public school buses and shall have the authority to issue an order prohibiting the operation on public streets and highways of any public school bus that does not comply with such regulations.”

49 CFR § 380.605 defines key terms for Federal Motor Carrier Safety Administration (FMCSA) Entry-Level Driver Training (ELDT) regulations, including that instructors must hold a CDL equal to or higher than the class for which they are providing instruction.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The rationale or justification for the regulatory change is to align the regulation with requirements from the Department of Motor Vehicles and the federal government, current industry standards, and to increase consistency across the regulation's text. The regulatory change is essential to protect the health, safety, and welfare of citizens because it ensures that the regulation's text reflect practices at the Department of Motor Vehicles and requirements from the federal government. The goal of the regulatory change is to eliminate discrepancies in the Board's regulations and practices at DMV as well as to align with federal requirements.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

8VAC20-70-130 will be amended to indicate that the superintendent or their designee may receive the results of maintenance inspections.

8VAC20-70-170 will be amended to require that 4 way hazard lights are to be turned on while approaching a railway grade crossing, and deactivated after the bus has crossed.

8VAC20-70-400 will be amended to specify that each driver's performance and behind the wheel skills shall be evaluated.

8VAC20-70-411 will be amended to match terminology and requirements found in 49 CFR § 380.605.

8VAC20-70-450 will be repealed.

8VAC20-70-460 will be amended to include the language previously found in 8VAC20-70-450 and state that buses purchased new must conform to relevant specifications on the date of the vehicle's manufacture.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary 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, include a specific statement to that effect.

The primary advantage to the public is that the regulatory text will be aligned with practices at DMV and reflect federal regulations. The primary advantage to the commonwealth is that the regulatory text will be aligned with practices at DMV and reflect federal requirements. There are no other pertinent matters of interest to the regulated community, government officials, or the public. There are no disadvantages to the public.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

The regulatory change is not more restrictive than federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected.

Localities Particularly Affected

No localities are particularly affected.

Other Entities Particularly Affected

No other entities are particularly affected.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	No impact.
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<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	No impact.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The Board's regulations will be consistent with those of DMV, reflect federal requirements and industry practice, and use consistent language throughout.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	No impact.
Benefits the regulatory change is designed to produce.	The Board's regulations will be consistent with those of DMV, reflect federal requirements and industry practice, and use consistent language throughout.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	No other entities will be particularly affected.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	N/A
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	N/A
Benefits the regulatory change is designed to produce.	The Board's regulations will be consistent with those of DMV, reflect federal requirements and

	industry practice, and use consistent language throughout.
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Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives to the regulation were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

No alternatives were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Virginia Department of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to **Jim Chapman, Director of Board Relations, at jim.chapman@doe.virginia.gov**. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
8VAC20-70-130		Describes maintenance requirements for school and activity buses.	The regulatory section will be amended to provide that "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>or designee</u>" The intent of the change is to allow for a designee to be furnished the results of the inspection by a third party inspection shop. The rationale of the change is to align this requirement with others found in the section and elsewhere in the chapter which allow for the superintendent or a designee to perform a given task.

			The likely impact is that it will be clear that a superintendent or their designee, such as it is elsewhere in the chapter, may perform the contemplated task.
8VAC20-70-170		Describes procedures for how school buses shall cross railway grade crossings.	The regulatory section will be amended to provide that a bus shall deactivate its 4-way hazard lights after it has crossed the track at a railway grade crossing. The intent of the change is to bring the regulatory section into alignment with procedures described in section 10.4.3 of the Department of Motor Vehicle's Commercial Driver License Manual. The rationale of the change is to have the Board's regulations be in alignment with processes provided by DMV. The likely impact of the change is that bus drivers will not be presented with differing procedures for crossing railroad tracks.
8VAC20-70-400		Describes procedures for evaluating bus drivers.	The regulatory section will be amended to clarify that each school and activity bus driver's "performance and behind the wheel skills" shall be evaluated. The intent of the change is to provide more specific language on what drivers should be evaluated for. The rationale of the change is that the prior language was vague and did not provide what each driver should be evaluated for. The likely impact of the change is that both drivers and transportation directors or their designees will be aware that drivers should be evaluated based on their performance and behind the wheel skills.
8VAC20-411		Describes requirements for driver trainers.	The regulatory section will be amended to replace "Behind the wheel driver trainers" with "Entry level driver training instructors" and provide that these individuals must also hold a P and S endorsement. The intent of the change is to align the regulation's language with terminology and requirements found in 49 CFR § 380.605.

			The rationale of the change is to align the language found in the Board's regulations with those used on the federal level. The likely impact is that confusion due to discrepancies between state and federal requirements will be resolved.
8VAC20-70-450		Provides that "Minimum specifications are applicable to all school buses and school activity buses, new or used, procured by purchase, lease or operational contract from another person or entity."	This chapter will be repealed. The intent of this change is to eliminate an unnecessary section. The rationale of this change is that the statement concerning minimum specifications would be better housed in 8VAC20-70-460 specifications. The likely impact of the change is that an unnecessary section will be eliminated and similar subject matter language will be housed in the same section.
8VAC20-70-460		Provides regulations concerning bus specifications	The language will be amended to include the language previously found in 8VAC20-70-460 and state that buses purchased new must conform to specifications effective on the date of initial manufacture. The intent of the change is to house language related to a similar subject matter in one chapter as well as to conform to predominant industry practice. The rationale is that the language concerning minimum specifications would be more effective if housed in the chapter concerning specifications, and that norming specifications to the manufacture date of the vehicle as opposed to the purchase date is the common, and more preferred, industry standard. The likely impact is that the Board's regulatory catalogue will be more user friendly and that school division's will have an easier time tracking the manufacture date of their bus fleet as opposed to the purchase date.

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements

*If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.*

*If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.*