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SB 1630: school buses; student transportation; vehicles

Sponsor: Senator Kerr, LD 13

Conference Committee

Overview

Authorizes a school district, charter school or a privately owned and operated entity to use a motor vehicle designed to carry between 11 to 15 passengers or a motor vehicle designed as a type A, B, C or D school bus (motor vehicles) to transport students to or from home or school. Alters the name, membership and duties of the School Bus Advisory Council.

History

One of the components of the Arizona school finance formula is the transportation support level (TSL), which provides transportation funding to school districts. The TSL is calculated by first multiplying the state support level per route mile by a school district's approved daily route mileage per eligible student, then adding an amount spent for bus tokens and bus passes ([A.R.S. § 15-945](#)). Statute requires a school district to report transportation data to the Arizona Department of Education (ADE) within 12 days of session ([A.R.S. § 15-922](#)).

A school district may include in daily route mileage calculation any vehicle that meets the definition of a school bus. Currently, a *school bus* means a motor vehicle that is owned by any public or governmental agency or is privately owned and operated for compensation for the transportation of children to or from home or school on a regularly scheduled basis ([A.R.S. § 28-101](#)).

The School Bus Advisory Council is composed of nine members who are appointed by the Governor and is tasked with assisting the Arizona Department of Public Safety (DPS) in developing school bus and school bus driver rules, recommending curricula for school bus driver safety and training courses, consulting with DPS on the certification of school bus drivers and the safety of school buses and establishing a mailing list that includes any party expressing an interest in the Advisory Council's activities ([A.R.S. § 28-3053](#)).

DPS, in consultation with the School Bus Advisory Council, must adopt rules regulating school buses and school bus drivers. Currently, to be certified as a school bus driver, DPS rules require an applicant to have a valid fingerprint clearance card and a commercial driver license (CDL) with passenger and school bus endorsements ([A.A.C. R13-13-102](#)) ([A.R.S. § 28-3228](#)).

Provisions

Motor Vehicles

1. Allows a school district, charter school or a privately owned and operated entity contracted for compensation with an Arizona school district or charter school to use the following to transport students to or from home or school on a regularly scheduled basis in accordance with safety rules and regulations adopted by DPS:
 - a) A motor vehicle designed to carry between 11 to 15 passengers; or
 - b) A motor vehicle designed as a type A, B, C or D school bus to carry at least 11 and up to 15 passengers. (Sec. 4)

2. Authorizes a school district to include route mileage and the number of riders to calculate TSL funding for transporting eligible students using motor vehicles. (Sec. 3, 5)
3. States the daily route mileage a school district reports may not include more than 30 miles, rather than 20 miles, each way to and from the school of attendance or to and from a pickup point on a regular transportation route to transport eligible students. (Sec. 3)
4. Prohibits ADE from denying transportation funding or state aid for a school district that transports pupils in a motor vehicle. (Sec. 3)
5. Allows a school district governing board to purchase public liability and property damage insurance covering motor vehicle operators. (Sec. 1)
6. Authorizes a school district governing board to require a motor vehicle operator to carry public liability insurance. (Sec. 1)
7. Adds that a school's annual report card must include the total number of incidents that occurred at stops for motor vehicles and on motor vehicles and required law enforcement contact. (Sec. 2)

DPS School Transportation Rules

8. Specifies the rules adopted by DPS, in consultation with the Student Transportation Advisory Council, to improve the safety and welfare of student passengers may include:
 - a) Minimum standards for design and equipment of school buses *that are designed for 16 or more passengers*;
 - b) Minimum standards for the periodic inspection and maintenance of school buses *that are designed for 16 or more passengers*;
 - c) Procedures for the operation of school buses *that are designed for 16 or more passengers*;
 - d) Minimum standards for the design and equipment of motor vehicles that are substantially different than those for school buses that are designed for 16 or more passengers;
 - e) Minimum standards for the periodic inspection and maintenance of motor vehicles;
 - f) Procedures for the operation of motor vehicles; and
 - g) Other criteria as deemed necessary and appropriate to ensure the safe operation of motor vehicles. (Sec. 6)
9. Asserts DPS rules must allow for a variety of vehicles to be used to meet the needs of students and systems of varying sizes and locations. (Sec. 6)
10. Adds that a charter school officer or employee who violates DPS rules or who fails to include the obligation to comply with DPS rules in any contract executed on behalf of the charter school is guilty of misconduct and is subject to removal from office or employment. (Sec. 6)
11. Details a person who operates a motor vehicle under contract with a school district or charter school and who fails to comply with any DPS rules is in breach of contract. (Sec. 6)

Operators

12. Instructs DPS, in consultation with the Student Transportation Advisory Council, to adopt rules that establish minimum standards for the certification of motor vehicle drivers. (Sec. 8)
13. Details what the minimum standards for certification of motor vehicle drivers must include and require. (Sec. 8)
14. Exempts an applicant to drive a motor vehicle from being required to possess or obtain a CDL. (Sec. 8)

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15. Prohibits a person from operating a motor vehicle to transport school children unless the person possesses:
 - a) The appropriate license class for the size of the motor vehicle being operated;
 - b) A school bus certificate issued by DPS; and
 - c) A valid fingerprint clearance card. (Sec. 8)
16. Adds that DPS is to provide for school transportation safety and training courses in cooperation with charter schools. (Sec. 8)

Student Transportation Advisory Council

17. Changes the name of the School Bus Advisory Council to the Student Transportation Advisory Council. (Sec. 7)
18. Modifies membership of the Student Transportation Advisory Council by:
 - a) Adding one member representing the Arizona State Board for Charter Schools;
 - b) Requiring one member be from a school district with a student count of less than 600 in a county with a population of less than 300,000;
 - c) Requiring one member be from a school district with a student count of more than 3,000;
 - d) Removing one member from a school district with a student count of 10,000 or more;
 - e) Allowing one member to represent a private sector school bus service provider or a private sector student transportation service provider;
 - f) Adding one member from a charter school with a student count of less than 600;
 - g) Adding one member from a charter school with a student count of more than 600;
 - h) Adding one member with expertise in electric vehicle fleets, electric vehicle charging infrastructure or charging management services; and
 - i) Adding two public members. (Sec. 7)
19. Requires the Student Transportation Advisory Council to meet twice annually, rather than annually. (Sec. 7)
20. Directs the Student Transportation Advisory Council to advise and consult on matters concerning:
 - a) Motor vehicles with DPS;
 - b) Modernizing and innovating K-12 student transportation to reduce transportation barriers for students, increase access to public school options and provide more transportation options with DPS; and
 - c) Purchasing strategies to maximize transportation resources and find efficiencies to modernize and properly size transportation vehicles and systems with the Arizona Department of Administration. (Sec. 7)

Miscellaneous

21. Makes conforming changes. (Sec. 6, 7, 8)
22. Makes technical changes. (Sec. 1, 3, 6)

Conference Committee Amendments

1. Removes the authorization for a school district, charter school or privately owned and operated entity to use a motor vehicle designed as a type C or D school bus to carry at least 11 and up to 15 passengers to transport students to or from home or school in accordance with the safety rules adopted by DPS.
2. Clarifies that an applicant to drive a motor vehicle or a motor vehicle designed as a type A or B school bus is exempt from having to possess a CDL only if a CDL is not required by state or federal law.