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HOUSE BILL NO. 842

House Amendments in [] - February 8, 2024

A BILL to amend and reenact §§ 22.1-176, 22.1-176.1, 22.1-177, 22.1-178, and 22.1-186 of the Code of Virginia, relating to school boards; pupil transportation; alternatives; requirements.

Patron Prior to Engrossment—Delegate Austin

Referred to Committee on K-12 Subcommittee

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-176, 22.1-176.1, 22.1-177, 22.1-178, and 22.1-186 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-176. Transportation of pupils authorized; when fee may be charged; contributions; regulations of Board.

A. School boards may provide for the transportation of pupils, but nothing herein contained shall be construed as requiring such transportation except as provided in § 22.1-221.

B. When a school board provides transportation to pupils for extracurricular activities, other than those covered by an activity fund, which that are sponsored by the pupils' school apart from the regular instructional program and which that the pupils are not required to attend or participate in, the school board may accept contributions for such transportation or charge each pupil utilizing such transportation a reasonable fee not to exceed his pro rata share of the cost of providing such transportation. A school board may waive such fees for any pupil whose parent or guardian is financially unable to pay them.

C. When a school board provides transportation to pupils for field trips which that are a part of the program of the pupils' school or are sponsored by such school, the school board may accept contributions for such transportation.

D. Each school board [that chooses to provide for the transportation of pupils pursuant to subsection A of this section, § 22.1-176.1, or subsection B of § 22.1-177] shall report annually to the Department on data relating to pupil transportation for the local school division for the preceding school year, including information relating to route counts, the number of scheduled pupils receiving school transportation in the school division, the percentage of pupils in the school division utilizing school transportation, and the cost of providing such transportation per mile.

E. The Board of Education shall promulgate such regulations as shall be in the public interest to effect the intent of this section.

§ 22.1-176.1. Agreements to provide transportation for public and nonpublic school pupils.

Local school boards may enter into agreements with school boards of contiguous school divisions, comprehensive community colleges, or nonpublic schools within the school division to provide student transportation to and from such schools, programs providing dual enrollment for secondary school students at comprehensive community colleges, career and technical education programs, joint and regional schools established pursuant to § 22.1-26, college partnership laboratory schools established pursuant to § 22.1-349.3, and school field trips under such terms and conditions as the local school boards deem appropriate and responsible. Such terms may include arrangements relating to cost-sharing, fees, insurance, and liability.

§ 22.1-177. Regulations.

A. The Board may 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. Any such order shall be enforced by the Department of State Police.

B. Notwithstanding any provision of law or regulation to the contrary, any school board may:

1. Provide or contract with a privately owned and operated entity to provide for the purpose of transporting pupils to and from school on a regularly scheduled basis a vehicle (i) designed to carry between 11 and 15 passengers, provided that such vehicle meets the federal standards set forth in 49 C.F.R. Part 571 for vehicles approved for transporting students to and from school or school-related activities (ii) designed as a Type A school bus, Type B school bus, or Type C school bus as defined by Board regulations or (iii) designed for nine passengers or fewer. Any vehicle provided or contracted for the purpose of pupil transportation under this subdivision shall comply with any applicable state and federal laws and regulations and shall be subject to routine, scheduled inspections and random inspections, as determined by the Department of State Police; and

2. After holding at least one public hearing, adopt a resolution to utilize specialized management companies, transportation network companies, alternative transportation providers, public transportation, carpool coordination services, or private companies to supplement traditional school bus service in order to

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59 *enhance quality and efficiency.*

60 C. Local school boards may, notwithstanding any regulation to the contrary, display decals depicting the
61 flag of the United States on the sides and rear of school buses as long as any such decal does not obstruct the
62 name of the school division or the number of the school bus and is no larger than 100 square inches. In
63 addition, local school boards may, notwithstanding any regulation to the contrary, display decals relating to
64 school bus safety. Local school divisions shall be responsible for the cost of the decals. Such decal shall not
65 obstruct the name of the school division or the number of the school bus.

66 ~~C~~. D. No regulation of the Board shall unreasonably limit the authority of any local school division to
67 purchase and use school buses using compressed natural gas or other alternative fuels or convert its school
68 buses to use compressed natural gas or other alternative fuels.

69 ~~D~~. E. Any local school board may, notwithstanding any regulation to the contrary, sell or transfer any of
70 its school buses to another school division or purchase a used school bus from another school division or a
71 school bus dealer as long as the school bus (i) conforms to the specifications relating to construction and
72 design effective in the Commonwealth on the date of manufacture; (ii) has a valid Virginia State Police
73 inspection; and (iii) has not reached the end of its useful life according to the school bus replacement
74 schedule utilized by the Department of Education as required by the general appropriation act.

75 F. Any police report relating to a school transportation-related accident shall include the specific vehicle
76 type and capacity and whether the vehicle is marked as a school transportation vehicle in accordance with
77 the Board's regulations, what type of license the driver holds, and whether the accident involved
78 transportation of pupils to and from school and home or another form of school transportation.

79 **§ 22.1-178. Requirements for persons employed to drive school buses or other vehicles contracted to**
80 **transport pupils.**

81 A. No school board shall hire, employ, or enter into any agreement with any person for the purposes of
82 operating a school bus, *as that term is defined in § 46.2-100 and including any vehicle designated as a Type*
83 *A school bus, Type B school bus, or Type C school bus as defined by the Board's regulations*, transporting
84 pupils unless the person proposed to so operate such school bus shall:

85 1. Have a physical examination of a scope prescribed by the Board with the advice of the Medical Society
86 of Virginia and furnish a form prescribed by the Board showing the results of such examination.

87 2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the records
88 of such Department do not disclose that the person, within the preceding five years, has been convicted upon
89 a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol
90 safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 or, within the
91 preceding 12 months, has been convicted of two or more moving traffic violations or required to attend a
92 driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to § 46.2-498.

93 3. Furnish a statement signed by two reputable persons who reside in the school division or in the
94 applicant's community that the person is of good moral character.

95 4. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.2-
96 339.

97 5. Have reached the age of 18 by the first day of the school year.

98 B. *No school board shall hire, employ, or enter into any agreement with any person for the purposes of*
99 *operating any vehicle that is designed for nine passengers or fewer to transport pupils unless the person*
100 *proposed to so operate such vehicle (i) meets the requirements set forth in subdivisions A 1, 2, 3, and 5 and*
101 *(ii) exhibits a license showing the person has successfully passed the requisite examination and obtained the*
102 *appropriate license to operate such vehicle.*

103 C. Any school board may require proof of current certification or training in emergency first aid,
104 cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition to
105 employment to operate a school bus transporting pupils.

106 ~~C~~. D. School boards may require persons accepting employment as a driver of a school bus transporting
107 pupils to agree, as a condition of employment, to submit to alcohol and controlled substance testing. Any
108 such tests shall be conducted in compliance with Board regulations.

109 ~~D~~. E. The documents required pursuant to subdivisions A 1 and 2 shall be furnished annually prior to the
110 anniversary date of the employment agreement as a condition to continuing employment to operate a school
111 bus.

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

114 ~~F~~. G. The Department shall furnish to the several division superintendents the necessary forms to be used
115 by applicants in furnishing the information required by this section. Insofar as practicable, such forms shall
116 be designed to limit paperwork, avoid the possibility of mistake, and furnish all parties involved with a
117 complete and accurate record of the information required.

118 ~~G~~. H. The physical examination required by subsection A may be performed and the report of the results
119 signed by a licensed advanced practice registered nurse or physician assistant.

120 **§ 22.1-186. Payments for transportation of pupils.**

121 A. The regulations of the Board of Education governing state payments for pupil transportation shall
122 provide for payments to school divisions for pupil transportation provided by the school divisions both
123 through systems operated by the school divisions and through contracts with public transportation facilities.

124 B. Any school board of a school division for which providing transportation by school bus is not cost
125 effective may use a portion of its transportation funding provided pursuant to subsection A to provide a grant
126 to any parent of a student in such school division who provides student transportation to and from school.
127 Any funding for pupil transportation provided to any such school division shall not be reduced or otherwise
128 limited due to such school division awarding a portion thereof as a grant to any parent in accordance with
129 this subsection.

130 C. Each school board shall adopt policies and procedures relating to funding and expenditures provided
131 under this section. Such policies and procedures shall include a provision requiring proof of attendance for
132 any student receiving transportation to and from school by a parent pursuant to subsection B.

133 D. Nothing in this section shall be construed as requiring additional insurance or liability protection on
134 the part of the parent or school division providing the transportation.

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